



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: April 27, 2026
Subject: Vape Shop Text Amendment

ITEM DESCRIPTION

This item proposes new code language that defines vape shops as a new use category and updates the use tables of the City’s zoning districts.

DISCUSSION

The City Council passed a 90-day temporary moratorium on new vape shops during its February 9 meeting, directing the staff to draft a text amendment to define vape shops and propose appropriate regulations.

Electronic cigarettes (vapes) have become an increasingly popular method of consuming nicotine products and other recreational substances. These devices use a battery to heat and aerosolize liquid nicotine or other liquids that a user then inhales into their lungs. Vapes come in a variety of colorful designs and in fruit flavors such as “berry rush” or “strawberry bubble gum” that can be attractive to children and teenagers. While vaping is illegal for anyone under the age of 21, vape use amongst high school students is now over four times as prevalent as cigarette smoking with 7.8% of high school students and 3.5% of middle school students currently using e-cigarettes (CDC, 2024).

Alternative nicotine products (pouches, lozenges, stripes, etc.), are another increasingly popular amongst children and teenagers. Users place these products between their gums and lips, where the product releases nicotine which gets absorbed by the membranes of the mouth. Amongst high school, 2.4% report current usage of nicotine pouches and 1.4% report current usage of other oral nicotine products. Amongst middle school students, 1.0% report current usage of nicotine pouches and 0.9% report current usage of other oral nicotine products (CDC, 2024). Two limitations of the CDC study likely lead to these numbers representing undercounts. First, the survey data is self-reported and subject to desirability and recall biases. Second, the survey only asked for current usage; not for usage within the past year.

Electronic cigarettes and alternative nicotine products are mainly sold at dedicated vape shop stores and at convenience stores. Vape shops often have colorful and flashy branding designed to draw potential customers in. In addition, these stores often sell a variety of



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water pipes, also known as hookah or bong pipes, which are used to smoke tobacco, marijuana, and other substances. The proposed ordinance also includes these smoking devices to capture the typical product range of these stores.

The proposed ordinance defines vape shops as those retail stores that derive 25% or more of their retail sales or dedicate 25% or more of their interior floor area to the display, sale, or rental of alternative nicotine products, consumable vapor products, vapor devices, or water pipes. This threshold excludes convenience stores but includes dedicated retail outlets. The ordinance also excludes cigar, cigarette, or leaf tobacco sales.

Under the proposed ordinance vape shops are added to the use tables of the commercial districts and labeled as "not permitted". If approved, the sale of vapes and the included categories will be allowed only if said categories make up no more than 25% of total sales or interior floor area.

PLANNING COMMISSION RECOMMENDATION

During its April 14, 2026 meeting, the Planning Commission failed to pass a recommendation of approval with Vice Chair Brown and Commissioner Moss in support and Chair O'Brien, Commissioner Edmundson, and Commissioner Wallach in opposition. Planning Commissioners in opposition voiced the preference to include CBD and Delta 8 THC products with this ordinance. An additional concern was that, from a land use law perspective, vape shops should not be regulated differently from other uses considered dangerous, such as gun sales.

STAFF RECOMMENDATION

Staff recommends approval. Upon adoption or denial of this ordinance on May 11, 2026, the 90-day moratorium will expire. Should the City Council wish to defer the case during its second read, the staff recommends extending the moratorium to the same date.

SOURCES

Campaign for Tobacco-free Kids (2025): Annual Report 2025. https://assets.tobaccofreekids.org/content/who_we_are/annual_report/AnnualReportFY2025.pdf?_gl=1*zlgrxs*_gcl_au*Mzc1Njc0NjU2LjE3NzI0ODUzMzI.

Centers for Disease Control and Prevention (2024): Tobacco Product Use Among Middle and High School Students – National Youth Tobacco Survey, United States, 2024. [Tobacco Product Use Among Middle and High School Students – National Youth Tobacco Survey, United States, 2024 | MMWR](#)

Georgia Department of Public Health (2026): E-Cigarettes (Vapes). Website. <https://dph.georgia.gov/chronic-disease-prevention/tobacco/e-cigarettes-vapes>

ATTACHMENTS

- Lynn Deutsch** Mayor
- Eric Linton** ICMA-CM City Manager
- Sharon Lowery** CMC City Clerk
- Catherine Lautenbacher** City Council Post 1
- Rob Price** City Council Post 2
- Tom Lambert** City Council Post 3
- Stacey Harris** City Council Post 4
- Joe Secorder** City Council Post 5
- John Heneghan** City Council Post 6



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- Proposed Ordinance
- Letter from Councilman Seconder

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Sharon Lowery CMC City Clerk

Catherine Lautenbacher City Council Post 1
Rob Price City Council Post 2
Tom Lambert City Council Post 3

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AN ORDINANCE TO AMEND CHAPTER 27 OF THE CITY OF DUNWOODY CODE OF ORDINANCES; TO DEFINE AND PROVIDE USE REGULATIONS 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, such as the 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 and nicotine pouches and related products have 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, the City Council has passed a Temporary Moratorium on vape shop uses, which will expire on May 11, 2026; and

WHEREAS, the City staff has used this time to review and compare various options for regulating vape shops; and

WHEREAS, the City Council finds that this ordinance is the best way to protect the public health, safety, and welfare of its citizens.

NOW, THEREFORE, the Mayor and City Council of the City of Dunwoody HEREBY ORDAIN that the City’s Code of Ordinances is amended as follows:

SECTION I: That Chapter 27 of the City Code is amended by amending Code Section 27-72, to be entitled “Uses allowed”, to read as follows:

Sec. 27-72. - Uses allowed.

The following table identifies uses allowed in nonresidential and mixed-use zoning districts. See subsection 27-111(4) for information about how to interpret the use table.

