

ORDINANCE NO.: 621

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA PROHIBITING SMOKE SHOPS, SMOKING LOUNGES, TOBACCO SHOPS, CBD SHOPS, AND HEMP FOOD ESTABLISHMENTS FROM EVERY ZONING DISTRICT IN THE CITY EXCEPT THE INDUSTRIAL DISTRICT; PROHIBITING THOSE SAME ESTABLISHMENTS FROM BEING WITHIN A CERTAIN DISTANCE FROM A CHURCH OR SCHOOL. AMENDING THE USES PERMITTED UNDER LAND DEVELOPMENT REGULATION SECTION 3.11 INDUSTRIAL DISTRICT; AND AMENDING LAND DEVELOPMENT REGULATIONS SECTION 3.20 NONCONFORMING USES; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Port St. Joe, Florida, has determined that it is a tourist destination which attracts numerous visitors annually, including families, groups, and individual travelers, seeking to enjoy the City's vast cultural, retail, dining and recreational offerings; and

WHEREAS, providing a positive experience for both residents and visitors to the City is of paramount importance, and is vital to the City's economy and tourism industry; and

WHEREAS, the City Commission finds that it is in the best interest of its residents, businesses, and visitors to only allow Smoke Shops, Smoking Lounges, Tobacco Shops, CDB Shops and Hemp Food Establishments in the Industrial Zoning District and to prohibit these same establishments from being within a certain distance from a church or a School; and

WHEREAS, the City Commission recognizes that there are currently two of these establishments located in other zoning districts and believes it is in the best interests of the community to add to Section 3.20 of the Land Development Regulations a provision which allows for the current establishments, but sets forth how those establishments can lose their ability to operate in their current locations if certain conditions arise; and

NOW THEREFORE, be it enacted by the people of the City of Port St. Joe, Florida as follows:

SECTION 1. DEFINITIONS

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: SMOKE SHOP, SMOKING LOUNGE, VAPE STORE, CBD SHOP, HEMP FOOD ESTABLISHMENTS means a commercial establishment or place of business having more than an insubstantial or incidental portion of its stock in trade, or

more than an insubstantial or incidental segment or section of its premises devoted to the sale or display of Tobacco, vaping, Smoking, CBD or Hemp products; or more than five percent of the store's segment or section of its premises devoted to the sale or display of Tobacco, Vaping, smoking, CBD or Hemp products.

SMOKE SHOP: For purposes of this Ordinance, "Smoke Shop" shall mean any place of business or commercial establishment which has more than 200 square feet of space dedicated to retail that specializes in products and accessories related to smoking. Smoke Shops refer to, but are not limited to, the sale of tobacco or different smokable herbs, vaping fluids, tobacco products, water bong, pipes, collectible glass smoking devices, herb grinders, rolling papers, dab rigs, vaporizers and vaping accessories, stash jars, humidors, and storage necessities and lighters, matches, and hemp wick.

SMOKING LOUNGE: For purpose of this Ordinance, the term "Smoking Lounge" shall mean any facility, building, structure or location, where customers consume tobacco or similar smoking product, or where customers use an electronic smoking device or other apparatus to deliver an inhaled dose or nicotine or other substance within the establishment. This includes cigar lounge, hookah lounge, vapor bar, and similar establishments.

VAPE SHOP: For the purpose of this Ordinance, the term "Vape Shop" shall mean any place of business or commercial establishment which offers retail that specializes in products and accessories related to CBD Products.

CBD SHOP: For the purpose of this Ordinance, the term "CBD Shop" shall mean any place of business or commercial establishment which offers retail over five percent stock of products and accessories related to CBD products.

HEMP FOOD ESTABLISHMENT: For the purpose of this Ordinance, the term "Hemp Food Establishment" shall mean establishments that prepare and/or sell prepacked food consisting of or containing hemp extract to the end consumer. These food establishments must have a hemp food establishment permit from the Florida Department of Agriculture and Consumer Services Division of Food Safety.

CHURCH: For the purpose of this Ordinance, the term "Church" shall mean a church, temple or other structure used on a permanent basis primarily for public worship.

SECTION 2. ZONING LIMITATIONS

Smoke Shops, Smoking Lounges, Vape Shops, CBD Shops, and Hemp Food Establishments shall be prohibited in all zoning districts in the City except in the Industrial Zoning District. Further, these same establishments shall be prohibited from being within 1500 radial feet from a Church, as defined herein, and from a public, private or parochial elementary, middle or high school. Where a Smoke Shop, Smoking Lounge, Vape Shop, CBD Shop, and Hemp Food Establishment is located in conformity with the provisions of this Ordinance, the subsequent locating of a Church or School within the

1500 feet of any such establishment shall not be construed to be a violation of this Ordinance.

SECTION 3. AMENDING LAND DEVELOPMENT REGULATION 3.11 INDUSTRIAL DISTRICT

Land Development Regulation Section 3.11. Industrial District (1) Uses Permitted shall be amended to add paragraph (m), which shall state as follows:

(m) Smoke Shops, Smoking Lounges, Vape Shops, CBD Shops and Hemp Food Establishment.

SECTION 4. AMENDING LAND DEVELOPMENT REGULATIONS SECTION 3.20 NONCONFORMING USES

Land Development Regulations Section 3.20 Nonconforming uses shall be amended to add paragraph (d), which shall state as follows:

(d) Any Smoke Shop, Smoking Lounge, Vape Shop, CBD Shop, or Hemp Food Establishment, which is in business prior to the adoption of Ordinance 621 and is not in conformity with Ordinance 621 shall be allowed to continue to operate as a nonconforming use. However, in the event that they stop operating for a period of thirty (30) days they will be prohibited from resuming the operation of the establishment in that nonconforming location, unless the halt in the operation of the business was as a result of unforeseen circumstances or events beyond the reasonable control of the business owner and they could not have prevented its consequences.

SECTION 5. REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY

If any section, subsection, sentence, clause or provision of this ordinance is held invalid, The remainder shall not be affected by such invalidity.

SECTION 7. EFFECTIVE DATE

This ordinance shall become effective upon adoption.

THIS ORDINANCE ADOPTED this 15th day of July 2025.

**BOARD OF CITY COMMISSIONERS
PORT ST. JOE, FLORIDA**




REX BUZZETTI, MAYOR-COMMISSIONER

ATTEST:



CHARLOTTE M. PIERCE
CITY CLERK

Approved as to form:



Clinton T. McCahill
City Attorney