

**TOWN OF ST. JOHN, LAKE COUNTY, INDIANA**

**ORDINANCE NO.: 1755**

**AN ORDINANCE AMENDING TOWN ZONING ORDINANCE NO. 1483**

**WHEREAS**, the Town Council of the Town of St. John, Lake County, Indiana (hereinafter "Town Council"), has reviewed the present text provisions of Town Zoning Ordinance No.: 1483, as amended from time to time, regarding the regulation of tobacco and vaping products; and

**WHEREAS**, the Town Council has determined that it is necessary and advisable to amend certain text provisions of Town Zoning Ordinance No. 1483 in order to provide regulation of the sale of tobacco and vaping products in the Town of St. John, Indiana, and such regulation is necessary and in the interests of the public health, safety and general welfare because there is the substantial likelihood of the establishment and operation of stores that market and sell tobacco and vaping products, which would result in undesirable impacts to the community, including increased potential for tobacco and vaping product sales to minors, and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such uses.

**WHEREAS**, Plan Commission of the Town of St. John, Lake County, Indiana (hereinafter "Plan Commission"), held a Public Hearing on the 5<sup>th</sup> day of January, 2022, pursuant to published notice as required by applicable law, to consider the advisability and necessity of amending certain text provisions of Town Zoning Ordinance No.: 1483, as amended from time to time, regarding the regulation of the sale of tobacco and vaping products; and

**WHEREAS**, the Plan Commission has, at the conclusion of the public hearing held, certified a Favorable Recommendation to the Town Council that Town Zoning Ordinance No.: 1483, as amended from time to time, be amended to provide for additional regulation of the sale of tobacco and vaping products; and

**WHEREAS**, the Town Council, having reviewed said certain recommended text amendments to Town Zoning Ordinance No.: 1483, as amended from time to time, pertaining to the regulation of the sale of tobacco and vaping products, now concurs that it is advisable, appropriate and in the best interest of the residents and property owners of the Town of St. John that certain text provisions of Town Zoning Ordinance No.: 1483, as amended from time to time, be amended and modified pertaining to such regulation.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AS FOLLOWS:**

**SECTION ONE:** That Section E, entitled "Schedule of Uses," as set forth in CHAPTER 3 of Town Zoning Ordinance No. 1483, as amended, shall and hereby is amended to provide as follows:

SEE ATTACHED EXHIBIT A. WHICH EXHIBIT A IS INCORPORATED HEREIN BY REFERENCE.

**SECTION TWO:** That the term and definition of "Vape Shop" as set forth herein, shall be included as an additional term in Section B, entitled "Definitions," as set forth in CHAPTER 19 of Town Zoning Ordinance No. 1483, as amended, as follows:

**"Vape Shop.** An enclosed establishment engaged in the display, sale, distribution, marketing, furnishing or offering of vaping products; provided, however, that any retail establishment, automobile service station or similar retail use that only sells vaping products as an ancillary sale shall not qualify under this definition as a "Vape Shop.""

**SECTION THREE:** That the term and definition of "Tobacco Shop" as set forth in Section B, entitled "Definitions," as set forth in CHAPTER 19 of Town Zoning Ordinance No. 1483, as amended, shall be and hereby is amended to provide as follows:

**"Tobacco Shop.** An enclosed establishment engaged in the display, sale, distribution, marketing, furnishing or offering of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any retail establishment, automobile service station or similar retail use that only sells tobacco products as an ancillary sale shall not qualify under this definition as a "Tobacco Shop."

**SECTION FOUR:** That the term and definition of "Ancillary Sale" as set forth herein, shall be included as an additional term in Section B, entitled "Definitions," as set forth in CHAPTER 19 of Town Zoning Ordinance No. 1483, as amended, as follows:

**"Ancillary Sale.** Sales made by a retail establishment that uses no more than two percent of its gross floor area, or 100 square feet, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco products or vaping products.

**SECTION FIVE:** That the term and definition of "Tobacco" as set forth herein, shall be included as an additional term in Section B, entitled "Definitions," as set forth in CHAPTER 19 of Town Zoning Ordinance No. 1483, as amended, as follows:

**"Tobacco.** Any preparation of the nicotine-rich leaves of the tobacco plant, which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the human body."

**SECTION SIX:** That the term and definition of "Tobacco Product" as set forth herein, shall be included as an additional term in Section B, entitled "Definitions," as set forth in CHAPTER 19 of Town Zoning Ordinance No. 1483, as amended, as follows:

**"Tobacco Product.** Any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this

definition, the term "tobacco product" excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose."