USES	DISTRICTS	Supplemental
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	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	Regulations
<i>P = use permitted as of right / A = administrative permit req'd / E = special exception req'd / S = special land use permit req'd</i>										
RESIDENTIAL										
Household Living										
Detached house	-	P	-	-	-	-	-	-	-	27-147
Multi-unit building	-	-	-	S	-	-	S	-	-	
Mixed-use building, vertical	-	-	-	P	-	-	P	-	-	
Group Living										
Convent and monastery	P	P	-	P	-	-	-	-	-	27-146
Fraternity house, sorority house or residence hall	P	-	-	-	-	-	-	-	-	
Nursing home	P	P	-	-	-	-	-	-	P	
Community residence	P	P	P	P	P	P	P	P	-	27-135.1
Recovery community	P	P	P	P	P	P	P	P	-	27-146.1
Child caring institution (1—6 persons)	P	P	P	-	P	P	P	P	-	
Child caring institution (7—15 persons)	P	P	P	-	P	P	P	P	-	
Child caring institution (16 or more)	P	S	P	-	P	P	P	P	-	
Shelter, homeless	S	S	-	-	-	P	P	P	-	27-140
Transitional housing facility	S	S	-	-	-	P	P	P	-	27-140
Party House	-	A	-	-	-	A	A	A	-	27-143.2
QUASI-PUBLIC AND INSTITUTIONAL										
Ambulance Service	-	-	-	-	-	P	P	P	P	
Club or Lodge, Private	P	P	P	-	-	P	P	P	P	
Cultural Exhibit	P	P	P	-	-	P	P	P	-	

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Day care facility, adult (6 or fewer persons)	-	-	P	-	-	-	-	-	-	27-137
Day care center, adult (7 or more)	P	P	P	P	P	P	P	P	-	
Day care facility, child (6 or fewer persons)	-	-	P	-	-	-	-	-	-	
Day care center, child (7 or more)	P	P	P	P	P	P	P	P		
Educational Services										
College or university	P	P	P	-	-	-	-	-	-	
Kindergarten	P	P	P	P	P	P	P	P	-	27-141
Research and training facility, college or university affiliated	P	P	P	-	-	-	-	-	P	
School, private elementary, middle or senior high	P	P	P	P	-	P	P	P	P	27-148
School, specialized non-degree	P	P	P	P	-	P	P	P	P	
School, vocational or trade	P	P	P	-	-	P	P	P	P	
Hospital	P	-	-	-	-	-	-	-	-	
Place of Worship	P	P	P	P	P	P	P	P	P	27-146
Utility Facility, Essential	E	E	P	E	E	P	P	P	P	27-151
COMMERCIAL										
Adult Use										
Body art service									P	P
Sexually oriented business	P	-	-	P	-	-	-	P	P	27-149
Animal Services										
Animal care/boarding	-	-	-	S	S	P	P	P	P	27-131
Animal grooming	-	-	-	P	P	P	P	P	P	27-131
Animal hospital/veterinary clinic	-	-	-	P	P	P	P	P	P	27-131
Communication Services										

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Radio and television broadcasting stations	P	P	P	-	-	P	P	P	P	
Recording studios	P	P	P	-	-	P	P	P	P	
Telecommunication tower	A	-	A	-	S	A	A	A	A	27-150
Telecommunication antenna, co-located	P	P	P	P	P	P	P	P	P	27-150
Construction and Building Sales and Services										
Building or construction contractor	-	-	-	-	-	-	-	P	P	
Commercial greenhouse or plant nursery	-	-	-	-	-	-	-	P	P	
Electrical, plumbing and heating supplies and services	-	-	-	-	-	P	P	-	P	
Lumber, hardware or other building materials establishment	-	-	-	-	-	P	P	P	P	
Eating and Drinking Establishments										
Microbrewery	S	-	-	P	P	P	P	P	P	
Wine Specialty Shop	S	-	-	P	P	P	P	P	P	
Distillery	S	-	-	P	P	P	P	P	P	
Brewery	-	-	-	-	-	-	-	S	S	
Restaurant, accessory to allowed office or lodging use	P	-	-	P	-	P	P	P	P	
Food truck	P	P	P	P	P	P	P	P	P	27-138
Other eating or drinking establishment	-	-	-	P	P	P	P	P	P	
Entertainment and Spectator Sports										
Auditorium or stadium	-	-	-	-	-	-	-	P	P	
Drive-in theater	-	-	-	-	-	-	-	P		
Movie theater	-	-	-	P	-	-	-	P	-	
Special events facility	-	P	-	-	-	P	P	P	-	
Financial Services										

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Banks, credit unions, brokerage and investment services	P	P	P	P	P	P	P	P	P	
Convenient cash business	-	-	-	-	-	-	-	P	-	27-136
Pawn shop	-	-	-	-	-	-	-	P	-	27-144
Food and Beverage Retail Sales										
Liquor store (as principal use)	-	-	-	-	-	P	P	P	P	
Liquor store (accessory to lodging or 3+ story office)	-	-	P	P	-	-	-	-	-	
Other food and beverage retail sales	P [1]	-	P	P	P	P	P	P	P	
Funeral and Interment Services										
Cemetery, columbarium, or mausoleum	P	P	P	-	-	-	-	-	-	
Crematory	-	-	-	-	-	-	-	-	S	
Funeral home or mortuary	P	-	-	-	-	P	P	P	P	
Lodging	P	-	P	P	-	P	P	P	P	
Medical Service										
Home health care service	P	P	-	-	-	-	-	-	-	
Hospice	P	P	-	-	-	-	-	-	-	
Kidney dialysis center	P	P	-	-	-	-	-	-	-	
Medical and dental laboratory	P	P	-	P	-	P	P	-	P	
Medical office/clinic	P	P	P	P	P	P	P	P	P	
Office or Consumer Service	P	P	P	P	P	P	P	P	P	
Parking, Non-accessory	S	-	P	-	-	P	P	P	P	27-143.1
Personal Improvement Service										
Barber shop, beauty shop, nail salon, massage and/or spa establishments, estheticians, and other "typical" uses per [subsection] 27-114(14)	P	-	-	P	P	P	P	P	P	27-114(14)

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Other personal improvement service	-	-	-	-	-	P	P	P	P	
Repair or Laundry Service, Consumer										
Laundromat, self-service	-	-	-	P	P	P	P	P	-	
Laundry or dry cleaning drop-off/pick-up	P	-	-	P	P	P	P	P	P	
Other consumer repair or laundry service	-	-	-	P	P	P	P	P	P	
Research and Testing Services	P	-	P	P	-	-	-	P	P	
Retail Sales										
Retail sales of goods produced on the premises	-	-	-	-	-	-	-	-	P	
Shopping Center	-	-	-	P	P	P	P	P	-	
<u>Vape shop</u>	=	=	=	=	=	=	=	=	=	
Other retail sales	P [1]	-	P	P	P	P	P	P	-	
Sports and Recreation, Participant										
Golf course and clubhouse, private	P	P	P	-	-	-	-	P	P	
Health club	-	-	P	P	P	P	P	P	P	
Private park	P	P	P	-	-	-	-	-	-	
Recreation center or swimming pool, neighborhood	P	P	P	-	-	-	-	-	P	
Recreation grounds and facilities	-	-	P	-	-	-	-	P	-	
Tennis center, club and facilities	P	P	P	P	-	P	P	P	-	
Other participant sports and recreation (Indoor)	P	-	-	P	-	P	P	P	-	
Other participant sports and recreation (Outdoor)	-	-	-	-	-	-	-	P		
Vehicle and Equipment, Sales and Service										
Car wash	-	-	-	-	-	P	-	P	P	27-134
Gasoline sales	-	-	-	-	-	P	-	P	P	27-139

