

LDC CODE UPDATE	
DATE:	July 1, 2026
LDC SECTION:	Section 4.3.30 Smoke Shops
COMP PLAN REFERENCE:	N/A
DISCUSSION:	
<p>Background</p> <p>Text changes to add Section 4.3.30 Smoke Shops are proposed to address recent issues as identified by County staff. The following memo is intended to summarize the recommended text changes, and provide clarity for staff and applicants as to where smoke shops are permitted to be located in reference to schools and public parks.</p>	
<p>Additions to the LDC Section</p> <p>Addition to the text of Section 4.3.30 Smoke Shops address the following topics.</p> <ul style="list-style-type: none"> • Identify that the sale of Tobacco and tobacco products or paraphernalia are the primary purpose for the business. • Provide for 1,000’ spacing requirement from all schools and public parks for new smoke shops • Address how the measurement of the 1,000’ is to be conducted • Provide for an opportunity for a Special Use Permit for potential smoke shops that will not meet the spacing requirement. 	
<p>Attachments: Redline LDC Changes to Section 4.3.30 Smoke Shops</p>	

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 as the primary use, 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, church or public park.
- 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.
- C. Establishments existing on the effective date of this Code which do not meet the above requirements shall be deemed pre-existing non-conforming uses.
- D. For the purposes of this section a school, church or public park 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, church or park is located within the limits of an incorporated city or town or within another county and within the vicinity of the smoke shop which is located within unincorporated Marion 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, church or public park facilities within the prescribed spacing distances above is required.