

ORDINANCE 2025-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALLAS, GEORGIA ENACTING A TEMPORARY MORATORIUM ON ALL APPLICATIONS FOR THRIFT STORES, CONVENIENCE STORES, AND VAPE SHOPS; CALLING FOR A STUDY COMMISSION; PROVIDING FOR RELATED MATTERS

WHEREAS, the City of Dallas, Georgia (“City”) is charged with protecting the public health, safety, morals, aesthetics, general welfare, economic well-being, character, and property values within the City; and

WHEREAS, the City has adopted a Comprehensive Plan, including Downtown Development objectives and the Livable Cities Initiative (LCI), to guide future growth, land uses, urban design, zoning, and business development in a manner consistent with its vision; and

WHEREAS, there has been recent and/or increasing interest in establishment of new thrift stores, convenience stores, and vape shops within the City limits; and the City Council believes that a temporary pause on accepting and deciding new applications of those types is necessary to evaluate whether the existing zoning, density, permitted uses, and locational restrictions for those businesses are adequate to further the goals of the Comprehensive Plan, Downtown Development theme, and LCI; and

WHEREAS, Georgia law permits local governments to impose reasonable moratoria on certain land use, zoning, permit, or development applications when exigent or pressing public purposes exist, provided that such moratoria are of limited duration, clearly defined, not unduly oppressive to affected property owners, give proper notice, and include specific findings of public purpose. (See, e.g., *DeKalb County v. Townsend*, 243 Ga. 80 (1979); *Davidson Mineral Properties, Inc. v. Monroe County*, 257 Ga. 215, 357 S.E.2d 95 (1987); and *City of Roswell v. Outdoor Systems, Inc.*, 274 Ga. 130 (2001).)

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Dallas, Georgia, and it is hereby ordained and enacted as follows:

SECTION I. Short Title

This ordinance shall be known and may be cited as the “Dallas City Moratorium on Thrift, Convenience & Vape Uses Ordinance.”

SECTION II. Purpose; Findings; Public Interest

1. Findings. The Mayor and City Council find:
 - a. That there is a need to ensure that the location, density, zoning, and development standards for thrift stores, convenience stores, and vape shops are compatible with and supportive of the Downtown Development theme, the Comprehensive Plan, and the Livable Cities Initiative (LCI).
 - b. That without a moratorium, additional new applications could be approved under existing regulations which may permit concentrations

- or placements contrary to the City's long-term planning goals, harming aesthetics, pedestrian-oriented streetscape, traffic, public safety, property values, and general welfare.
 - c. That a moratorium lasting twelve (12) months is reasonably necessary to allow the City to evaluate, update, and adopt zoning amendments, overlay districts, standards, or other regulatory mechanisms to guide these types of businesses in accordance with the above goals.
 - d. That this moratorium is consistent with the City's authority under its police powers and zoning powers, in compliance with the Georgia Zoning Procedures Law (O.C.G.A. Title 36, Chapter 66) and relevant case law governing due process, reasonable duration, and specificity of regulation.
2. Purpose. The purpose of this ordinance is to temporarily pause new approvals for thrift stores, convenience stores, and vape shops, and to establish a commission to study and make recommendations concerning the regulation of such uses (including but not limited to density, zoning placement, permitted uses, design standards), for eventual adoption of ordinances that will ensure these uses enhance development consistent with the City's Downtown theme and Comprehensive Plan.

SECTION III. Moratorium Imposed; Scope; Exceptions

1. Moratorium Declared. Effective immediately upon passage of this ordinance, the City shall not accept, process, review, approve, or issue any new applications or permits for thrift stores, convenience stores, or vape shops anywhere within the corporate limits of the City of Dallas, Georgia.
2. Scope. This moratorium applies to all new applications or permits of the types listed above, including zoning approvals, conditional use permits, special use permits, business licenses, certificate of occupancy, or similar regulatory approvals, for businesses that are classified or used as thrift stores, convenience stores, or vape shops.
3. Exemptions / Pending Applications.
 - a. Any application that has been fully submitted, reviewed, and deemed complete by the City's Planning & Zoning Department or other applicable department prior to the effective date of this ordinance shall be exempt from the moratorium and may proceed under the existing regulations.
4. Existing businesses lawfully operating as thrift stores, convenience stores, or vape shops prior to the effective date shall not be affected in terms of existing use.
5. The following procedures shall be put in place immediately. Under Cannon v. Clayton County, 255 Ga. 63, 335 S.E.2d 294 (1985); Meeks v. City of Buford, 275 Ga. 585, 571 S.E.2d 369 (2002); City of Duluth v. Riverbroke Props., 233 Ga. App. 46, 502 S.E.2d 806 (1998), the Supreme Court stated, "Where a landowner makes a substantial change in position by expenditures and reliance on the probability of the issuance of a building permit, based upon an existing zoning ordinance and the assurances of zoning officials, he acquires vested rights and is entitled to have the permit issued despite a change in the zoning ordinance which would otherwise preclude the issuance of a permit."
 - i. Pursuant to this case, the City of Dallas recognizes that, unknown to the City, de facto vesting may have occurred. The following procedures are established to provide exemptions from the moratorium where vesting has occurred:

