

ORDINANCE NO. _____

(23- T-30)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLES 2 AND 3 OF THE ZONING AND LAND DEVELOPMENT REGULATIONS BY PROVIDING A DEFINITION AND ESTABLISHING DISTANCE SEPARATION REQUIREMENTS FOR SMOKE SHOPS.

WHEREAS, the City recognizes the need to regulate smoke shops to promote a mix of uses Citywide; and

WHEREAS, it is in the best interest of the City to define "Smoke Shops" and to establish distance separation requirements to ensure the appropriate distribution of such establishments; and

WHEREAS, the Planning and Development Board, acting as the Local Planning Agency, held a public hearing and recommended approval of these amendments to the City Commission; and

WHEREAS, the City Commission, following a public hearing, accepts the recommendations and finds them to be in the best interest of the citizens of Hollywood.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated into this Ordinance.

Section 2: That Articles 2 and 3 of the Zoning and Land Development Regulations are amended as follows¹:

§ 2.2 Definitions

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SIGN, WINDOW. A sign that is painted on, applied to, attached to or projected on glazed doors and glass areas of a building. Signs that are located within five feet of a glass area and can be seen from the outside of the building are considered window signs.

SMOKE SHOP. *A retail establishment ~~Any premises~~ dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, cannabidiol ("CBD").*

(Coding: Words and figures underscored are additions to existing law; words and figures ~~struck through~~ are deletions, and words that are shaded are changes between first and second readings.)

Hemp, Synthetic Marijuana, Synthetic THC, Delta 8 (Tetrahydrocannabinols), and any other associated paraphernalia, including the inhaling or exhaling of smoke or vapor from an electronic device (“vaping”), and the smoking, inhaling, or vaping of substances or products legally permissible by federal, state, and local regulation, for adult consumption off premises., in compliance with applicable local, state, and federal regulations. Grocery stores, supermarkets, CONVENIENCE STORES or similar retail uses, as defined by the Zoning and Land Use Development Regulations, or similar retail uses, including retail establishments which derive less than 25% of its annual gross revenue, dedicated to the aforementioned shall not be included within the definition of a smoke shop. In addition, **MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY** shall not be included within the definition of a smoke shop. This definition strictly prohibits cannabis products for recreational use as prohibited by Florida Statutes.

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§ 3.23 Distance Separation Requirements.

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J. The distance separation requirement minimums for smokes shops shall be as follows:

1. 2,500 linear feet between smoke shops;

2. 1,200 linear feet from a preexisting Social Service Facility;

3. 500 linear feet from an established place of worship or school/licensed day care center.

4. 2,500 linear feet of an established Medical Marijuana Treatment Center Dispensing Facility.

Section 3: That it is the intention of the City Commission and it is ordained that the provisions of this section shall be made a part of the Zoning and Land Development Regulations, and the sections of the Regulations may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: That all sections or parts of sections of the Zoning and Land Development Regulations, all regulations or parts of regulations, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

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Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2023.

PASSED on first reading this _____ day of _____, 2023.

PASSED AND ADOPTED on second reading this _____ day of _____, 2023.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DOUGLAS R. GONZALES
CITY ATTORNEY