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Vehicle repair, minor	-	-	-	-	-	P	-	P	P	27-153
Vehicle repair, major	-	-	-	-	-	-	-	P	P	27-152
Vehicle sales and rental	-	-	-	-	-	S	S	P	P	27-154
Vehicle storage and towing	-	-	-	-	-	-	-	P	P	27-155
Other										
Drive-through facility	S	S	S	S	S	S	S	S	S	
INDUSTRIAL										
Manufacturing and Production, Light	-	-	-	-	-	-	-	P	P	
Wholesaling, Warehousing and Freight Movement										
Warehousing and storage	-	-	P	-	-	-	-	-	-	
Self-storage warehouse	-	-	P	-	-	-	-	-	P	
Storage yard and truck terminal	-	-	-	-	-	-	-	-	S	
AGRICULTURE AND TRANSPORTATION										
Agriculture										
Agricultural produce stand	-	-	-	-	-	-	-	-	P	
Community garden	P	P	P	P	P	P	P	P	P	27-135
Crops, production of	-	-	-	-	-	-	-	-	P	
Transportation										
Heliport	S	-	S	-	-	S	S	-	P	
Stations and terminals for bus and rail passenger service	S	-	-	-	-	-	-	-	-	
Taxi stand and taxi dispatching office	-	-	-	-	-	P	P	-	P	

[1] Within the O-I zoning district, other food and beverage sales and Other retail sales are limited as follows:

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- a. Not permitted in any residential buildings or buildings with a residential component.
- b. Allowed only as an accessory use on the ground floor of a multi-story office or institutional building.
- c. Maximum floor area of the tenant suite is limited to 2,000 square feet.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-5.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2015-06-13, § 1, 6-22-2015; Ord. No. 2019-05-08, § 1, 5-6-2019; Ord. No. 2020-03-04, § I, 3-9-2020; Ord. No. 2021-09-14, § III, 9-27-2021; Ord. No. [2022-01-02](#), § II, 1-10-2022; Ord. No. 2023-08-09, § I, 8-14-2023; Ord. No. 2023-10-14, § I, 10-16-2023; Ord. No. 2024-07-05, § II, 7-22-2024)

SECTION II: That Chapter 27 of the City Code is amended by amending Code Section 27-114(f), to be entitled "Uses", to read as follows:

Sec. 27-104. - Districts.

- (f) *Uses.* The following applies to all Perimeter Center districts.
 - (1) *Use table.* The following apply to the uses outlined in this section. Refer to figure 27-104-6, table of permitted uses.
 - a. *Use categories.* Refer to sections 27-111 through 27-116.
 - b. *Permitted and special uses.* Each use may be permitted as-of-right, permitted with a special administrative permit, permitted as a special exception, or permitted with a special land use permit. Refer to section 27-111(4), use tables.
 - c. *Number of uses.* A lot may contain more than one use.
 - d. *Principal and accessory uses.* Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
 - e. *Building type.* Each use shall be located within a permitted building type (refer to section 27-105, building types), unless otherwise specified.
 - (2) *Use subcategories.* For the purposes of fulfilling the use mix requirements defined in each district table (refer to section 27-104(b), PC-1 district through section 27-104(e), PC-4 district), utilize the following subcategories of uses, consisting of those uses listed in the table, right, that may contribute to the mix. Some permitted uses are not included.
 - a. *Lodging and residence subcategory.*
 - Household living;
 - Group living;
 - Lodging.
 - b. *Civic subcategory.*
 - Club or lodge, private;
 - Cultural exhibit;
 - Educational services;
 - Hospital;

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- Place of worship.
- c. *Office subcategory.*
Construction and building sales and service;
Medical service;
Office or consumer service;
Research and testing services.
- d. *Retail sales subcategory.*
Retail sales;
Food and beverage retail sales.
- e. *Service use subcategory.*
Animal services;
Day care;
Repair or laundry services, consumer;
Personal improvement services;
Eating and drinking establishments;
Financial services;
Entertainment and spectator sports;
Sports and recreation, participant.

Table of Permitted Uses

USES	DISTRICTS				Reference
	PC-1	PC-2	PC-3	PC-4	
<i>P = use permitted as of right / A = administrative permit req'd / E = special exception req'd / S = special land use permit req'd</i>					
RESIDENTIAL					
Household Living					
Detached house	—	—	—	P	
Attached house	—	P[1]	P[1]	P[1]	
Multi-unit building, rental	S	S	S	S	

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Multi-unit building, owner-occupied	P	P	P	P	
Age-Restricted Multi-unit building, rental	S	S	S	S	
Age-Restricted Multi-unit building, owner-occupied	P	P	P	P	
Group Living					
Community Residence	P	P	P	P	27-135.1
Recovery community	P	P	P	P	27-146.1
QUASI-PUBLIC & INSTITUTIONAL					
Ambulance Service	S	S	S	S	
Club or Lodge, Private	P	P	P	—	
Cultural Exhibit	P	P	P	P	
Day Care	P	P	P	P	
Educational Services	S	S	S	S	
Hospital	S	S	S	—	
Place of Worship	P	P	P	P	27-146
Utility Facility, Essential	P	P	P	E	27-151
COMMERCIAL					
Animal Services	P	P	S	—	27-131
Communication Services					
Telecommunications antenna mounted to building or similar structure	A	A	A	A	27-150
All other	P	P	P	P	
Standalone tower	S	S	S	S	
Construction and Building Sales and Services	P	P	P	—	
Eating and Drinking Establishments					

