



4800 Ashford Dunwoody Road
Dunwoody, Georgia 30338
dunwoodyga.gov | 678.382.6700

MEMORANDUM

To: Mayor and City Council

From: Paul Leonhardt, Deputy Community Development Director

Date: February 9, 2026

Subject: Temporary Moratorium on Vape Shops

ITEM DESCRIPTION

This item is an is a resolution to establish a temporary moratorium on the acceptance of new applications for permit and business license applications. The moratorium will expire after 90 days on May 11, 2026.

ATTACHMENTS

- Proposed Resolution

**A RESOLUTION FOR A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF
NEW APPLICATIONS FOR BUSINESS LICENSES OR SPECIAL USE
APPROVAL, PERMITTED USE APPROVAL, OR BUILDING, LAND
DISTURBANCE, SITE PLAN AND DESIGN REVIEW, OR OTHER PERMITS AND
LICENSES FOR VAPE SHOPS**

WHEREAS, the Mayor and City Council of the City of Dunwoody (“City Council”) are charged with the protection of the public health, safety, and welfare of citizens of the City of Dunwoody (“City”); and

WHEREAS, the City regulates businesses with potential negative externalities through a variety of measures, including but not limited to: minimum distance requirements, requiring heightened scrutiny through the Special Land Use Permit process, and exclusion of uses in specific zoning districts; and

WHEREAS, the City, through a variety of policies, has made it its policy to prohibit smoking in public places and places of employment and to protect the right of nonsmokers to breathe smokefree air; and

WHEREAS, vaping has become a popular way to inhale tobacco projects, and vaping has been linked to increased consumption of tobacco and nicotine related substances amongst high school students nationwide; and

WHEREAS, vape shops and similar retail establishments selling tobacco products and accessories are becoming increasingly popular; and

WHEREAS, should the City identify potential impacts and externalities, and/or best practice regulations, the City intends to adopt ordinances that protect the public health, safety, and welfare of its citizens; and

WHEREAS, after review, the Mayor and Council have determined that it is in the best interest of the City to issue a Temporary Moratorium as set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DUNWOODY, GEORGIA:

Section 1. The Temporary Moratorium imposed herein incorporates the findings and statements set forth in the preceding “whereas” clauses and such clauses are made as part of this moratorium, and the aforesaid recitals are not mere recitals, but are material portions of this Resolution.

Section 2. This Amendment becomes effective immediately upon adoption of this resolution.

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Section 3. Notwithstanding any provisions of the Code of Ordinances of the City of Dunwoody to the contrary, the moratorium on the filing, consideration, or approval of any new Applications for Business Licenses, Special Land Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review or other Permits and Licenses for vape shops, the Temporary Moratorium shall remain in force and effect. Vape shop shall mean any organization engaged predominately in the selling of vaping products, including vapes, vaporizers, e-liquids, and/or cartridge batteries. This moratorium shall not apply to businesses selling vaping as an accessory use to a convenience store.

Section 4. During the moratorium neither the City nor any of its departments or staff shall accept, process or review new applications for Applications for Business License, or for Special Land Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review, or other Permits and Licenses for vape shops.

Section 5. This moratorium shall expire at **11:59 p.m. on May 11, 2026**, and be of no further force and effect, unless shortened or extended by an official action of the Mayor and City Council of the City of Dunwoody.

Section 6. The moratorium period adopted in the Temporary Moratorium is deemed to be the appropriate minimum time for the development of such regulations without unduly diminishing the rights of individuals.

Section 7. This Resolution shall not apply to or otherwise effect completed applications duly filed prior to the effective date of this Resolution, however, this moratorium shall apply to all applications which have not been completed.

Section 8. The provisions of this Resolution are severable, and should any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, be held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances, shall not be affected.

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Approved:

Lynn P. Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

City Attorney