



## Agenda Briefing

**Date of Meeting:** August 1, 2023

**Submitting Department:** Planning and Permits

**Date Submitted:** July 6, 2023

**Prepared By:** Sean Landis

**Presenter:** Sean Landis

**Will there be a guest/visitor presenter who is not an employee?:**  Yes  No

**What is this person's first and last name and affiliation to this item?:**

**Subject:** Discuss, consider and take all appropriate action relating to an amendment to the Seabrook City Code, Appendix A, "Comprehensive Zoning", Section 1.10 "Definitions", by creating a definition for "(CBD) Cannabidiol Sales"; and amend Appendix A, "Comprehensive Zoning", Article 3, "Establishment of Zoning Districts and Associated Regulations", Section 3.15 "Comprehensive Land Use Regulation Matrix" by adding "Cannabidiol (CBD) Sales" as a "Use by Right" within a (C-2) "Medium Commercial District", (C-3) "Heavy Commercial District" and (LI) "Light Industrial District".

**Type of Item:**  Ordinance  Resolution  Contract/Agreement  Public Hearing  Discussion & Direction

### Executive Summary:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX "A", "COMPREHENSIVE ZONING", ARTICLE 1, "IN GENERAL" SECTION 1.10 "DEFINITIONS", BY CREATING A DEFINITION FOR "(CBD) CANNABIDIOL SALES"; AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX "A", "COMPREHENSIVE ZONING", ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", SECTION 3.15 "COMPREHENSIVE LAND USE REGULATION MATRIX", BY ADDING "(CBD) CANNABIDIOL SALES" TO TABLE 3-A "USES PERMITTED BY RIGHT AND CONDITIONAL USES", AS A "USE BY RIGHT" WITHIN THE (C-2), (C-3), AND (LI) ZONING DISTRICTS; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000.00 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

### Background/Issue (What prompted this need?):

A request has been made that the Planning and Zoning Commission consider and provide a recommendation to City Council relating to amending the Seabrook City Code, Appendix A, "Comprehensive Zoning", Section 1.10 "Definitions", by creating a definition for "(CBD) Cannabidiol Sales"; and amend Appendix A, "Comprehensive

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Zoning”, Article 3, “Establishment of Zoning Districts and Associated Regulations”, Section 3.15 “Comprehensive Land Use Regulation Matrix” by adding "Cannabidiol (CBD) Sales" as a "Use by Right" within a (C-2) "Medium Commercial District", (C-3) “Heavy Commercial District” and (LI) “Light Industrial District”. Cannabidiol (CBD) Sales is currently not a listed Land Use Activity within the Comprehensive Land Use Matrix.

Recommended Definition:

“(CBD) Cannabidiol Sales: The sale of Cannabinoid hemp products to include: extracts, oils, topical creams, pills, capsules and food or beverages that are intended for human consumption or application, for their cannabinoid content. Excluded from this definition, is the sale of smoking and tobacco products and accessories, and other products, devices and components reasonably assumed to be used for smoking and/or the inhalation of any substances. Tobacco products may include, but are not limited to, cigarettes, cigars, loose leaf tobacco, tobacco pipes, electronic smoking devices and accessories, vaporizers and accessories and any other product, device or component used in the inhalation of tobacco, nicotine or other substance.”

"The C-2 medium commercial district is designed to facilitate centers which accommodate trade and personal services. These businesses are free (beyond their property lines) of pollution caused by noise, offensive odors, and the emission of airborne particles. Heavy arterial street traffic is characteristic of the district. The regulatory provisions of this district are aimed at achieving the specific goals and objectives identified in Comprehensive Master Plan".

"The C-3 heavy commercial district is designed to allow a wide variety of land uses to coexist while providing for a proper integration of transportation systems and essential support services. This district is primarily aimed at accommodating the very heavy traffic associated with S.H. 146. The regulatory provisions of this district are aimed at achieving the specific goals and objectives identified in Comprehensive Master Plan".

"The LI light industrial district is intended to serve the needs of fabrication, assembling, warehousing and wholesaling businesses. Because of its proximity to residential environs, the land use activities and related operational characteristics of the district are regulated to a greater extent and rigid performance standards must be followed. The district is designed to accommodate land use activities that will meet the community goals and policies enumerated in Comprehensive Master Plan".

The comprehensive zoning ordinance has been written to include a list of permitted uses within the city. Uses not listed in the comprehensive land use regulation matrix are not permitted anywhere within the City of Seabrook.

The Comprehensive zoning ordinance provides authority to staff to reasonably interpret if that a use is similar to a permitted or conditional uses already listed in the district regulations.

Staff has review the Land Use Matrix and could only reasonably interpret the use "Cannabidiol (CBD) Sales" as being similar to the permitted or conditional use of "Smoke and Head Shop". The use, Smoke and Head Shop is only permissible within a C-3 and LI zoning district.

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**Budget Analysis/Funding Comments:** N/A

All requests must be submitted to the City Secretary's Office no later than 12:00 p.m. on the Monday, one week prior to the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

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**Expenditure Required:** \$N/A

**Budgeted Amount:** \$N/A **Source of Funds/Funding Account:** N/A

**Not Budgeted:** If approved, the following will be included in the next Budget Amendment and \$N/A will be added to Revenue Account: N/A and \$N/A added to Expenditure Account: N/A

**1295 Form Required?**  Yes  No

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**Name of Applicant (if applicable) :** N/A

**Legal Description/Location (if applicable):** N/A

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**Supporting Materials Attached:**

1. Ordinance 2023-10
2. Planning and Zoning Commission Official Reports
3. City Council Public Hearing Notice
4. Presentation
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

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**Recommended Placement on Agenda: New Business**

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**Recommended Action:** The Planning and Zoning Commission recommended approval of the following:  
June 22, 2023 Meeting:

An amendment to the Seabrook City Code, Appendix A, "Comprehensive Zoning", Section 1.10 "Definitions", by creating a definition for "(CBD) Cannabidiol Sales".

Result of the vote was unanimous.

March 16, 2023 Meeting:

An amendment to the Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 3, "Establishment of Zoning Districts and Associated Regulations", Section 3.15 "Comprehensive Land Use Regulation Matrix" by adding "Cannabidiol (CBD) Sales" as a "Use by Right" within the following zoning districts: "Medium Commercial District" (C-2), "Heavy Commercial District" (C-3), and "Light Industrial District" (LI).

The result of the vote to include CBD Sales within the C-2, C-3 and LI District was 4 For - 3 Against.

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Reviewed by Department Director, if applicable

Reviewed by Finance Director, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager