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ORDINANCE NO. 2018-024

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 7, "BUSINESSES", RENAMING ARTICLE XV; "PERMITTING FOR ON-SITE DISPENSING OF CONTROLLED SUBSTANCES"; PROVIDING PROCEDURES FOR PERMIT APPLICATION, REVIEW, AND REVOCATION FOR MEDICAL MARIJUANA BUSINESSES, PHARMACIES, AND PAIN MANAGEMENT CLINICS; AMENDING CHAPTER 32, "ZONING AND LAND DEVELOPMENT CODE; PROVIDING UPDATES TO DEFINITIONS, ZONING DISTRICTS, PERMITTED ACCESSORY USES, HOME OCCUPATIONS, AND PERMITTING RELATED TO PHARMACIES AND MEDICAL MARIJUANA ESTABLISHMENTS TO COMPORT WITH STATE LAW; PROVIDING MINIMUM DISTANCE SEPARATION REQUIREMENTS FOR MEDICAL MARIJUANA ESTABLISHMENTS, PHARMACIES, AND PAIN MANAGEMENT CLINICS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

22 **WHEREAS**, City Administration periodically reviews City Ordinances and makes
23 recommendations to the City Commission to revise its ordinances; and

24 **WHEREAS**, in November 2016, Florida voters approved an amendment to the Florida
25 Constitution to allow for broader medical use of medical marijuana; and

26 **WHEREAS**, on June 7, 2017, the City Commission of the City Hallandale Beach adopted
27 Ordinance No. 2017-09, Ordinance No. 2017-10, and Ordinance No. 2017-11 related to the
28 regulation of medical marijuana within the City Boundaries; and

29 **WHEREAS**, on June 23, 2017, Governor Rick Scott signed into law Senate Bill 8-A, which
30 significantly amended Section 381.986, Florida Statutes. The statute preempted to the state of
31 Florida the regulation of cultivation, processing, and delivery of marijuana, and established
32 parameters for municipal action related to the regulation of medical marijuana; and

33 **WHEREAS**, Section 381.986(11)(b), Florida Statutes, provides that "A municipality may
34 determine by ordinance the criteria for the location of, and other permitting requirements that do
35 not conflict with state law or department rule for, medical marijuana treatment center dispensing
36 facilities located within the boundaries of that municipality...Except as provided in paragraph (c),
37 a county or municipality may not enact ordinances for permitting or for determining the location of

38 dispensing facilities which are more restrictive than its ordinances permitting or determining the
39 locations for pharmacies licensed under chapter 465"; and

40 **WHEREAS**, pain management clinics and pharmacies licensed under the regulatory
41 authority of the state of Florida provide on-site dispensing of controlled substances, identified in
42 Schedule II, III, or IV in Section 893.03, 893.035, or 893.0355, Florida Statutes; and

43 **WHEREAS**, in 2017, following the Centers for Disease Control and Prevention (CDC)
44 declaring a national opioid epidemic, Governor Rick Scott signed Executive Order 17-146
45 directing a Public Health Emergency across the state; and

46 **WHEREAS**, opioids were responsible for over 33,000 deaths nationwide and nearly 3,900
47 deaths in Florida in 2015; and

48 **WHEREAS**, opioid abuse has required additional resources from local first responders
49 such as law enforcement, firefighters, and emergency medical services. According to the
50 Hallandale Beach Fire Department, in 2017, there were 110 suspected opioid overdoses in
51 Hallandale Beach. By August 2018, there were 24 suspected opioid overdoses in Hallandale
52 Beach. Narcan was given to these patients at additional cost to the City; and

53 **WHEREAS**, the overprescribing and excessive consumption of opiate prescription drugs
54 has resulted in increased addiction of persons, increased crime associated with such activity, and
55 has resulted in a high number of deaths in the South Florida area and around the City of
56 Hallandale Beach related to prescription drug abuse. It has created an urgent situation requiring
57 immediate action to reduce the threat to the health, safety and welfare of the citizens of the City
58 of Hallandale Beach; and

