

ORANGE



COUNTY
FLORIDA

Tobacco Shops

June 30, 2026

**Board of County Commissioners
Work Session**

OUTLINE

- ☐ Background
- ☐ Summary of Research
- ☐ State Regulations
- ☐ Existing County Regulations
- ☐ Proposed Code Amendments
- ☐ Stakeholder Feedback
- ☐ Next Steps
- ☐ Board Direction

BACKGROUND

- ❑ February 16, 2026: Commissioner Wilson sent a memo requesting Board discussion on a zoning ordinance to address distance separation requirements between tobacco shops and schools, as well as prohibiting tobacco shops in the Four Corners Community Village Center (CVC).
- ❑ April 7, 2026: The Board discussed the request and directed staff to begin work on code amendments for tobacco shops, specifically related to distance separation between schools and tobacco shops and prohibiting tobacco shops in the Four Corners Community Village Center (CVC).

SUMMARY OF RESEARCH

- ❑ Researched 15 jurisdictions with tobacco regulations – in and out of state
 - ❑ All include distance separation requirements from schools, public and private.
 - ❑ Some include distance separation requirements for public parks, places of worship, and daycares.
 - ❑ Most common separation requirement was 500 ft. – 1,000 ft.
 - ❑ Some specify separations between tobacco shops
 - ❑ Some prohibit tobacco shops in certain areas/overlays regardless of distance separation requirements.
 - ❑ Commonly include limitations on the amount of floor area dedicated to the sale of tobacco/nicotine products when defining the use, such as no greater than 20%.

STATE REGULATIONS

- ☐ Requires a license to sell tobacco or nicotine products.
- ☐ Preempts local jurisdictions from having more stringent regulations on tobacco such as age limits, marketing, sales and delivery.
- ☐ Age limit is 21 to purchase tobacco or tobacco products

EXISTING COUNTY REGULATIONS

Tobacco Sales

- ☐ General retailers who sell tobacco and/or nicotine products, such as grocery stores, convenience stores, and drug stores, permitted in all commercial and industrial districts (C-1, C-2, C-3, NC, NAC; I-1A, I-1/I-5, I-2/I-3, I-4).
- ☐ Tobacco Shops (SIC 5993):
 - ☐ Permitted by right in all commercial districts, and NC and NAC.
 - ☐ Permitted only as an ancillary use via special exception in professional office (P-O) districts.
 - ☐ Permitted by right in Horizon West Town Center districts: Urban Residential (UR), Corporate Campus Mixed Use (CCM), Traditional Town Center (TTC), Retail/Wholesale (RW), Corporate Neighborhood Center (CNC).
 - ☐ Permitted by right in Horizon West Neighborhood Center District.
 - ☐ Prohibited in Horizon West Village Center

EXISTING COUNTY REGULATIONS

- ❑ County does not provide definition of “Tobacco Shop” in Chapter 38-1; defers to the Standard Industrial Classification (SIC) code:
 - ❑ Establishments primarily engaged in the retail sale of cigarettes, cigars, tobacco, and smokers' supplies.
 - ❑ Includes retail cigar stores, tobacco stores, and tobacconists.
 - ❑ Does not apply to general retailers who sell tobacco products as a secondary product (e.g., grocery stores, gas stations, etc.).

EXISTING COUNTY REGULATIONS

Alcohol Sales for Beer or Wine on Premise Consumption

- ☐ 1,000 ft. from a religious institution or school
 - ☐ Can be reduced for a restaurant or property designated as activity center mixed use.
- ☐ 200 ft. from an adult entertainment establishment

Package Sales – Off Premise Consumption of Beer, Wine, and Liquor

- ☐ 1,000 ft. from a religious institution or school.
- ☐ 200 ft. from an adult entertainment establishment.
- ☐ 5,000 ft. from another vendor within unincorporated OC.
- ☐ 750 ft. from another vendor within a municipality.

EXISTING COUNTY REGULATIONS

7 Overlay or Special Districts with Prohibited Uses:

- ☐ Lake Avalon Rural Settlement (LARS) - Section 38-1094
- ☐ South Orange Avenue Corridor Overlay District – Section 38-1054
- ☐ Conway Road Corridor Overlay District - Section 38-1062
- ☐ Pine Hills Neighborhood Improvement District – Section 38-1070
- ☐ State Road 436/State Road 50 Corridor Overlay District – Section 38-1083
- ☐ Four Corners Community Village Center (CVC) – Section 38-1372 (f)
- ☐ I-Drive District Overlay Zone– Section 38-865e.Table 35.
- ☐ Prohibited uses vary but typically include labor pools; vehicle title loan establishments; check-cashing/payday loan businesses; tattoo and body piercing shops; pawnshops; bail bond agencies; flea markets, fortune tellers and psychics; and bottle clubs.

PROPOSED CODE AMENDMENTS

New definitions:

- ❑ **Tobacco Shop:** A retail establishment in which 20% or more of its floor area is dedicated to the display, sale, and/or distribution of tobacco and/or nicotine products.
- ❑ **Tobacco Product:** Tobacco product means any product containing, made, or derived from tobacco or nicotine, whether natural or synthetic, that is intended for human consumption, or is likely to be consumed, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product. Tobacco product also means electronic delivery systems, including any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device. Tobacco product also means any component or accessory used in the consumption of tobacco products, whether or not they contain nicotine.

PROPOSED CODE AMENDMENTS

- ❑ Amend Use Tables Section 38-77 and Section 38-77.1 Horizon West Town Center Use Table to add a condition number under Tobacco Shop category (SIC 5993) for all districts where the use is permitted.
- ❑ Add “Tobacco Shop” as a prohibited use in the Horizon West Neighborhood Center District (Section 38-1388).

PROPOSED CODE AMENDMENTS

Add in new conditions related to Tobacco Shops

- ☐ Must be located no closer than 1,000 feet from the nearest public or private high school, middle school, or elementary school
- ☐ Must be located no closer than 1,000 feet from other retail establishments that qualify as a tobacco shop
- ☐ Distance measured from the shortest line from the property line of the parcel to be occupied by the proposed tobacco shop to the nearest property line of school or other tobacco shops, as applicable.
- ☐ A zoning permit will be required

PROPOSED CODE AMENDMENTS

Update the following overlay and special districts to add Tobacco Shops as a prohibited use:

- ☐ Lake Avalon Rural Settlement (LARS)
- ☐ South Orange Avenue Corridor Overlay District
- ☐ Conway Road Corridor Overlay District
- ☐ Pine Hills Neighborhood Improvement District
- ☐ State Road 436/State Road 50 Corridor Overlay District
- ☐ Four Corners Community Village Center (CVC)
- ☐ I-Drive District Overlay Zone

STAKEHOLDER FEEDBACK

- ☐ May 21, 2026 - Stakeholder meeting with representatives from Orange County Public Schools and Health Services Drug Free Community Office.
 - ☐ In support of proposed changes
- ☐ Florida Department of Health
 - ☐ Generally supportive
 - ☐ Additional items to consider:
 - ☐ Include convenience stores
 - ☐ Other distribution methods such mobile vape shops
- ☐ International Council of Shopping Centers – provided general information regarding the work session and proposed schedule moving forward.

NEXT STEPS

- ❑ July 17, 2026 - PZC Work Session
- ❑ August 20, 2026 - PZC Public Hearing
- ❑ September 15, 2026 – 1st BCC Public Hearing
- ❑ October 27, 2026 – 2nd BCC Public Hearing @ 5:01pm

BOARD DIRECTION

Requesting concurrence with the proposed code amendments and direction to proceed with drafting an Ordinance