
Sec. 4.3.30. Smoke Shops.

- A. No commercial establishment used for the on-premises sale and consumption of tobacco, tobacco products, or tobacco paraphernalia, including providing an area for smoking products, but excluding any grocery store, supermarket, convenience store or similar retail establishment that sells products incidental to its principal business, shall be permitted to locate within 1,000 feet of any school or public park in existence on the date certificate of occupancy permit is issued.
- B. The term "public park" as used in this section shall mean a park open to the general public owned either by Federal, State, County or City Governmental Agencies or church parks adjacent to churches.
- C. Establishments existing on the effective date of this Code which do not meet the above requirements shall be deemed non-conforming uses.
- D. For the purposes of this section a school or establishment shall be deemed to be existing if all necessary permits for construction have been acquired and remain active.
- E. For purposes of distance limitations, the measurement shall be made by extending a straight line from the nearest building line point of the regulated establishment to the nearest property line point of improved school grounds used as part of the school, or the nearest property line point of the park grounds.
- F. If a school or park is located within the limits of an incorporated city or town or within another county, the requirements specified in Sections 4.3.30.A, 4.3.30.B and 4.3.30.E above shall apply.
- G. An applicant may request a SUP for an establishment proposing sales of tobacco, tobacco products, or tobacco paraphernalia, including providing an area for smoking products, but excluding any grocery store, supermarket, convenience store or similar retail establishment that sells products incidental to its principal business, where the above referenced spacing requirements cannot be met. Notification of all school or public park facilities within the prescribed spacing distances above is required.