59 **WHEREAS**, businesses which provide the on-site dispensing of controlled substances
60 are inherently attractive targets for criminals, and it is therefore essential that the City regulate
61 them to ensure their compatibility with surrounding businesses and the community, and to
62 protect and advance the public health, safety and welfare; and

63
64 **WHEREAS**, preventing the concentration and proliferation of medical marijuana
65 establishments, pharmacies, and pain management clinics serves to disperse and mitigate the
66 deleterious impacts and to prevent the gradual blighting of surrounding areas; and

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68 **WHEREAS**, City Administration has determined based on the Comprehensive Plan that
69 a 1,000 foot minimum interbusiness distance separation requirement is reasonable for medical

70 marijuana establishments, pharmacies, and pain management clinics, and is in the best interest
71 of the public health, safety, and welfare; and

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73 **WHEREAS**, on April 25, 2018 and July 25, 2018, the Planning and Zoning Board, serving
74 as the Local Planning Agency, considered the proposed amendments to Chapter 32 and afforded
75 all interested persons an opportunity to be heard at the public meeting; and

76 **WHEREAS**, the City Commission has determined that it is in the best interests of
77 the citizenry and general public to update regulations to ensure the City Code comports with
78 state law.

79 **NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF**
80 **HALLANDALE BEACH, FLORIDA:**

81

82 **SECTION 1.** Chapter 7, Businesses, is hereby amended to create Article XIV, Medical
83 Cannabis Business Regulations, to read as:

84 **Chapter 7. Businesses**

85 *****

86 **ARTICLE – XV ~~Medical Cannabis Business Regulations~~**

87

88 **Permitting for On-Site Dispensing of Controlled Substances**

89

90 **Section 7-491. – Permit Application and Requirements.**

91 (1) *Applications for permit; investigation and issuance; term.*

92 (a) *Application.* Applications for an ~~Medical Marijuana Permit~~ on-site dispensing of
93 controlled substances permit for businesses established after the date this
94 ordinance is enacted shall be made by the Applicant in person to the Development
95 Services Department during regular business hours upon such forms and with
96 such accompanying information as may be established by the City. ~~Both Medical~~
97 ~~Marijuana Treatment Centers~~ Dispensing Facilities (“~~Treatment Centers~~”) and
98 ~~Medical Marijuana Retail Centers~~ (“~~Retail Centers~~”) as defined in Chapter 32-
99 ~~776(e)~~, pharmacies, and pain management clinics as defined in Chapter 32 are
100 required to apply for an ~~Medical Marijuana~~ on-site dispensing of substances
101 permit. Such application shall be sworn to or affirmed. Every application shall
102 contain at least the following:

- 103 1. The business operating name and all Applicant and Owner information. If the
104 Applicant or Owner is:

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- a. An individual, his or her legal name, aliases, home address and business address, date of birth, copy of driver's license or a state or federally issued identification card;
- b. A partnership, the full and complete name of the partners, dates of birth, copy of driver's license or state or federally issued identification card of all partners, and all aliases used by all of the partners, whether the partnership is general or limited, a statement as to whether or not the partnership is authorized to do business in the State of Florida and, if in existence, a copy of the partnership agreement (if the general partner is a corporation, then the Applicant shall submit the required information from section 7-465(1)a.1.iii in addition to the information concerning the partnership); or
- c. A corporation, the exact and complete corporate name, the date of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth, copy of driver's licenses or state or federally issued identification cards of all officers, and directors, and all aliases used, the capacity of all officers, and directors, and, if applicable, the name of the registered corporate agent, and the address of the registered office for service of process, and a statement as to whether or not each corporation is authorized to do business in the State of Florida; or
- d. Any other type of entity, the exact and complete name, the date of its formation or creation, evidence that the entity is in good standing, the legal names and dates of birth, copy of driver's licenses or state or federally issued identification cards of all members, officers, and directors, and all aliases used, the capacity of all members, officers, and directors, and, if applicable, the name of the registered corporate agent, and the address of the registered office for service of process, and a statement as to whether or not each entity is authorized to do business in the State of Florida.