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Food truck	P	P	P	—	27-138
Microbrewery	P	P	P	—	27-156
Wine specialty shop	P	P	P	—	27-157
Distillery	P	P	P	—	27-158
Other eating or drinking establishments	P	P	P	P	
Entertainment and Spectator Sports					
Indoor	P	P	P	—	
Outdoor	S	S	S	—	
Financial Services					
Banks, credit unions, brokerage and investment services	P	P	P	—	
Food and Beverage Retail Sales	P	P	P	—	
Funeral and Interment Services	P	P	P	—	
Lodging	P	P	P	S	
Medical Service	P	P	P	—	
Office or Consumer Service	P	P	P	—	
Parking, Non-accessory	S	S	S	S	27-98(d)(9)
Personal Improvement Service	P	P	P	—	
Repair or Laundry Service, Consumer	P	P	P	—	
Research and Testing Services	P	P	P	—	
Retail Sales					
<u>Vape shop</u>	=	=	=	=	
Other retail sales	P	P	P	—	
Sports and Recreation, Participant					

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Indoor	P	P	P	—	
Outdoor	S	S	S	—	
Vehicle and Equipment, Sales and Service					
Gasoline sales	—	—	S	—	27-98(d)(7)
Vehicle sales and rental (indoor only)	P	P	P	—	27-154
Vehicle repair, minor	—	—	S	—	27-153
Other					
Drive-through facility	S	S	S	—	27-98(d)(8)

SECTION III: That Chapter 27 of the City Code is amended by amending Code Section 27-107B(f), to be entitled "Uses", to read as follows:

- (f) *Uses.* The following applies to all DV districts.
 - (1) *Use table.* The following apply to the uses outlined in this section. Refer to figure 27-107B-6, use table.
 - a. *Use categories.* Refer to sections 27-111 through 27-116.
 - b. *Permitted and special uses.* Each use may be permitted as-of-right, permitted with a special administrative permit, permitted as a special exception, or permitted with a special land use permit. Refer to figure 27-107B-6, use tables.
 - c. *Number of uses.* A lot may contain more than one use.
 - d. *Principal and accessory uses.* Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
 - e. *Building type.* Each use shall be located within a permitted building type (refer to section 27-107D, building types), unless otherwise specified.
 - (2) *Use subcategories.* For the purposes of fulfilling the use mix requirements defined in each district table (refer to section 27-107B(b) through section 27-107B(e)), utilize the following subcategories of uses, consisting of those uses listed in the table, that may contribute to the mix. Some permitted uses are not included.
 - a. Lodging and residence subcategory.
 - 1. Household living.
 - 2. Group living.
 - 3. Lodging.
 - b. Civic subcategory.
 - 1. Club or lodge, private.
 - 2. Cultural exhibit.

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- 3. Educational services.
- 4. Hospital.
- 5. Place of worship.
- c. Office subcategory.
 - 1. Construction and building sales and service.
 - 2. Medical service.
 - 3. Office or consumer service.
 - 4. Research and testing services.
- d. Retail sales subcategory.
 - 1. Retail sales.
 - 2. Food and beverage retail sales.
- e. Service use subcategory.
 - 1. Animal services.
 - 2. Day care.
 - 3. Repair or laundry services, consumer.
 - 4. Personal improvement services.
 - 5. Eating and drinking establishments.
 - 6. Financial services.
 - 7. Entertainment and spectator sports.

(3) *Live-work.*

- a. *Defined.* Accessory nonresidential activity conducted wholly within a dwelling unit that allows employees, customers, or clients to visit.
- b. *Use standards.* All live-work is subject to the following:
 - 1. Live-work is only allowed when the dwelling unit to which it is accessory has been approved in accordance with figure 27-107B-6, use table.
 - 2. Live-work is only allowed on the ground story of a building.
 - 3. At least one person must occupy the dwelling containing the live-work use as their primary place of residence.
 - 4. The live-work use may employ no more than two persons not living on the premises at any one time.
 - 5. No business storage or warehousing of material, supplies, or equipment is permitted outside of the dwelling containing the live-work use.
 - 6. The nonresidential use of the live-work use is limited to a use allowed in the DV district.
 - 7. No equipment or process may be used that creates, without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

USES	DISTRICTS	Reference
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	DV-1	DV-2	DV-3	DV-4	
RESIDENTIAL					
Household Living					
Detached house	—	P[6]	—	—	
Attached house, rental	S	—	S	—	
Attached house, owner occupied	P	—	P	—	
Multi-unit building, rental	S[1]	S[1, 4]	S[1]	S[1]	
Multi-unit building, owner-occupied	S[1]	S[1, 4]	S[1]	S[1]	
Age-Restricted Multi-unit building, rental	P	P	P	P	
Age-Restricted Multi-unit building, owner-occupied	P	P	P	P	
Live/work	See principal dwelling unit				27-107B(f)(3)
Group Living					
Community residence	S	S	S	S	27-135.1
Recovery community	S	S	S	S	27-146.1
Party House	-	-	-	-	27-143.2
QUASI-PUBLIC & INSTITUTIONAL					
Animal Services	S	S	—	P	
Microbrewery, wine, specialty shop, distillery, cidery	P[2]	—	—	P[2]	
Communication Services					
Telecommunications, antenna mounted to building or similar structure	A	A	A	A	
All other	P	P	P	P	
Standalone towers	S	S	S	S	
Construction and Building Sales and Services	P[2]	-	-	P[2]	

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Eating and Drinking Establishments					
Food truck	P	P	-	P	27-138
Other eating and drinking establishments	P[2]	-	-	P[2]	
Entertainment and Spectator Sports					
Indoor	P[2]	-	-	P[2]	
Outdoor	-	-	-	-	
Financial Services					
Brokerage and Investment services	P	P	-	P	
Banks, credit unions, savings and loan associations	P[3]	P[3]	-	P[3]	
Food and Beverage Retail Sales	P[2]	-	-	P[2]	
Funeral and Interment Services	-	-	-	-	
Lodging	P	P	-	P	
Medical Services	P	P	-	P	
Office or Consumer Service	P	P	-	P	
Parking, Non-accessory	P	P	-	P	27-107D(i)(5)
Parking Structures, Accessory or Non-Accessory	S[7]	S[7]	S[7]	S[7]	27-107D(i)(5)
Personal Improvement Service	P[2]	P[2]	-	P[2]	
Repair or Laundry Service, Consumer	P	P	-	P	
Research and Testing Services	P	P	-	P	
Retail Sales					
<u>Vape Shop</u>	=	=	=	=	
Other Retail Sales	P[2]	-	-	P[2]	
Sports and Recreation, Participant					

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Indoor	P[2]	-	-	P[2]	
Outdoor	-	-	-	-	
Vehicle and Equipment, Sales and Service					
Gasoline sales	-	-	-	-	
Vehicle sales and rental	P[5]	-	-	P[5]	27-154
Vehicle repair, minor	-	-	-	-	27-153
Other					
Drive-through facility	-	-	-	-	

P = use permitted as of right

A = special administrative permit required

S = special land use permit required

[1] No more than 60 percent of dwelling units may have a floor area of less than 800 square feet.