**SECTION SEVEN:** That the term and definition of "Tobacco Paraphernalia" as set forth herein, shall be included as an additional term in Section B, entitled "Definitions," as set forth in CHAPTER 19 of Town Zoning Ordinance No. 1483, as amended, as follows:

**"Tobacco Paraphernalia.** Any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances as defined by applicable Indiana law. Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of tobacco paraphernalia."

**SECTION EIGHT:** That the term and definition of "Vaping Product" as set forth herein, shall be included as an additional term in Section B, entitled "Definitions," as set forth in CHAPTER 19 of Town Zoning Ordinance No. 1483, as amended, as follows:

**"Vaping Product.** Any electronically actuated device or inhaler that uses a heating element to vaporize a liquid solution that is intended to be inhaled and that causes the user to exhale any vapor, aerosol or substance other than that naturally produced by unadulterated human exhalation, and any liquid solution used or intended to be used with any electronically actuated device or inhaler that uses a heating element to vaporize such solution."

**SECTION NINE:** That all existing Town Code Sections and the current Town Zoning Ordinance as amended, or parts thereof, in conflict with the provisions of this Text Amendment Ordinance, are hereby repealed, and declared to be null, void, and of no legal effect.

**SECTION TEN:** That if any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

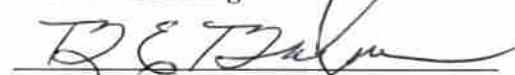
**SECTION ELEVEN:** That this Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of St. John, Lake County, Indiana, pursuant to applicable law.

ALL OF WHICH IS PASSED AND ADOPTED THIS 23<sup>RD</sup> DAY OF FEBRUARY, 2022, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

TOWN OF ST. JOHN, LAKE  
COUNTY, INDIANA TOWN  
COUNCIL

  
Gerald Swets, President

  
Michael Schilling

  
Bryan Blazak

  
Wayne Pondinas

  
Michael Aurelio

ATTEST:

  
Beth R. Hernandez, Clerk-Treasurer

## EXHIBIT A

The schedule of uses, including permitted uses, special exceptions, and prohibited uses, for each zoning district is hereby established in the table labeled "St. John Schedule of Uses" provided hereinafter.

### SCHEDULE OF USES

P = Permitted

SE = Special

Blank = Prohibited

Type of Use	Primary Zoning Districts											Overlay Districts					
	OS	R-1	RC-1	R-2	RC-2	R-3	C-1	C-2	C-3	C-4	I	BP	TC	PB	U.S. Highway 41	Route 231	Flood Plain
<i>Residential Uses</i>																	
Single-family dwelling, detached		P	P	P	P												
Single-family dwelling, attached						P											
Two-family dwelling						P											
Multiple family dwelling						P							SE				
Sports court		SE	SE	SE	SE	SE											
<i>Office Uses</i>																	
Offices, professional and otherwise, and office buildings							P	P	P		P	P	P	P	P		
Medical offices							SE	P	P		SE	P					
<i>Institutional Uses</i>																	
Churches/places of worship		SE	SE	SE	SE	SE	SE	P	SE		SE					SE	

	Primary Zoning Districts											Overlay Districts					
Type of Use	OS	R-1	RC-1	R-2	RC-2	R-3	C-1	C-2	C-3	C-4	I	BP	TC	PB	U.S. Highway 41	Route 231	Flood Plain
Cemeteries	SE						SE	SE	SE		SE						
Funeral homes								P	P		P				SE	SE	
Municipal facilities	SE	SE	SE	SE	SE	SE	P	P	P		P	P	SE	P			
Public utilities	SE	SE	SE	SE	SE	SE	P	P	P	P	P	P		P			
Community centers		SE	SE	SE	SE	SF	P	P				SE		P			
Libraries		SE	SE	SE	SE	SE	P	P				SE	SE	P			
Residential care facilities						P	P	P					SE				
Nursing homes							SF	SE									
Fire stations							P	P	P		P	P	P	P			
Police stations							P	P	P		P	P	P	P			
Animal hospitals							P	P	P		P						
Water filtration plants							P	P	P		P			P			
Health centers							P	P	P		P	P			P	SE	
Hospitals							SE	P	P		P	SE			P		
<i>Educational Uses</i>																	
Schools	SE	SE	SE	SE	SE	SE	P	P			SE	SE		P		SE	
Schools—Commercial or trade							P	P	P		P	P				P	
<i>Retail and Service Uses</i>																	
Car wash							SE	P	P		P				SE	P	
Automobile sales								P	P		P				SE	P	
Automobile service station, repair shops							SF	SE	P		P				SE	P	
Building material sales							SE	SE	P		P				SE	P	
Dog kennels							P	P	P		P				SE	P	
Drive-in restaurants							SE	P	P		P				SE	P	
Financial institutions,							SE	SE			SE	SE	SE		SE	SE	