- 138 e. The addresses required by this section shall be physical
139 locations, and not post office boxes.
- 140 2. A complete copy of the business' application filed with the State of Florida and
141 all related exhibits, appendices, and back up materials for approval and
142 licensure as a Medical Marijuana Treatment Center Dispensing Facility or
143 Retail-Center pharmacy, or pain management clinic in compliance with state
144 law.
- 145 3. Copies of any and all state and other licenses issued to the Applicant to engage
146 in their Marijuana business.
- 147 4. A statement as to whether the Applicant or any Owner or Employee has
148 previously received an on-site dispensing of controlled substances Medical
149 Marijuana permit or Identification Tag from the City.
- 150 5. A statement as to whether the Applicant or any Owner holds other permits or
151 licenses under this Code and, if so, the names and locations of such other
152 permitted or licensed establishments.
- 153 6. A statement as to whether the Applicant or any Owner has been a partner in a
154 partnership or an officer or director of a corporation whose permit or license
155 issued under this Code has previously been suspended or revoked, including
156 the name and location of the establishment for which the license was
157 suspended or revoked, as well as the date of the suspension or revocation.
- 158 7. A statement as to whether or not the Applicant or any Owner has lost any
159 privilege or had any permit or license to do business revoked by any local, state
160 or federal government and, if so, the nature of such privilege, permit or license
161 and the reason for such revocation.
- 162 8. A statement as to whether or not the Applicant or any Owner has lost any
163 privilege or had any permit or license to do business suspended by any local,
164 state or federal government and, if so, the nature of such privilege, permit or
165 license and the reason for such suspension.
- 166 9. A statement as to whether or not the Applicant or any Owner or Employee has
167 been found guilty of or has pleaded guilty or nolo contendere to a felony relating
168 to any business in this State or in any other State or Federal court, regardless
169 of whether a judgment of conviction has been entered by the court having
170 jurisdiction of such cases.

- 171 10. A statement as to whether or not the Applicant or any Owner or Employee has
172 been found guilty of, or have pleaded guilty or nolo contendere to, a felony
173 relating to a battery or a physical violence on any person in this State or in any
174 other State or Federal court, regardless of whether a judgment of conviction
175 has been entered by the court having jurisdiction of such cases.
- 176 11. A statement as to whether or not the Applicant or any Owner has filed a petition
177 to have their respective debts discharged by a bankruptcy court having
178 jurisdiction of such cases.
- 179 12. Written documentation, acceptable to the City Manager or designee, that the
180 Applicant, every Owner, Manager, and each any Employee who dispenses or
181 has access to controlled substances has successfully completed level 2
182 background screening within the year.
- 183 13. A passport photograph of the Applicant, every Owner, and each Employee.
- 184 14. A notarized, signed, and sworn statement that the information within the
185 application is truthful, independently verifiable, and complete and that the
186 photocopies of the attached driver's licenses or state or federally issued photo
187 identification cards are currently valid and are true and correct copies of the
188 originals.
- 189 15. The Applicant shall submit a security plan demonstrating compliance with ~~s.~~
190 ~~384.086 F.S. and all other~~ applicable statutes and State administrative rules.
- 191 a. In addition to proving compliance with all State requirements,
192 the security plan shall, at a minimum, provide the following:
- 193 1. Fully operational lighting and alarms reasonably
194 designed to ensure the safety of persons and to protect
195 the Premises from theft, both in the Premises and in the
196 surrounding rights-of-way, including:
- 197 i. a silent security alarm that notifies the Police
198 Department that a crime is taking place;
- 199 ii. a vault, drop safe or cash management device
200 that provides minimum access to the cash
201 receipts; and
- 202 iii. a security camera system capable of recording
203 and retrieving, for at least forty-five (45) days,
204 an image which shall be operational at all times

205 during and after business hours. The security
206 cameras shall be located:

207 (a) at every ingress and egress to the
208 dispensary, including doors and
209 windows;

210 (b) on the interior where any monetary
211 transaction shall occur; and

212 (c) at the ingress and egress to any area
213 where ~~medical Marijuana is~~ controlled
214 substances are stored;

- 215 2. Traffic management and loitering controls;
- 216 3. Cash and inventory controls for all stages of operation
217 on the Premises, and during transitions and delivery.
- 218 4. On-site armed security personnel from one hour before
219 the business opens to the public until one hour after the
220 business closes to the public.

