

AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA, TO AMEND THE 2012 ZONING RESOLUTION, AS AMENDED, BY MODIFYING ARTICLE III, DEFINITIONS AND ARTICLE XIII, USE PROVISIONS IN ORDER TO AMEND SECTION 1308, C-2 GENERAL BUSINESS DISTRICT AND SECTION 1308A, C-3 HIGHWAY BUSINESS DISTRICT, IN ORDER TO ADD DEFINITIONS AND REGULATIONS FOR VAPE AND CBD SHOPS; REPEALING ALL CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the City of Peachtree Corners are charged with the protection of the public health, safety, and welfare of the citizens of Peachtree Corners; and

WHEREAS, pursuant to Section 1.12(a) of the City Charter, the City is charged with exercising the powers of zoning; and

WHEREAS, the Mayor and Council desire to amend the 2012 Zoning Resolution, as amended;

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia as follows:

Section 1: The City of Peachtree Corners 2012 Zoning Resolution shall be amended by adding (underlined words) and deleting (~~struck through words~~) to Article III, Definitions, Article XIII, Use Provisions, Sec. 1308, C-2 General Business District, and Section 1308A, C-3 Highway Business District, as follows:

ARTICLE III. - DEFINITIONS

...

Alternative nicotine product. 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, but shall not be limited to, nicotine gel, pouches, or gum or dissolvable nicotine strips, sticks, lozenges, or pellets. Such term shall not include little cigars, cigars, cigarettes, loose or smokeless tobacco, consumable vapor products, or any product regulated as a drug or therapeutic device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

Cannabinoid. Any of various naturally-occurring, biologically active, chemical constituents (such as cannabidiol or cannabinol) of hemp or cannabis including some (such as THC) that possess psychoactive properties.

CBD. A nonintoxicating cannabinoid found in cannabis and hemp.

Consumable hemp product (See also, Hemp). Any hemp product intended to be ingested, absorbed, or inhaled by humans or animals.

Consumable vapor product. 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, essential oil, or product regulated as a drug or therapeutic device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

Hemp. The Cannabis sativa L. plant and any part of such plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with the federally defined THC level for hemp or a lower level a total delta-9-THC concentration that does not exceed the legal limit.

Vapor device. 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, an air freshener, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

Vapor product. Any consumable vapor product or vapor device.

Vape/CBD Shop. A “vape shop” as the term is defined in Chapter 14 of the Peachtree Corners City Code. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any alternative nicotine product, vapor product items, and/or hemp product items. A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:

- (a) The establishment regularly offers for sale or rental at least 1,000 of said items; or
- (b) At least 25 percent of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items; or
- (c) The establishment maintains at least 25 percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space” maintained for the display, sale, or rental of said items); or
- (d) The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space” maintained for the display, sale, or rental of said items); or
- (e) The establishment regularly makes said items available for sale or rental and holds itself out, in any medium, as an establishment that caters to customer interest in alternative nicotine products or vapor products.

...

ARTICLE XIII. – USE PROVISIONS

...

SECTION 1308 C-2 GENERAL BUSINESS DISTRICT

...

Permitted Uses. Only the following permitted uses shall be allowed in the C-2 General Business District and no structure shall be erected, structurally altered or enlarged for any use other than a use permitted herein with the exception of a) uses lawfully established prior to the effective date of the amendment; b) special uses as permitted herein; or c) accessory uses defined in Article III, Definitions; or d) other uses which are clearly similar to and consistent with the purpose of this District.

A. Retail and Service Uses.

...

72. Travel Agencies.

~~72a. Vape Shops, subject to the following:~~

- ~~a. Within 1,000 feet of any parcel upon which a religious facility, public or private elementary or secondary school, college campus, day care facility, library, public building, fitness facility, public park, or any residence is located; or~~
- ~~b. Within 3,000 feet of any parcel upon which another vape shop is located; or~~
- ~~c. Within 200 feet of the right of way of Peachtree Industrial Boulevard.~~
- ~~d. For the purpose of this section, measurements shall be made in a straight line from the closest part of any structure occupied by the vape shop to the closest property line of a parcel containing a use listed in subsection (a), above. Where a use listed in subsection (a) is located in a multi tenant development, the distance shall be measured to the closest part of the tenant space occupied by that use rather than the property line of the entire development. The use of land in adjacent jurisdictions shall not disqualify a location within the City of Peachtree Corners from being available to a vape shop.~~

73. Watch and clock repair shops.

....