[2] Individual establishments shall not exceed 50,000 square feet in gross floor area.

[3] Use shall not be located within 1,320 feet of the same use (as measured in a straight line from property line to property line), including any uses not within a DV district.

[4] Use shall not be located on the ground story along any public or private street. When the use is allowed on the ground story it must be set at least 30 feet behind the street-facing façade.

[5] No more than four vehicles for sale or rent may be displayed on site. All vehicles for sale or rent must be located in conditioned space.

[6] Detached houses shall be subject to the street façade design requirements of the townhouse building type. No other building type standards shall apply.

[7] A special land use permit is only required for accessory or non-accessory parking structures when any above-ground portion of such structure is located within 200 feet of a single-family residential zoning district. The use is permitted as of right in all other locations.

(Ord. No. 2020-11-23, Exh. A, 11-30-2020; Ord. No. 2021-09-12, § 1, 9-27-2021; Ord. No. [2022-01-02](#), § IV, 1-10-2022; Ord. No. 2023-08-09, § III, 8-14-2023; Ord. No. 2023-10-14, § III, 10-16-2023; Ord. No. 2024-07-05, § IV, 7-22-2024)

SECTION IV: That Chapter 27 of the City Code is amended by amending Code Section 27-114, to be entitled "Commercial use category", to read as follows:

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ARTICLE I Sec. 27-114. - Commercial use category.

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use category includes the following use subcategories.

- (1) *Adult use.*
 - a. *Body art service.* Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing, branding or scarification. This definition does not include practices that are considered medical procedures by the Georgia Composite Medical Board, which may not be performed in a body art services establishment.
 - b. *Sexually oriented business.* An adult bookstore or adult video store, an adult cabaret, an adult motion picture theatre, a semi-nude model studio or a sexual device shop. See subsection 27-149(c) for additional definitions.
- (2) *Animal services.* The following are animal services use subcategories:
 - a. *Animal care/boarding.* The keeping of and care for any number of companion animals for remuneration or profit. Typical uses include boarding kennels, pet resorts/hotels, doggy or pet day care facilities, foster care homes, dog training centers and animal rescue shelters.
 - b. *Animal grooming.* Grooming of companion animals. Typical uses include dog bathing and clipping salons and pet grooming shops.
 - c. *Animal hospital/veterinary clinic.* Typical uses include pet and veterinary clinics, dog and cat hospitals and animal hospitals.
- (3) *Communication services.* Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Typical uses include recording studios, television and radio studios and telecommunication towers and antennas.
 - a. *Telecommunication facility.*
 1. *Telecommunications antenna.* Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
 2. *Telecommunications tower.* Any structure that is designed or constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term "telecommunications tower" includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and alternative tower structures.
 3. *Alternative tower structure.* A telecommunications tower, the visual presence of which is camouflaged or concealed in the form of a clock tower, campanile, light pole, artificial tree or similarly camouflaged telecommunications antenna-mounting structure.
- (4) *Construction and building sales and services.* Establishments that provide services, supplies or equipment to construct, develop, repair maintain, or visually enhance a structure or premises. Typical uses include lumber yards, hardware stores, home improvement centers, equipment rental or sales, building contracting/construction businesses and janitorial services, pest control services, landscape maintenance contractors and window cleaning services. Hardware stores, paint stores and similar retail sales businesses that do not include any visible outdoor storage or display are classified under the "retail" use subcategory. Uses that involve only office or administrative functions with no on-site equipment or service vehicle storage are classified under the "office or consumer service" subcategory.

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- (5) *Eating and drinking establishments.* Provision of prepared food and/or beverages for on- or off-premises consumption. Typical uses include ice cream shops, bakeries, coffee shops, cafes, restaurants and bars.
- a. *Food truck.* A licensed motor vehicle or other mobile food dispensation unit that is temporarily parked outside of the right-of-way and in which food items are sold to the general public.
- (6) *Entertainment and spectator sports.* Provision of cultural, entertainment, athletic and other events to spectators, such as typically occurs in theaters, cinemas, auditoriums, special events facilities, stadiums and arenas.
- a. *Special events facility.* A meeting or gathering place for personal social engagements or activities, where people assemble for parties, weddings, wedding receptions, reunions, birthday celebrations, business conferences or similar activities, in which food and beverages may be served to guests.
- (7) *Financial services.* Financial or securities brokerage services. Typical uses include federally chartered banks, credit unions, savings and loan associations, consumer investment advisory businesses, pawn shops and check cashing establishments.
- a. *Convenient cash business.* A check cashing establishment, precious metal broker other substantially similar business.
1. *Check cashing establishment.* Check cashing establishment means any establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq.
2. *Precious metal broker.* An establishment engaged in whole or in part in the business of buying gold, precious metals or jewelry.
- b. *Pawn shop.* An entity engaged in whole or in part in the business of lending money on the security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this definition.
- (8) *Food and beverage retail sales.* Retail sale of food and beverages for off-premises consumption. Typical uses include groceries, liquor stores and wine stores.
- (9) *Funeral and interment services.* Provision of services involving the care, preparation or disposition of human dead. The following are funeral and interment services use subcategories:
- a. *Cemetery/columbarium/mausoleum.* Land or other facilities used for burial or interment of the dead, including pet cemeteries.
- b. *Cremating.* Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories and crematoriums. (Note: cremating is also considered an accessory use to a cemetery, columbarium or mausoleum)
- c. *Undertaking.* Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.
- (10) *Lodging.* Provision of lodging on a temporary basis, which may include incidental food, drink and other sales and services intended for the convenience of overnight guests. Lodging is most typically offered for transient occupancy for periods of less than one month duration. The following are lodging uses:
- a. *Bed and breakfast.* A detached house in which the owner offers overnight accommodations and meal service to guests for compensation.