221 16. On-site community relations contact. ~~The Medical Marijuana Retail Center~~
222 ~~or Treatment Center Applicant~~ shall provide the City Manager, or designee
223 and all property owners and tenants located within 100 feet of the entrance
224 to its building, with the name, phone number, and e-mail or facsimile
225 number of an on-site community relations staff person to whom they can
226 provide notice during business hours and after business hours to report
227 operating problems. ~~The Medical Marijuana Retail Center or Treatment~~
228 ~~Center Applicant~~ shall make every good faith effort to encourage neighbors
229 to call this person to try to solve operating problems, if any, before any calls
230 or complaints are made to the Police Department or other City officials.

231 (2) *Rejection of Application.* In the event the City determines that the Applicant has not
232 satisfied the application requirements ~~for a proposed Medical Marijuana Retail Center~~
233 ~~or Treatment Center~~, the Applicant shall be notified of such fact; and the application
234 shall be denied.

235 (3) *Fees.* In addition to demonstrating compliance with this article, the Applicant shall pay
236 a nonrefundable application fee in an amount established by resolution of the City
237 Commission for each Applicant, each Owner, and each Employee to cover its
238 administrative costs and expenses incurred in reviewing and administering the Permit

239 and Identification Tag Program, irrespective of the issuance or denial of the
240 application. Each Applicant shall also pay an annual nonrefundable, non-proratable
241 permit fee in an amount established by resolution of the City Commission before
242 receiving a ~~Medical-Marijuana~~ permit.

243 (4) *Application review.*

244 (a) *Investigation.* The City shall review the application and documentation provided,
245 and conduct a background screening of the Applicant, each Owner and any
246 Employee who dispenses or has access to controlled substances, at the
247 Applicant's expense.

248 (b) The Chief of Police, or designee shall review the Applicant's operational and security
249 plan using Crime Prevention Through Environmental Design (CPTED) principles.
250 The Chief may impose site and operational revisions as are deemed reasonably
251 necessary to ensure the safety of the Applicant, Owner(s), Employees, customers,
252 adjacent property owners and residents, which may include items such as methods
253 and security of display and storage of Marijuana controlled substances and cash,
254 limitations on window and glass door signage, illumination standards, revisions to
255 landscaping, and any other requirement designed to enhance the safety and
256 security of the Premises.

257 (c) *City Manager determination.* Upon receipt of information regarding items 4 a. and
258 b. of this section, the City Manager or designee shall, within 30 days, either:

259 1. Notify the Applicant that the permit has been denied and the reason for
260 such denial; or

261 2. Issue a permit, with or without conditions.

262 3. The City Manager or designee shall provide notice to the Commission
263 following issuance of any ~~Medical-Marijuana~~ permit issued pursuant to this
264 section.

265 (d) *Duration.* Permits shall be issued for a one-year period for a term
266 commencing October 1 or the date of issuance, and ending the following
267 September 30.

268 (e) *Denial.* The City shall deny an Applicant's application for an on-site
269 dispensing of controlled substances ~~Medical-Marijuana~~ Permit if an
270 investigation of the Applicant and Owner, or the Applicant's application,
271 indicates that the Applicant, an Employee, or any Owner:

272 1. Has failed to obtain or maintain required state licensing

- 273 2. Has failed to pay required licensing fees;
274 3. Has failed to demonstrate compliance with the requirements of this
275 article;
276 4. Has a criminal prosecution pending against him/her in any State or
277 Federal court for fraud or a felony;
278 5. Has been convicted of fraud or felony by any State or Federal court
279 within the past five years;
280 6. Has obtained any governmental permit by fraud or deceit;
281 7. Has negligently or intentionally misrepresented or concealed
282 information required by this article in an application for a permit;
283 8. Has been declared by the State to be a Habitual felony offenders,
284 violent habitual felony offenders, violent career criminals as defined
285 in Section 775.084 Florida Statutes;
286 9. Has been listed on the United States government's Terrorist
287 Screening Center's No Fly List; or
288 10. Has been documented in the NCIC/FCIC law enforcement
289 database as an active gang member.

