
1 **Sec. 4.3.30. Smoke Shops.**

2 A. No commercial establishment used for the on-premises sale and consumption of
3 tobacco, tobacco products, or tobacco paraphernalia, including providing an area
4 for smoking products as the primary use, but excluding any grocery store,
5 convenience store or similar retail establishment that sells products incidental to its
6 principal business, shall be permitted to locate within 1,500 ~~1,000~~ feet of any
7 school, ~~licensed daycare center~~, church or place of worship, or public park, or
8 within 2,500 feet of another smoke shop. ~~in existence on the date certificate of~~
9 ~~occupancy permit is issued.~~

10 B. The term "public park" as used in this section shall mean a park open to the general
11 public owned either by Federal, State, County or City Governmental Agencies. ~~or~~
12 ~~church parks adjacent to churches.~~

13 C. Establishments existing on the effective date of this Code which do not meet the
14 above requirements shall be deemed pre-existing non-conforming uses.

15 D. For the purposes of this section a school, ~~licensed daycare center~~, church or public
16 park ~~establishment~~ shall be deemed to be existing if all necessary permits for
17 construction have been acquired and remain active.

18 E. For purposes of distance limitations, the measurement shall be made by extending
19 a straight line from the nearest building line point of the regulated establishment to
20 the nearest property line point of improved school grounds used as part of the
21 school, or the nearest property line point of the park grounds.

22 F. If a school, ~~licensed daycare center~~, church or park is located within the limits of an
23 incorporated city or town or within another county and within the vicinity of the
24 smoke shop which is located within unincorporated Marion County, the
25 requirements specified in Sections 4.3.30.A, 4.3.30.B and 4.3.30.E above shall
26 apply.

27 G. An applicant may request a ~~Special Use Permit~~ for an establishment proposing
28 sales of tobacco, tobacco products, or tobacco paraphernalia, including providing
29 an area for smoking products, but excluding any grocery store, convenience store
30 or similar retail establishment that sells products incidental to its principal business,
31 where the above referenced spacing requirements cannot be met. Notification of all
32 schools, ~~licensed daycare centers~~, church or public park facilities within the
33 prescribed spacing distances above is required.