AUGUSTA-RICHMOND COUNTY PLANNING COMMISSION
ZONING ORDINANCE AMENDMENT
STAFF REPORT

Case Number: ZA-264

Hearing Date: November 2, 2026

ISSUE / PURPOSE:

Amend the Comprehensive Zoning Ordinance of Augusta, Georgia, to establish specific zoning requirements for vape shops, including Special Use Permit approval, minimum separation distances, application requirements, and standards for existing establishments.

The purpose of the amendment is to regulate the location and establishment of vape shops to promote compatible development, prevent excessive concentration of these businesses and protect nearby schools, childcare facilities, places of worship, and public parks and recreation facilities.

BACKGROUND:

The retail sale of electronic cigarettes, vapor devices, e-liquids, cartridges, and related vaping products presents land-use considerations regarding business locations and compatibility with surrounding properties. The proposed amendment establishes a regulatory framework for vape shops to provide greater oversight of their establishment and location within Augusta-Richmond County.

The amendment defines vape shops to include retail storefronts and wholesale distributors selling vaping products, regardless of whether the products contain nicotine. Incidental sales by other retail establishments would not automatically classify a business as a vape shop unless at least ten percent (10%) of its total retail floor area is devoted to the display, sale, demonstration, or promotion of vapor products or related accessories.

Key provisions of the proposed ordinance include:

1. Requiring Special Use Permit (SUP) approval for vape shops in designated zoning districts, regardless of other retail classifications.
2. Requiring a minimum 5,000-foot separation from existing vape shops and approved vape-shop locations.
3. Requiring a minimum 5,000-foot separation from schools, childcare facilities, places of worship, and public parks and recreation facilities.
4. Measuring separation in a straight line between property boundaries.
5. Requiring site and floor plans, business and operating information, and maps documenting nearby vape shops and protected uses.

6. Allowing lawful existing vape shops to continue under applicable nonconforming-use provisions while requiring new approval for conversions, relocations, and certain expansions.
7. Maintaining all applicable business licensing, permitting and state and local regulatory requirements.

ANALYSIS:

The proposed amendment is intended to establish consistent and enforceable standards for the location and review of vape shops throughout Augusta, GA. Requiring Special Use Permit approval would provide an opportunity for public review of proposed establishments and consideration of potential land use impacts, including compatibility with surrounding uses, access and parking, pedestrian circulation, lighting, signage, noise and operating hours.

The proposed 5,000-foot separation requirements would limit the proximity of vape shops to other vape shops and designated protected uses. Requiring applicants to submit location maps and supporting measurements would assist the Planning & Development Department in verifying compliance before approval. The amendment also clarifies that discretionary approval cannot override the mandatory separation requirements.

The proposed provisions address existing lawful establishments, future conversions and relocations, and the need for separate business and regulatory authorizations. These requirements are intended to provide greater clarity in the administration of the Zoning Ordinance while supporting orderly development and consideration of surrounding land uses.

Under the proposed amendments, staff will review the separation distances, eligible zoning districts, definitions, and provisions for existing establishments to ensure consistency with Georgia law and the Augusta Comprehensive Plan. Staff will also evaluate the local requirements alongside applicable state regulations to identify potential conflicts or overlapping provisions.

Vape Shop Zoning Text Amendment

10.2026

AUGUSTA GEORGIA PLANNING COMMISSION
ZONING ORDINANCE AMENDMENT
STAFF REPORT

535 Telfair Street, Suite 300, Augusta, Georgia 30901

DRAFT ZONING TEXT AMENDMENT—VAPE SHOPS

1. Purpose

This amendment establishes special approval and separation requirements for establishments selling vape products to promote compatible development, prevent excessive concentration of such establishments, and protect surrounding educational institutions, childcare, religious, and recreational uses.

2. Definitions

Vape Shop. Retail storefronts (B2C) that sell directly to consumers, and wholesale distributors that sell electronic cigarettes, vapor devices, e-liquids, cartridges, or related vaping products and accessories, whether or not such products contain nicotine. Incidental sales by an establishment whose principal business is another permitted retail use shall not, by themselves, classify that establishment as a vape shop unless ten percent (10%) or more of the total retail floor area is devoted to the display, sale, demonstration, or promotion of vapor products or accessories specifically designed for use with vapor products.

