

**LDC 23-0138**  
**Vaping Retail Shops**


**INTENT STATEMENT**

The proposed amendment to the Land Development Code regarding vaping retail shops establishes zoning and land development regulations related to the location and permitting of establishments that sells vaping products within 500 feet of public or private elementary, middle and secondary schools, in the interest of the public health, safety and general welfare. This amendment has been directed by the Board of County Commissioners.

The proposed amendment does the following:

1. Requires a Conditional Use zoning permit in accordance with Part 10.01.00 of this Code to be approved for the establishments within 500 feet of public or private elementary, middle and secondary schools;
2. Establishes the zoning districts where Vaping retail shops within 500 feet of a school are a permissible Conditional Use: CN (Commercial Neighborhood), CG (Commercial General), CI (Commercial Intensive), M (Manufacturing) and Planned Developments which permits uses allowed in the zoning districts above;
3. Prohibits vaping retail shops with more than 20% of its total monthly retail sales of vaping products within 500 feet of public or private elementary, middle and secondary schools;
4. Requires the owner or operator of these establishments to provide and maintain records to verify the previous biannual sales with the percentages of the vaping devices/products sold at the establishment as required by the permit.
5. Provides the definitions of Vaping Retail Shop, Vaping Product and Vapor-Generating Electronic Device;
6. Vaping retail shops with more than 20% of its total monthly retail sales of vaping products located within 500 feet public or private elementary, middle and secondary schools that were a permitted use of their property's zoning classification and in lawful operation by the effective date of this amendment will be deemed a legal nonconforming use. This determination will need to be made through submittal of a Determination of Nonconformity application by the property owner or operator of the vaping retail shop. The determination will identify the maximum percentage of total monthly retail sales that may be derived from the sale of vaping products and, the permitted sales percentage will not be eligible for increase/expansion by the Board of County Commissioners.

The amendment also provides for a procedure for the revocation of a conditional use for a vaping retail shop by the Administrator, in the event that the applicant provided false or misrepresentations of material facts in its application for the permit.

<b>LDC 23-0138</b>	Division Director  Sign-off	 J. Brian Grady Thu Apr 6 2023 12:52:23
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