

ORDINANCE NO. O-2023-16

(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 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.)

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. Grocery stores, supermarkets, CONVENIENCE STORES, 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.

...

§ 3.23 Distance Separation Requirements.

...

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.

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.

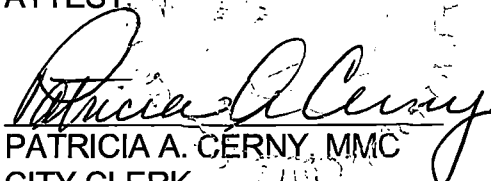
Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

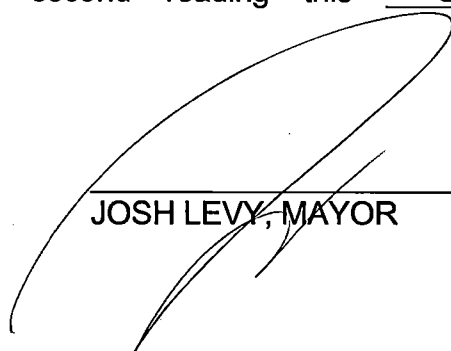
Advertised November 21, 2023.

PASSED on first reading this 15 day of November, 2023.

PASSED AND ADOPTED on second reading this 6 day of December, 2023.

ATTEST:



PATRICIA A. CERNY, MMC
CITY CLERK


JOSH LEVY, MAYOR

APPROVED AS TO FORM:


DOUGLAS R. GONZALES
CITY ATTORNEY 

LEGAL AD
CITY OF HOLLYWOOD

NOTICE IS HEREBY GIVEN in accordance with Section 166.041 Florida Statutes that the City Commission of the City of Hollywood, Florida, at a Regular City Commission Meeting, on Wednesday, December 6, 2023, in the City Commission Chambers, Room 219, 2600 Hollywood Blvd, Hollywood, Florida, proposes to consider on second and final reading the following proposed ordinance(s):

Proposed Ordinance - PO-2023-17 beginning at: 1:15 PM, or as soon thereafter as same can be heard:

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. (23- T-30)

Proposed Ordinance - PO-2023-18 beginning at: 1:15 PM, or as soon thereafter as same can be heard:

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING SECTION 3.22 OF ARTICLE 3 OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ENTITLED "STANDARDS FOR THE PAINTING AND COLOR OF EXTERIOR SURFACES OF BUILDINGS AND STRUCTURES" TO ESTABLISH REGULATIONS FOR ART IN PUBLIC PLACES. (20-T-19)

Proposed Ordinance - PO-2023-16 beginning at: 1:30 PM, or as soon thereafter as same can be heard:

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE CITY'S ADOPTED COMPREHENSIVE PLAN BY AMENDING THE LAND USE ELEMENT TO ESTABLISH CERTAIN PERMITTED USES IN AREAS DESIGNATED OPEN SPACE AND RECREATION. (23-L-40)

The proposed ordinance(s) may be inspected by the public in the Office of the City Clerk, Room 221, 2600 Hollywood Blvd, Hollywood, Florida, between the hours of 7:00 AM and 5:45 PM on any regular working day. Interested parties may appear at the aforesaid time and place and be heard with respect to the proposed ordinance(s).

NOTE: Any person who decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting will need a record of the proceedings, and it will be their responsibility to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Please call 954-921-3211 for any questions regarding the above matter.

Persons with disabilities who require reasonable accommodation to participate in City programs and/or services may call the Clarissa Ip, ADA Coordinator/City Engineer, five business days in advance at 954-921-3915 (voice) or email: cip@hollywoodfl.org. For the hearing and speech impaired at 800-955-8771 (V-TDD).

Dated this 21st day of November, 2023.

Patricia A. Cerny, MMC
City Clerk
Hollywood, FL

Instructions:

THE SUN SENTINEL/LEGAL AD – Public Meeting/Public Hearing Notice

PUBLISH: Tuesday, November 21, 2023

FURNISH PROOF OF PUBLICATION

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CITY OF HOLLYWOOD

FIRST READING

The City of Hollywood City Commission will hold a public hearing on the proposed ordinance on **Wednesday, November 15, 2023 at 1:15 PM**, or as soon thereafter as same can be heard in the City Commission Chambers, Room 219, second floor of the Hollywood City Hall, located at 2600 Hollywood Boulevard.

FILE NO: 23-T-30
APPLICANT: City of Hollywood
LOCATION: City-wide
REQUEST: AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLES 2 AND 3 OF THE ZONING AND LAND DEVELOPMENT REGULATIONS PROVIDING A DEFINITION AND ESTABLISHING DISTANCE SEPARATION REQUIREMENTS FOR SMOKE SHOPS. (23- T-30)

A copy of the proposed application materials, and legal description for the above petition(s) is on file in the Department of Development Services, Division of Planning and Urban Design, and is available for public review during normal business hours.

Comments of any interested party relative to this matter may be submitted in writing and/or presented in person at the meeting. Any person who decides to appeal any decision made by the board, agency or commission with respect to any matter considered at this meeting will need a record of the proceedings, and it will be their responsibility to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Please call (954) 921-3471, option 3, with questions regarding the above matters.

Two or more members of any other city board, commission, or committee, who are not members of this board may attend this meeting and may, at that time, discuss matters on which foreseeable action may later be taken by their board, commission, or committee.

Persons with disabilities who require reasonable accommodations to participate in City programs and/or services may call the Division of Engineering/Transportation & Mobility, Azita Behmardi, ADA Coordinator/ Deputy Director of Development Services, five business days in advance at 954-921-3251 (voice). If an individual is hearing or speech impaired, please call 1-800-955-8771 (V-TDD).

Dated this 31st, day of October 2023

Patricia A. Cerny, MMC
City Clerk
Hollywood, FL

THE SUN-SENTINEL-LOCAL SECTION - LEGAL AD
PUBLISH: Tuesday, October 31st, 2023
FURNISH PROOF OF PUBLICATION
FURNISH AFFIDAVIT OF PUBLICATION