Protected Use. For purposes of this section, any of the following:

(a) A public, private, or parochial school providing kindergarten through twelfth-grade instruction;
(b) A licensed childcare center or licensed family childcare learning home;
(c) A church or other established place of worship; or
(d) A publicly owned park, playground, or recreation facility.

3. Special Exception Required

Notwithstanding any provision permitting general retail sales, tobacco shops, or similar commercial uses by right, no new vape shop shall be established or operated without approval of a Special Exception under this Ordinance.

Vape shops shall be eligible for approval only in zoning districts expressly designated for this use in the applicable use table. Classification as wholesale, general retail, convenience store, or a tobacco shop shall not exempt an establishment meeting the definition of a vape shop from these requirements.

4. Minimum Separation Requirements

(a) **Separation from other vape shops.** No new vape shop shall be located less than five thousand (5,000) feet from another lawfully established vape shop or a location with a valid, unexpired zoning approval authorizing a vape shop.

(b) **Separation from protected uses.** No new vape shop shall be located less than five thousand (5,000) feet from any lawfully established protected use defined in this section.

(c) **Independent requirements.** Both separation requirements shall apply independently. Compliance with one requirement shall not excuse noncompliance with the other.

(d) **State requirements.** An establishment shall also comply with any applicable separation or location restriction imposed by Georgia law. Compliance with this section shall not waive a state requirement. Where both requirements apply, the establishment shall satisfy each requirement using its prescribed measurement method.

(e) **Approval limitation.** A Special Use Permit shall not authorize a location that fails to meet the minimum separation requirements of this section.

5. Measurement of Distance

The local separation distances required by this section shall be measured in a straight line from the nearest point on the property boundary of the parcel containing the proposed vape shop to the nearest point on the property boundary of the parcel containing the other vape shop or protected use, without regard to intervening streets, structures, or other obstacles.

For establishments located within shopping centers or other multi-tenant developments, measurement shall use the boundary of the parcel containing the establishment, rather than the storefront, entrance, or leased premises.

A distance of exactly five thousand (5,000) feet shall satisfy the minimum separation requirement.

6. Application Requirements

In addition to the standard Special Use Permit application requirements, an applicant shall submit:

(a) A site plan and floor plan identifying the proposed premises;
(b) A description of products, proposed activities, and operating hours;
(c) A map identifying other vape shops, valid approved vape-shop locations, and protected uses within five thousand (5,000) feet of the proposed parcel; and
(d) Distance measurements and supporting documentation sufficient for the Planning & Development Department to verify compliance.

Where a measurement is disputed or cannot be reliably verified, the Department may require a survey prepared by a Georgia-licensed land surveyor.

7. Review and Conditions

Applications shall follow the applicable notice, public hearing, and approval procedures of this Ordinance.

In addition to the general approval standards, review shall consider compatibility with surrounding land uses; access and parking; pedestrian circulation; lighting; signage; noise; and operating hours.

Conditions of approval shall address identified land-use impacts. Conditions shall not substitute for compliance with the mandatory separation requirements.

8. Conversion, Relocation, and Expansion

Conversion of another business to a vape shop or relocation of a vape shop shall require a new Special Use Permit and compliance with the separation requirements in effect at the time of review.

Expansion beyond premises authorized by an existing approval shall require an amended Special Use Permit, subject to applicable nonconforming-use provisions.

9. Existing Establishments and Subsequent Protected Uses

Vape shops lawfully established before the effective date of this amendment may continue subject to the applicable nonconforming-use provisions of this Ordinance. This amendment shall not legalize unlawfully established businesses.

The subsequent establishment of a protected use or other vape shop shall not, by itself, invalidate an existing lawful vape shop or its valid zoning approval.

Any claim of vested rights shall be evaluated under applicable Georgia law.

10. Other Required Authorizations

Special Use Permit approval shall not substitute for required business licenses, state licenses, building permits, certificates of occupancy, or other applicable authorizations. Approval shall not authorize smoking, vaping, sampling, or other activities prohibited by law.

11. Conforming Amendments

Applicable use tables and district regulations shall be amended to identify vape shops as a separate use requiring Special Use Permit approval in designated districts. Any conflicting authorization permitting vape shops by right shall be removed.

12. Effective Date

This amendment shall become effective on **[DATE]**, following adoption.