290 (5) *Background checks, photograph and Identification tag.* In connection with the issuance of
291 a ~~Medical Marijuana~~ permit by the City and upon verification of successful level 2
292 background screening, an identification tag shall be issued at the applicant's expense to
293 each approved Applicant for a permit as well as for each Owner and each Employee. On
294 the face of each Identification Tag, there shall be placed the following:

- 295 (a) A photograph of the Applicant/Owner/Employee;
296 (b) The permit number;
297 (c) The permit holder's name and address;
298 (d) The name and address of the ~~Medical Marijuana Retail Center or Treatment~~
299 ~~Center-establishment~~ that the Applicant/Owner/Employee represents or is employed by; and
300 (e) The expiration date of the permit.

301 (6) *Reconsideration of a denied permit application.* If a Person applies for a ~~Medical Marijuana~~
302 permit at a particular location within a period of one year from the date of denial of a
303 previous application for a ~~Medical Marijuana~~ permit at the location, and there has not been
304 an intervening change in the circumstances material to the decision regarding the former
305 reason(s) for denial, the application shall not be accepted for consideration.

- 306 (7) ~~Renewal. Medical-Marijuana~~ Permits shall be entitled to renewal annually subject to the
307 provisions of this article. Before the October 1 expiration date, the annual ~~Medical~~
308 ~~Marijuana~~ permit may be renewed by presenting the permit for the previous year, and:
309 (a) Paying the appropriate Annual Permit Renewal fee;
310 (b) Updating the information supplied with the latest application or certifying that the
311 information supplied previously remains unchanged; and
312 (c) Providing proof of continued compliance with all state and City licenses,
313 operational, public safety, and zoning requirements.
314 (d) Listing of outstanding code violations, and public safety calls from appropriate city
315 departments, or statement of no outstanding violations and calls on city letterhead.
- 316 (8) ~~Permit Transferability.~~
- 317 (a) ~~The Medical-Marijuana~~ permit is specific to the Applicant and the location and shall
318 not be transferred.
- 319 (b) An attempted transfer of a ~~Medical-Marijuana~~ permit, either directly or indirectly in
320 violation of this section is hereby declared void, and in that event the ~~Medical~~
321 ~~Marijuana~~ permit shall be deemed abandoned, and the ~~Medical-Marijuana~~ permit
322 shall be forfeited.

323 **Section 7-462 – Violation of Regulations, Revocation, and Effect of Revocation**

- 324 (1) *Violation of regulations.* In the event of a Code violation, violation of the conditions of the
325 ~~Medical-Marijuana~~ permit or conditional use approval, or other violation of the laws
326 applicable ~~to the Medical-Marijuana Retail Center or Treatment Center, to the on-site~~
327 dispensing of controlled substances, the City shall issue a warning notice and the
328 Applicant shall provide a copy of a corrective action plan and timeframes and completion
329 date to address the identified issues to the City.
- 330 (2) *Illegal transfer.* If a ~~Medical-Marijuana~~ permit is transferred contrary to this article or state
331 law, the City shall suspend the ~~Medical-Marijuana~~ permit and notify the permittee of the
332 suspension. The suspension shall remain in effect until all of the requirements of this
333 article have been satisfied and a new ~~Medical-Marijuana~~ permit has been issued by the
334 City.
- 335 (3) *Security Alarm Failure.* Any instance of breaking and entering ~~at a Medical-Marijuana Retail~~
336 ~~Center or Treatment Center~~ on the premises of the permittee, regardless of whether
337 ~~Marijuana or Marijuana-based~~ controlled substance products are stolen, shall constitute a
338 violation of this article if the security alarm shall fail to activate simultaneous with the
339 breaking and entering.