1. A written application, submitted to the City Clerk, including verified supporting data, documents and facts, may be made requesting a review by the Mayor and Council at a scheduled Council meeting of any facts or circumstances which the applicant feels substantiates a claim for vesting and the grant of an exemption.
2. The Mayor and Council, upon a majority vote, shall approve or deny the application for an exemption after consideration of the evidence and consultation with City officials and the City Attorney.

SECTION IV. Duration

This moratorium shall remain in effect for a period of twelve (12) months from the effective date of this ordinance, unless earlier terminated or modified by further action of the City Council upon finding that sufficient regulatory changes have been adopted, or upon good cause shown consistent with the purposes herein.

SECTION V. Commission; Study; Membership; Duties

1. The Mayor is authorized and directed to establish a Dallas City Commission on Thrift-Convenience-Vape Uses (“Commission”) to study the issues described in Section 2 and make recommendations to the City Council.
 - a. Membership. The Commission shall consist of:
 - i. Two (2) members of the Dallas City Council (appointed by the Mayor, or by Council as may be required);
 - ii. Three (3) members of City staff (e.g., Planning & Zoning, Economic Development, Code Enforcement or other relevant departments), serving in an advisory capacity;
 - iii. One (1) member of the Dallas Development Authority (DDA);
 - iv. Two (2) members from the local business community who own businesses within the City limits of Dallas;
 - b. All commission members shall serve without compensation
 - c. The commission shall select a chairperson from among its members
 - d. The Mayor shall make appointments within thirty (30) days of the effective date of this ordinance
 - e. Staff members shall serve in an advisory capacity and shall not vote on commission recommendations
2. Duties. The Commission shall:
 - a. Review existing regulations, permitting practices, zoning classifications, density and locational distribution of thrift stores, convenience stores, and vape shops;
 - b. Assess impacts on traffic, pedestrian and vehicular safety, aesthetics, downtown character, economic impact, compatibility with adjacent uses;
 - c. Evaluate zoning districts in which these uses should or should not be permitted; consider buffer, setback, design, signage, parking, hours of operation, and other relevant standards;
 - d. Review best practices and ordinances from other Georgia cities and jurisdictions related to these kinds of businesses;
3. Report.
 - a. The Commission shall prepare and deliver a written report to the City Council no later than two hundred seventy (270) days from the effective date of this ordinance. The report shall include recommendations for any zoning or ordinance amendments, overlay

districts, or other regulatory changes to govern thrift stores, convenience stores, and vape shops.

SECTION VI. Severability; Validity; Compliance

1. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. The validity of this ordinance shall not be affected by any prior lack of knowledge or notice; however, notice shall be given consistent with law as soon as practicable.
5. This ordinance is intended to comply with all applicable provisions of the Georgia Zoning Procedures Law (O.C.G.A. Title 36, Chapter 66), case law on moratoria and land use, due process, vested rights, and other constitutional requirements.

SECTION VII. Effective Date; Notice

This ordinance shall become effective immediately upon its adoption by the City Council.

The City shall cause notice of this ordinance to be published and/or posted in accordance with state law and the City's standard procedures, including posting a copy on the City's website, within thirty (30) days of adoption.

SECTION VIII. Termination; Modifications

The City Council may shorten, extend (only once, and only for good cause shown), modify, or terminate this moratorium by ordinance or resolution, but any extension beyond the initial twelve (12) months must include specific findings showing that the regulatory changes contemplated have not yet been adopted and that the public purpose still justifies the moratorium.

SECTION IX. Enforcement

- 1. Neither the City nor any of its departments shall accept, process, or approve any applications for thrift stores, convenience stores, or vape shops in violation of this moratorium.
- 2. Any person, firm, or entity who proceeds to establish, build, or operate one of the above uses in violation of this moratorium shall be subject to whatever penalties or remedies are available under City code (including revocation of permit or business license, injunctions, civil penalties) as allowed by law.

FIRST READ _____

**SO SHALL IT BE RESOLVED, PASSED, ADOPTED AND APPROVED BY
THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA THIS
THE _____ day of _____, 2025.**

L. James Kelly, Mayor

James R. Henson, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Candace Callaway, Councilmember

ATTEST:

Tina Clark, City Clerk
City of Dallas, GA

Date