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- b. *Hotel/motel.* An establishment, other than a bed and breakfast, in which short-term lodging is offered for compensation and that may or may not include the service of one or more meals to guests. Typical uses include hotels and motels.
- (11) *Medical service.* Personal health services including prevention, diagnosis and treatment services provided by physicians, dentists, nurses and other health personnel and medical testing and analysis services. Typical uses include medical and dental offices, including chiropractic offices, physical therapy offices, psychologist and psychiatrist offices, health maintenance organizations, blood banks and health centers.
- (12) *Office or consumer service.* Professional, governmental, executive, management or administrative offices. Typical uses include administrative offices, law offices, architectural and engineering firms, insurance companies, travel agencies, photography studios, tax preparation services and similar offices and consumer service businesses. Medical offices are included under the "medical services" use subcategory.
- (13) *Parking, non-accessory.* Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A facility that provides both accessory parking and non-accessory parking is classified as non-accessory parking.
- (14) *Personal improvement service.* Informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include hair salons, barber shops, beauty shops, nail salons, massage and/or spa establishments, esthetician services, yoga or dance studios, personal fitness training studios, driving schools and martial arts schools. Health clubs are classified under the "participant sports and recreation" use subcategory.
- a. For additional license and operational regulations applicable to massage and spa establishments see chapter 10, article IX of this Code, massage establishments and spas.
- (15) *Repair or laundry service, consumer.* Provision of repair, dry cleaning or laundry services to individuals or households, but not to firms. Excludes vehicle and equipment repair. Typical uses include laundry/dry cleaning drop-off stations (with no on-premises dry cleaning), hand laundries, appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.
- (16) *Research service.* An establishment that conducts educational, scientific, high-technology or medical research not involving the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property. Research-related establishments that do produce such external impacts are classified as "manufacturing and production, light."
- (17) *Retail sales.* Businesses involved in the sale, lease or rent of new or used products or merchandise to consumers. Typical uses include drug stores, department stores, florists, quick-service copy shops, TV and electronics stores, jewelry stores, camera shops, bike shops, sporting goods stores, office supply stores, furniture stores and apparel stores.
- a. *Medical cannabis dispensary:* A facility that is granted a license for the sale and distribution of medical cannabis products, as defined in O.C.G.A § 16-12-190 and elsewhere regulated by the State of Georgia.
- b. Vape shop: A retail establishment that derives 25% or more of its aggregate retail sales from or dedicates 25% or more of its interior floor area to the display, sale, or rental of the following products. For the purposes of this section, this ratio of the interior floor area shall be defined as the area of the smallest rectangle that encloses all areas of the interior floor area used for the display, sale, or rental of the following products divided by the overall floor area used for the display, sale, or rental of any products.
- 1) "Alternative Nicotine Products" means any material that contains nicotine, but does not contain tobacco leaf, and is intended for human consumption, whether such material is chewed, absorbed, dissolved, or ingested by any other means. Such term shall include,

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but shall not be limited to, nicotine gel, pouches, or gum or dissolvable nicotine strips, sticks, lozenges, or pellets. Such term shall not include cigars, cigarettes, loose or smokeless tobacco, or consumable vapor products.

2) "Consumable Vapor Products" means any liquid solution, whether it contains nicotine or not, that is intended to be heated into an aerosol state and inhaled by an individual. Such term shall include, but shall not be limited to, e-liquid, e-juice, vape juice, and cartridges that are prefilled with such a solution. Such term shall not include any alternative nicotine product, cigar, cigarette, loose or smokeless tobacco, perfume, potpourri, or essential oil.

3) "Vapor Devices" means any system or device developed or intended to deliver a consumable vapor product to an individual who inhales from the device. Such term shall include, but not be limited to, an electronic nicotine delivery system, an electronic cigarette, electronic cigar, electronic pipe, vape pen, vape tool, or electronic hookah. Such term shall not include a fragrance or essential oil diffuser, or an air freshener.

4) "Smoking Devices" means any device through which users commonly inhale tobacco smoke, marijuana smoke, or the smoke of other recreational substances. Such term shall include pipes, hookahs, and bong, but shall not include devices commonly used for the burning of incense, perfumes, potpourris, or essential oils.

- (18) *Sports and recreation, participant.* Provision of sports or recreation primarily by and for participants. (Spectators are incidental and nonrecurring). Examples include bowling alleys, health clubs, skating rinks, billiard parlors, driving ranges and miniature golf courses and batting cages.
- (19) *Vehicle and equipment sales and service.* Sales or rental of motor vehicles and repair and maintenance services for motor vehicles. The following are vehicle sales and service use subcategories:
- a. *Car wash.* A building or site containing facilities for washing automobiles. It may use automatic production line methods—a conveyor, blower, steam cleaning device, or other mechanical device—or provide space, water and equipment for hand washing, cleaning or detailing, whether by the customer or the operator.
 - b. *Gasoline sales.* Uses engaged in retail sales of personal automobile and vehicle fuels including electric vehicle charging stations. Note: Level 1 (slow-charging) and level 2 (medium) battery charging stations are considered accessory uses and are not regulated as auto fueling stations. Gasoline sales uses may include retail sales activities, such as convenience stores.
 - c. *Vehicle sales and rentals.* Sales of autos, trucks, motorcycles, trailers, recreational vehicles and boats, together with incidental maintenance activities. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicle sales and rental agencies.
 - d. *Vehicle repair, minor.* A vehicle repair establishment that provides lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. Customers generally wait in the car or at the establishment while the service is performed. Examples include quick lube services. Also includes vehicle repair establishments that provide replacement of passenger vehicle parts or repairs that do not involve body work or painting or require removal of the engine head or pan, engine transmission or differential. Examples include tire, muffler and transmission shops.
 - e. *Vehicle repair, major.* Any vehicle repair activity other than "minor vehicle repair." Examples include repair or servicing of commercial vehicles or heavy equipment or body work, painting, or major repairs to motor vehicles.
 - f. *Vehicle storage and towing.* Storage of operating motor vehicles or vehicle towing services. Typical uses include towing services, private parking tow-aways (tow lots), impound yards and fleet storage yards.

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(Ord. No. 2013-10-15, § 1(Exh. A § 27-8.40), 10-14-2013; Ord. No. 2015-06-13, § 2, 6-22-2015;
Ord. No. 2023-08-09, § IV, 8-14-2023)

SO ORDAINED, this ____ day of _____, 2026.

