

**CITY OF HOLLYWOOD, FLORIDA
DEPARTMENT OF DEVELOPMENT SERVICES
DIVISION OF PLANNING AND URBAN DESIGN**

DATE: September 12, 2023 **FILE:** 23-T-30

TO: Planning and Development Board/Local Planning Agency

VIA: Anand Balram, Planning Manager

VIA: Andria Wingett, *Interim* Director of Development Services

FROM: Tasheema Lewis, Associate Planner

SUBJECT: Text Amendment to Articles 2 and 3 of the Zoning and Land Development Regulations to provide a definition of smoke shops and to establish distance separation for smoke shops.

REQUEST:

A Text Amendment to Articles 2 and 3 of the Zoning and Land Development Regulations to provide a definition of smoke shops and to establish distance separation for smoke shops.

RECOMMENDATION:

The Planning and Development Board, acting as the Local Planning Agency, forward ***a recommendation of approval*** to the City Commission.

REQUEST

In an effort to encourage a mix of uses city wide, the proposed text amendment is intended to establish a definition of smoke shops under Article 2, and to establish distance separation requirements under Article 3 of the Zoning and Land Development Regulations. On March 21, 2023, the City published a Notice of Public Hearing advertisement for the Zoning In Progress to be heard on September 12, 2023 or as soon thereafter.

The request proposes to amend Article 2 by establishing a definition of Smoke Shops and to amend Article 3 by establishing distance separation requirements in the following subsequent manner:

* * *

§ 2.2 Definitions

Smoke Shop. Any premises dedicated to the display, sale, distribution, delivery, offering furnishing, or marketing of tobacco, tobacco products, cannabidiol ("CBD"), Hemp, Synthetic Marijuana, Synthetic THC, and any other associated paraphernalia, including the inhaling or exhaling of smoke or vapor from an

electronic device (“vaping”), for adult consumption off premises. Grocery stores, supermarkets, convenience stores or similar retail uses 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.

§ 3.23 Distance Separation Requirements.

* * *

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

1. 2,500 linear feet between smoke shops;

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

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

* * *

SITE INFORMATION

Owner/Applicant: City of Hollywood

Address/Location: Citywide

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed text amendments are consistent with the Comprehensive Plan, based upon the following:

Goal: *Promote a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing landowners to maximize the use of their property.*

The proposed text amendment is consistent with the City’s Comprehensive Plan goal to encourage positive economic development by providing consistency among similar uses.

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The City-Wide Master Plan is a compilation of policy priorities and recommendations designed to improve the appearance, appeal, and economic tax base of the City. It establishes a format for future direction and vision for the City. The proposed text amendment is consistent with the City-Wide Master Plan based upon the following Guiding Principle:

Guiding Principle: *Promote the highest and best use of land in each sector of the City without compromising the goals of the surrounding community.*

APPLICABLE CRITERIA

Analysis of Criteria and Findings for Text Amendments as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.

CRITERIA 1: The proposed change is consistent with the Goals, Objectives and Policies of the adopted Comprehensive Plan as amended from time to time.

ANALYSIS: Establishing distance separation helps regulate the density and concentration of businesses that sell substances such as synthetic cannabis, hemp, and CBD which can have both potential health benefits and risks. The Department of Agriculture recently uncovered over nearly 70,000 illegal products during Florida's largest hemp inspection sweep. Smoke shops can become gateways for easily accessible illicit drug use, creating concerns for public health and safety.

By establishing the proposed distances, staff aims to prevent over-concentration in specific areas, reduce potential negative impacts on public health, and promote responsible consumption. The proposed 2,500 linear feet between smoke shops is equitable with the City's existing package store distance separation requirement in ZLDR Article 3.23. Both uses are for adult consumption off-premises and serve the same intention. The proposed 1,200 linear feet from a Social Service Facility, in ZLDR Article 4.11, is consistent with the City's 1,200 linear feet distance separation for Social Service Facilities. The intent of this requirement is to distance facilities that offer medications for substance abuse patients. Naturally, distancing smoke shops from Social Service Facilities continues the health and safety intent. Lastly, the proposed 500 linear feet from schools, daycares and places of worship aligns with the existing distance requirement for beer, wine, and liquor distance separation requirement in the City's Code of Ordinances, Chapter 113.

Furthermore, it is the aim of this provision to preserve the character of different areas within the City. Distance separation rules have been recommended to maintain a balance between various types of businesses, preventing one type of establishment from dominating a particular area and potentially affecting the overall community feel. These factors align with the goal of the Comprehensive Plan to promote a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities.

FINDING: Consistent

CRITERIA 2: That conditions have substantially changed from the date the present zoning regulations were established.

ANALYSIS: The increase in smoke shops has substantially changed. Prior to 2015, there were no Certificate of Use applications for smoke shops. Between 2015 and 2018, there were only seven (7) smoke shop businesses within the City. The increase began in 2019/2020 where a total of 31 smoke shops emerged between 2019 and 2023,

existing in close proximity. This is directly contributed to the legalization of hemp in 2019 under Senate Bill CB/CB/SB 1020: State Hemp Program. This Bill instructed the Department of Agriculture and Consumer Services to legalize the manufacturing and sale of hemp.

The purpose of regulating distance separation for smoke shops is to promote public health and safety, prevent over-concentration of smoking-related businesses, and mitigate potential negative impacts on community character and identity. This regulatory approach allows for responsible business practices while addressing concerns related to underage exposure, community aesthetics, and potential externalities associated with clustering of like businesses.

FINDING: Consistent

ATTACHMENTS

ATTACHMENT A: Municipalities Research Summary
ATTACHMENT B: Existing Smoke Shop Locations Map