



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### CBD Oil Establishments

Meeting	File No.	Application Type
October 19, 2020	2021-015	Land Development Regulations Amendment

#### Request

Provide a recommendation to the City Commission regarding Ordinance No. 58-20, a City-initiated amendment to the Land Development Regulations, to establish regulations for cannabidiol ("CBD Oil Establishments") by amending Section 4.3.3 "Special Requirements for Specific Uses," by adding subsection 4.3.3 (CC), "CBD Oil Establishments"; amending Section 4.4.9 "General Commercial (GC) District," Section 4.4.12 "Planned Commercial (PC) District," Section 4.4.13 "Central Business (CBD) District," (C) "Allowable uses," Table 4.4.13(A) "Allowable Uses in the CBD Sub-districts" and 4.4.13(C)(3); Section 4.4.19, "Mixed Industrial and Commercial (MIC) District"; Section 4.4.20 Industrial (I) District, and Section 4.4.26 "Light Industrial (LI) District."

#### Background Information

On July 9, 2019, the City Commission adopted Ordinance No. 26-19, imposing a temporary moratorium on the operation of retail businesses engaged in the sale of retail products containing cannabidiol "CBD". On July 7, 2020, the City Commission approved Ordinance No. 27-20, which established January 5, 2021 as the end of this "zoning in progress". The City has prepared Ordinance No. 58-20 to establish the needed zoning regulations for CBD Oil Establishments. The proposed regulations establish supplemental use regulations that apply to both accessory and principal uses related to the sale of products containing cannabidiol and add "CBD Oil Establishments" to certain zoning districts to ensure they are appropriately located in the City.

"Principal use" is the main activity occurring in the building or on a site. "Accessory Use" is limited to no more than 40% of the gross floor area of the principal use. No exterior signage related to the CBD products or activities are allowed. Accessory uses are allowed anywhere a principal use is also allowed and within medical uses (such as pharmacies)

The location and frequency criteria require:

1. A distance separation of at least 500 feet for both accessory and principal uses from the following:
  - residential zoning districts,
  - schools,
  - public parks,
  - day care facilities,
  - houses of worship
2. A limit on frequency for principal use establishments of at least 750 feet between CBD Oil Establishments and no more than one per block.
3. A distance separation for principal use establishments of at least 750 feet to a standalone bar.
4. A prohibition for both accessory and principal uses on Required Retail Streets in the Central Business District, which include East and West Atlantic Avenue, NE 2<sup>nd</sup> Avenue, and SR A-1-A (Ocean Boulevard).

In addition, to the separation requirements, certain zoning districts have been amended to add the use: General Commercial, Planned Commercial, Central Business District in the Central Core and Rail Road Corridor Sub-districts, Mixed Industrial Commercial (MIC) District, Light Industrial (LI) District, and Industrial (I) District.

#### Review and Analysis

Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.

The proposed amendment is a City-initiated text amendment to the Land Development Regulations.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan.

#### **Neighborhoods, Districts, and Corridors Element**

**Policy NDC 1.1.2** Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide: Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods. Uses that meet the daily needs of residents. Public open spaces that are safe and attractive.

**Objective NDC 3.5:** Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.

**Policy NDC 3.5.1** Review the uses and use descriptions in the Land Development Regulations to provide consistent terminology.

**Policy NDC 3.5.3** Continue to develop zoning districts and regulations that utilize or include form-based code concepts to improve predictability in the built environment.

#### **Economic Prosperity Element**

**Policy ECP 6.3.1** Review and improve the Land Development Regulations to ensure permitted uses and building requirements align with desirable industry clusters in targeted areas and with the vision of adopted neighborhood revitalization plans.

The proposed amendments seek to ensure complementary land uses and maintain the City's vision for its diverse areas by identifying appropriate zoning districts and locations for CBD Establishments. The addition of "CBD Oil Establishments" as a use updates zoning use terminology to add a relatively "new" retail product. Utilizing distance and frequency regulations helps establish predictability in the built environment.

#### **Review By Others**

The **Downtown Development Authority (DDA)** will review Ordinance No. 58-20 at its meeting of November 9, 2020.

The **Pineapple Grove Main Street** advisory committee will review Ordinance No. 58-20 at an upcoming meeting.

The **City Commission** is anticipated to review Ordinance No. 58-20 at its meetings in November (First Reading) and December (Second Reading, Final Adoption).

#### **Assessment and Conclusion**

The proposed amendments accommodate a new use in the City and are consistent with the Comprehensive Plan and meet the criteria set forth in LDR Section 2.4.5(M).

#### **Alternative Actions**

- A. Move a recommendation of **approval** of Ordinance No. 58-20, a City-initiated request to amend Land Development Regulations to establish regulations for CBD Oil Establishments by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).
- B. Move a recommendation of **approval**, as amended, of Ordinance No. 58-20, a City-initiated request to amend Land Development Regulations to establish regulations for CBD Oil Establishments by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).
- C. Move a recommendation of **denial**, a City-initiated request to amend Land Development Regulations to establish regulations for CBD Oil Establishments by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

#### **Public and Courtesy Notices**

☒ Courtesy Notices are not applicable to this request.

☒ Agenda was posted on Monday, October 9, 2020, at least 5 working days prior to meeting.