Approved:

Lynn P. Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

City Attorney

Purpose and Scope of Proposed Vape Shop Ordinance

Background Statement for Planning Commission Review

Joe Secorder
Dunwoody City Councilman
March 23, 2026

Goal of the Ordinance

The goal of the proposed ordinance is to determine whether stand-alone vape shops are an appropriate land use within the City of Dunwoody and, if not, to prohibit that use through the zoning ordinance in order to maintain compatibility with the character of the City's commercial districts and the long-term planning vision adopted in the Comprehensive Plan.

On February 9, 2026, the City Council adopted a temporary 90-day moratorium on new vape shops and directed staff to prepare a text amendment defining vape shops and proposing appropriate regulations. The proposed ordinance defines a vape shop as a retail establishment where 25 percent or more of retail sales or floor area is devoted to alternative nicotine products, consumable vapor products, vapor devices, or water pipes, and would classify that use as not permitted in the City's commercial districts.

Scope of the Ordinance

The scope of the proposed regulation is limited to stand-alone vape shops as a primary retail use. The ordinance does not prohibit the sale of vaping or nicotine products. Those products may continue to be sold by convenience stores, grocery stores, pharmacies, and other general retailers, provided that they do not exceed 25% of total retail sales or floor area.

The intent is to regulate land use, not personal behavior, and to prevent the establishment of single-purpose vape shops while allowing lawful retail sales to continue. This ordinance applies only to the location and type of retail use and does not regulate the purchase or use of legal products.

Current regulations in Dunwoody

Under the current zoning ordinance, vape shops are not currently defined as a separate use and are therefore allowed anywhere that general retail uses are permitted. There

are currently no spacing requirements, percentage limits, or other restrictions specific to vape shops in the City of Dunwoody.

As a result, stand-alone vape shops may locate in any commercial district without additional review or limitation, the same as any other retail use.

The proposed ordinance would create a new defined use category for vape shops and would designate that use as not permitted in the City's commercial districts.

Public health, youth exposure, and community context

Information provided in the staff memo and presentation notes that vaping and alternative nicotine products are increasingly used by teenagers and are often marketed in ways that appeal to minors.

Because Dunwoody is a compact city of approximately 13 square miles, with commercial centers located within short distances of one another, any stand-alone vape shop located anywhere in the city is inherently visible and easily accessible within the city.

For this reason, spacing requirements alone would not meaningfully reduce exposure or visibility, and a broader regulation of the use itself is being considered.

Consistency with the Comprehensive Plan

The Comprehensive Plan states that zoning decisions should guide the types of development allowed in each area, maintain compatibility between land uses, and support the community's long-term vision for growth and redevelopment.

The plan also emphasizes neighborhood-serving commercial centers, context-sensitive redevelopment, and strengthening the local economy through appropriate land-use decisions.

Stand-alone vape shops are a relatively new retail use that was not contemplated when much of Dunwoody's zoning framework was created, and the City has the responsibility to determine whether that use is consistent with the planning policies adopted in the Comprehensive Plan.

The zoning ordinance is the primary tool used to implement the Comprehensive Plan, and updates to the ordinance are appropriate when new types of land uses emerge that were not previously addressed.

Land-use compatibility and commercial district character

Local governments routinely regulate certain types of retail uses when those uses may have secondary effects on surrounding businesses, tenant mix, property values, or the overall character of a commercial area.

Stand-alone vape shops are typically single-purpose retail uses that often locate in

lower-cost storefronts and may not be consistent with the desired mix of uses envisioned for neighborhood-serving commercial areas.

This ordinance is based on traditional zoning principles intended to preserve the quality, stability, and long-term economic vitality of the City's commercial districts, rather than to prohibit a legal product.

Reason a citywide prohibition is being considered

Due to the size of Dunwoody and the close proximity of its commercial areas, distance requirements alone would not meaningfully change accessibility or visibility within the City. Because of these conditions, a citywide approach is being considered as a policy decision rather than relying on spacing requirements that would have limited practical effect.

A prohibition on stand-alone vape shops is therefore being considered as the most straightforward and enforceable approach, while still allowing lawful sales of these products in general retail stores.

This approach is intended to avoid the concentration of single-purpose vape shops and to better align with the character of Dunwoody's commercial districts and the planning goals established in the Comprehensive Plan.

Purpose of moving forward during the moratorium period

The moratorium was adopted to allow time for policy review before additional vape shops are established. If the ordinance review is not completed within the current moratorium period, the City Council will need to consider extending the moratorium to ensure that new vape shops are not approved under the existing code before the review process is finished.

In order for that review to be meaningful, the ordinance needs to proceed through the normal process so that the City Council has sufficient time to consider the matter before the moratorium expires. Public notice and scheduling requirements for zoning text amendments require advance legal advertisement prior to Council action, which makes timely consideration necessary.

A recommendation from the Planning Commission, whether favorable or unfavorable, is required in order for the ordinance to move forward to the City Council for final consideration.

Thank you for your service to our community and for the time you volunteer as members of the Planning Commission to carefully review matters such as this.



City of
Dunwoody
Georgia

Text Amendment to Prohibit Vape Shops

April 27, 2026

Background

- The City Council passed a 90-day temporary moratorium on vape shops during its February 9, 2026 meeting.
- The moratorium will expire at 11.59 pm on May 11, 2026 – the day of the second read.
- Direction to staff to draft a text amendment that defines vape shops and proposes appropriate regulations.

Definition of Vape Shops

- Either of two criteria apply:
 - 25% or more of aggregate retail sales from below products; or
 - 25% or more of interior floor area dedicated to display, sale, or rental of below products.
- Included product groups include:
 - Alternative nicotine products
 - Consumable vapor products
 - Vapor devices
 - Smoking devices

Alternative nicotine products

- Material that contains nicotine, but does not contain tobacco leaf
- Chewed, absorbed, dissolved, or ingested by other means
- Nicotine pouches, gel, gum, sticks, lozenges, etc.



Consumable vapor products

- Liquid or solution, heated into an aerosol state, to be inhaled, which includes e-liquid, e-juice, pre-filled cartridges, etc.
- Typically consumed through a vapor device, which includes e-cigarettes, vape pens, electronic pipes, etc.



Smoking Devices

- Pipe where users inhale smoke, which, which includes hookah and bong pipes.
- Exemption for burning of incense, essential oils, etc.



