
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 for
4 smoking products as the primary use, but excluding any grocery store, convenience
5 store or similar retail establishment that sells products incidental to its principal
6 business, shall be permitted to locate within 1,500 feet of any school, licensed
7 daycare center, church or place of worship, or public park, or within 2,500 feet of
8 another smoke shop.

9 B. The term "public park" as used in this section shall mean a park open to the general
10 public owned either by Federal, State, County or City Governmental Agencies.

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

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

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

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

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