Special Uses. Within the C-2 General Business District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the Director of Planning and Development and Planning Commission and after a Public Hearing:

20. Taxi cab or limousine services.

20a. Vape/CBD Shops, subject to the following:

a. A Vape/CBD shop shall not be located within 1,000 feet of any parcel upon which a religious facility, public or private elementary or secondary school, college campus, day care facility, library, public building, fitness facility, public park, or any residence is located; or

b. A Vape/CBD shop shall not be located within 3,000 feet of any parcel upon which another vape shop is located; or

c. A Vape/CBD shop shall not be located within 200 feet of the right-of-way of Peachtree Industrial Boulevard.

d. For the purpose of this section, measurements shall be made in a straight line from the closest part of any structure occupied by the Vape/CBD shop to the closest property line of a parcel containing a use listed in subsection (a), above. Where a use listed in subsection (a) is located in a multi-tenant development, the distance shall be measured to the closest part of the tenant space occupied by that use rather than the property line of the entire development. The use of land in adjacent jurisdictions shall not disqualify a location within the City of Peachtree Corners from being available to a Vape/CBD shop.

21. Vehicle rental establishments

....

SECTION 1308A. C-3 HIGHWAY BUSINESS DISTRICT

...

Permitted Uses. Only the following uses shall be permitted in the C-3 Highway Business District and no structure shall be erected, structurally altered or enlarged for any use other than a use permitted herein with the exception of a) uses lawfully established prior to the effective date of this amendment; b) special uses as permitted herein; or c) accessory uses as defined in Article III, Definitions; or d) other uses which are clearly similar to and consistent with the purpose of this district:

...

84. Travel agencies.

84a. ~~Vape Shops, subject to the following:~~

~~a. Within 1,000 feet of any parcel upon which a religious facility, public or private elementary or secondary school, college campus, day care facility, library, public building, fitness facility, public park, or any residence is located; or~~

~~b. Within 3,000 feet of any parcel upon which another vape shop is located; or~~

~~c. Within 200 feet of the right-of-way of Peachtree Industrial Boulevard.~~

~~d. For the purpose of this section, measurements shall be made in a straight line from the closest part of any structure occupied by the vape shop to the closest property line of a parcel containing a use listed in subsection (a), above. Where a use listed in subsection (a) is located in a multi-tenant development, the distance shall be measured to the closest part of the tenant space occupied by that use rather than the property line of the entire development. The use of land in adjacent jurisdictions shall not disqualify a location within the City of Peachtree Corners from being available to a vape shop.~~

85. Vehicle rental establishments.

....

SECTION 1308A. C-3 HIGHWAY BUSINESS DISTRICT

....

Special Uses. Within the C-3 Highway Business District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the Director Planning and Development and Planning Commission and after a Public Hearing:

...

6. Vape/CBD Shops, subject to the following:

a. A Vape/CBD shop shall not be located within 1,000 feet of any parcel upon which a religious facility, public or private elementary or secondary school, college campus, day care facility, library, public building, fitness facility, public park, or any residence is located; or

b. A Vape/CBD shop shall not be located within 3,000 feet of any parcel upon which another vape shop is located; or

c. A Vape/CBD shop shall not be located within 200 feet of the right-of-way of Peachtree Industrial Boulevard.

d. For the purpose of this section, measurements shall be made in a straight line from the closest part of any structure occupied by the Vape/CBD shop to the closest property line of a parcel containing a use listed in subsection (a), above. Where a use listed in subsection (a) is located in a multi-tenant development, the distance shall be measured to the closest part of the tenant space occupied by that use rather than the property line of the entire development. The use of land in adjacent jurisdictions shall not disqualify a location within the City of Peachtree Corners from being available to a Vape/CBD shop.

....

STATE OF GEORGIA
COUNTY OF GWINNETT
CITY OF PEACHTREE CORNERS

ORDINANCE 2024-11-300

Section 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SO ORDAINED AND EFFECTIVE, this 17th day of December, 2024.

ATTEST:

APPROVED:

Kymberly Chereck (SEAL)
Kym Chereck, City Clerk

Mike Mason
Mike Mason, Mayor



VOTE: Sadd / Christ / Wright / Mason / Sawyer / Douglass / Gratwick