Example of Smoking Devices in Vape Shop



Discussion

- Electronic cigarettes (vapes) and alternative nicotine products are increasingly popular methods of consuming nicotine products.
- Usage is too common amongst school-age children. A CDC report (2024) shows the following current use patterns:

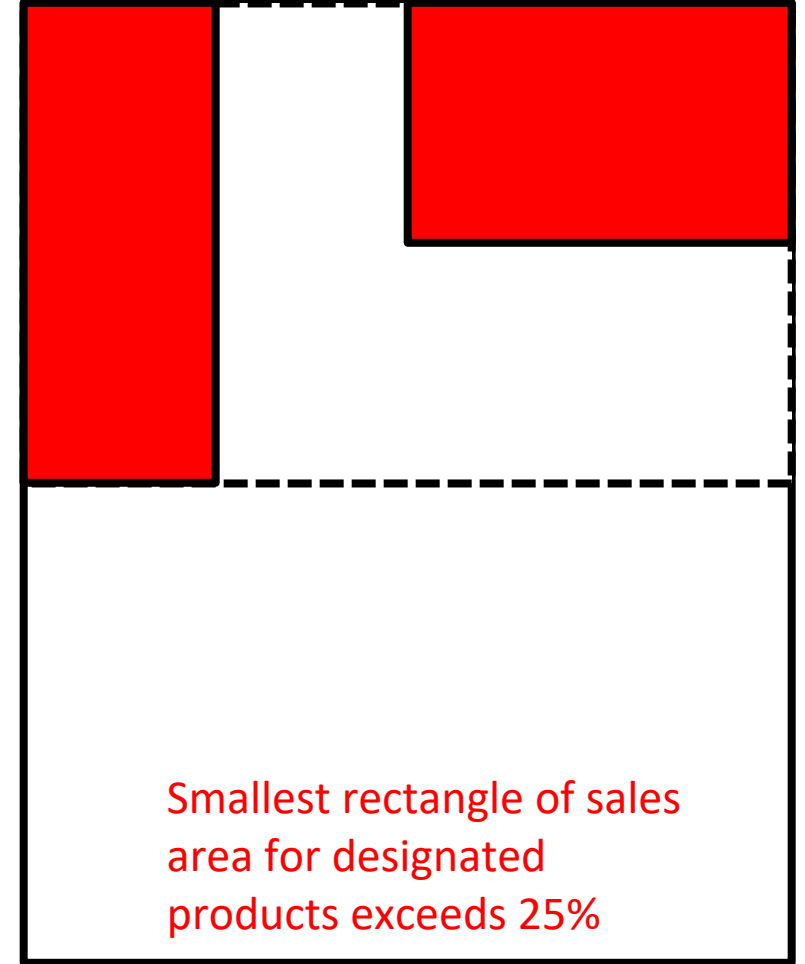
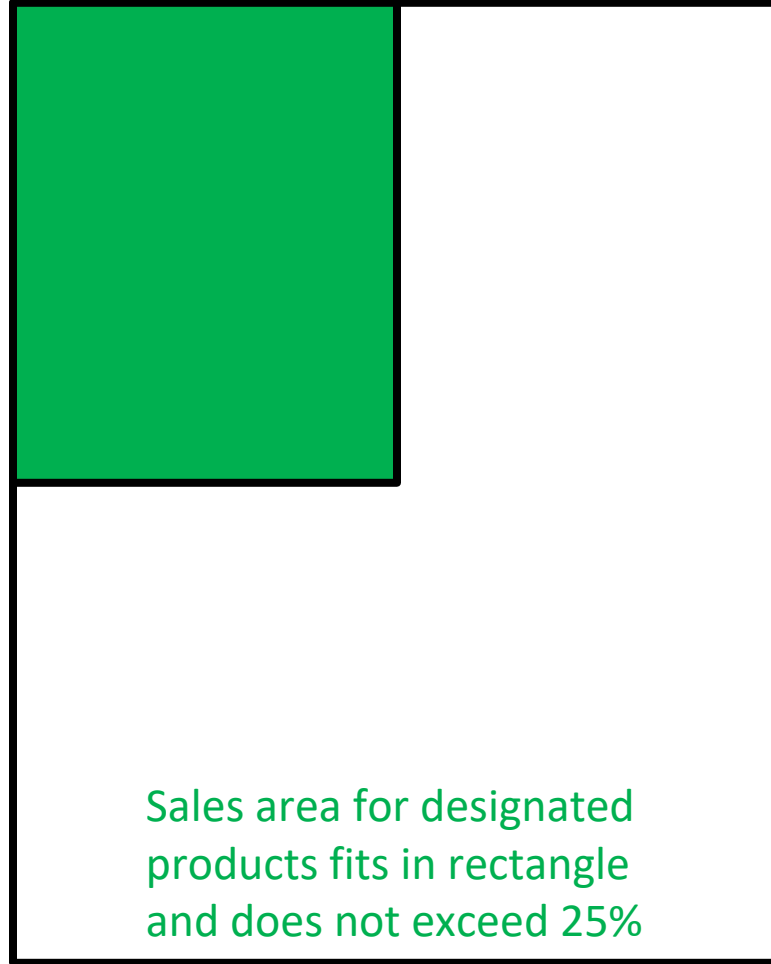
Age Group	High School Students	Middle School Students
Current Vape Use	7.8%	3.5%
Current Nicotine Pouch Use	2.4%	1.0%
Current Other Oral Nicotine Products Use	1.4%	0.9%

- DeKalb County has recently allocated \$1.6 million to install vape sensors in all high schools

Use Standards

- Added to use table in all commercial districts; labeled as a prohibited use.
- While vape shops are prohibited, the associated products may continue to be sold as long as 25% of interior floor area or 25% of retail sales are not exceeded.

Area Measurement



Planning Commission Recommendation

- During its April 14, 2026 meeting, the Planning Commission failed to pass a recommendation of approval with Vice Chair Brown and Commissioner Moss in support and Chair O'Brien, Commissioner Edmundson, and Commissioner Wallach in opposition.
- Voiced preference to include CBD and Delta 8 THC products with this ordinance.
- Land use law concern: Vape shops should not be regulated differently from other uses considered dangerous, such as gun sales.

Next Steps

- Second read will be on May 11, 2026.
- Moratorium will also expire on May 11, 2026 at 11.59pm. Should the City Council defer the text amendment, the staff recommends extending the moratorium to the same date.



City of
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