	Primary Zoning Districts											Overlay Districts						
Type of Use	OS	R-1	RC-1	R-2	RC-2	R-3	C-1	C-2	C-3	C-4	I	BP	TC	PB	U.S. Highway 41	Route 231	Flood Plain	
without drive-up																		
Financial institutions, with drive-up							SE	SE			SE	SE	SE		SE	SE		
Garden supply with open lot sales								P	P		P				SE	P		
Garden supply and seed stores (excl. open lot sales)								P	P		P				SE	P		
Laundromats							SE	P	P		P				SE	P		
Mobile homes sales									SE		SE				SE	SE		
Personal service uses							P	P	P		P		P		SE	P		
Plumbing showrooms and shops							SE	P	P		P				SE	P		
Retail store, except liquor							P	P	P		P		P		P	P		
Retail liquor store							SE	SE	SE		SE		SE		SE	P		
Tanning salons								P	P		P				SE	P		
Day spa							SE	SE					SE		SE	P		
Tobacco shops, retail sales							SE	SE	P		P		SE		SE	SE		
Vape shops, retail sales							SE	SE	P		P		SE		SE	SE		
Used car lots									SE		SE				SE	SE		
Day care		SE	SE	SE	SE	SE	P	P					SE		SF	SE		
Cultural/Entertainment Uses																		
Art galleries							P	P	P	SE	P	P	P		SE	SE		
Taverns and bars							SE	P	P	SE			P		SE	SE		
Bowling alleys								SE	SE	SE	SE				SE	SE		
Hotels and motels							SE	SE	P	SE	P	SE	SE		P	P		

	Primary Zoning Districts											Overlay Districts						
Type of Use	OS	R-1	RC-1	R-2	RC-2	R-3	C-1	C-2	C-3	C-4	I	BP	TC	PB	U.S. Highway 41	Route 231	Flood Plain	
Public museum							SE	SF	SE	SE	SE	P	P		SE	SE		
Restaurants and catering establishments							P	P	P	SE	P	SE	P		P	P		
Restaurants with live entertainment or dancing								SE	SE	SE			SE		SE			
Banquet halls								SE	SF	SE		SE			SE	SE		
Business establishments with entertainment								SE	SE	SE			SE		SE	SF		
Adult entertainment establishments										SE								
Theaters								SE	SE	SE	SE	SE	SE		P	SE		

*Industrial Uses*

Assembly											P						
Automobile painting, upholstering, rebuilding or repair											SE						
Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors											SF						
Grainmilling or processing											SE						
Junkyards																	
Laboratories, industrial									SE		SE	P					
Light manufacturing											P	P					
Personal Storage buildings									SE		P	SE					



	Primary Zoning Districts											Overlay Districts						
Type of Use	OS	R-1	RC-1	R-2	RC-2	R-3	C-1	C-2	C-3	C-4	I	BP	TC	PB	U.S. Highway 41	Route 231	Flood Plain	
Truck terminals												SE	SE					
Warehousing												P	P					
Wholesale establishments												P	P					
Agricultural Uses																		
Nurseries and commercial greenhouses	SE								SE			P					P	
Stables	SE																P	
Agriculture-crops only	P											P					P	
Community gardens		P	P	SE	P	SE	P	P	P	P	P							
Recreational Uses																		
Parks and playgrounds	SE	P	P	P	P	P	SE	SE	SE		SE	SE		P		P	P	
Private recreational facility, indoor								SE	SE		SE	SE				P		
Private recreational facility, outdoor	SE										SE	SE				P		
Amusement establishments, indoor								P	P		P	SE	SE		SE	P		
Golf courses	SE															P	P	
Clubs and lodges, private, fraternal or religious								P	P		P		SE			P		
Outdoor amusement establishments									SE		SE	SE				SE		
Transportation and Communications Uses																		
Radio and television stations								SE	SE		SE	SE			P	P		
Video editing								SE	SE		SE	SE			P	P		

	Primary Zoning Districts											Overlay Districts						
Type of Use	OS	R-1	RC-1	R-2	RC-2	R-3	C-1	C-2	C-3	C-4	I	BP	TC	PB	U.S. Highway 41	Route 231	Flood Plain	
establishments and recording studios																		
Parking garages, automobile							SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		
Parking lots, automobile							SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		
Telecommunication towers								SE	SE	SE	SE	SE			SE	SE		
Transportational facility														SE				

(Ord. No. 1483, § 1, 1-15-09; Ord. No. 1697, § 2, 10-24-19)