340 (4) *Grounds for Revocation.* Any ~~Medical Marijuana~~ permit issued under this article shall be
341 immediately revoked if any one or more of the following occurs:

- 342 (a) The Applicant provides false or misleading information to the City;
- 343 (b) Anyone on the Premises knowingly dispenses, delivers, or otherwise transfers any
344 Marijuana or Marijuana product, or other controlled substance, to an individual or
345 entity not authorized by State law to receive such substance or product;
- 346 (c) The Applicant, an Owner or a manager is convicted of a felony offense;
- 347 (d) Any Applicant, Owner, manager or Employee is convicted of any drug-related crime
348 under Florida Statutes;
- 349 (e) The Applicant fails to correct any City Code violation or to otherwise provide an
350 action plan to remedy the violation acceptable to the City Manager or designee
351 within 20 days of citation;
- 352 (f) The Applicant fails to correct any State law violation or address any warning in
353 accordance with any corrective action plan required by the State within the
354 timeframes and completion date the Applicant provided to the City;
- 355 (g) The Applicant's state license or approval authorizing the dispensing of ~~Medical~~
356 Marijuana controlled substances expires or is revoked;
- 357 ~~h. Any conditional use approval granted by the City for the use of a Medical Marijuana~~
358 ~~Retail Center at a particular location expires or is revoked;~~
- 359 i. (h) The Applicant, Owner, manager or Employee is declared to be a habitual felony
360 offender, violent habitual felony offender, violent career criminal as defined in
361 Section 775.084 Florida Statutes, and declared by the State;
- 362 j. (i) The Applicant, Owner, manager or Employee is added to the United States
363 government's Terrorist Screening Center's No Fly List;
- 364 k. (j) The Applicant, Owner, manager or Employee is declared a gang member and is
365 documented in the NCIC/FCIC law enforcement database as such; or
- 366 ~~l. (k)~~ Any violation and/or non-compliance of any regulations or requirements listed in
367 this article.

368 (5) *Revocation.* In the event the City determines there are grounds for revocation as provided in
369 this article, the City shall notify the permittee of the intent to revoke the ~~Medical Marijuana~~
370 permit and the grounds upon which such revocation is proposed. The permittee shall have ten
371 business days in which to provide evidence of compliance with this article. If the permittee
372 fails to show compliance with this article within ten business days, the City shall schedule a
373 hearing before the Special Magistrate. If the Special Magistrate determines that a permitted

374 ~~Medical Marijuana Retail Center~~ establishment is not in compliance with this article the City
375 shall revoke the ~~Medical Marijuana~~ permit and shall notify the permittee of the revocation.
376 Nothing in this section shall take away other enforcement powers of the Special Magistrate or
377 any other agency provided by the Code or statute.

378 (6) *Effect of Revocation.*

379 (a) If a ~~Medical Marijuana~~ permit is revoked, the permittee shall not be allowed to obtain
380 another ~~Medical Marijuana~~ permit for a period of two years.

381 (b) The revocation shall take effect 15 days, including Saturdays, Sundays, and holidays,
382 after the date the City mails the notice of revocation to the permittee or on the date the
383 permittee surrenders his or her ~~Medical Marijuana~~ permit to the City, whichever occurs
384 first.

385

386 **Section 7-493. – Permit General Requirements and Operation Requirements**

387 (1) *General requirements.* Each ~~Medical Marijuana Retail Center or Treatment Center~~ Dispensing
388 Facility, Pharmacy, and Pain Management Clinic shall observe the following general
389 requirements:

390 (a) Conform to all applicable building statutes, codes, ordinances, and regulations, whether
391 federal, state, or local;

392 (b) Conform to all applicable fire statutes, codes, ordinances, and regulations, whether federal,
393 state, or local;

394 (c) Conform to all applicable health statutes, codes, ordinances, and regulations, whether
395 federal, state, or local;

396 (d) Conform to all applicable zoning regulations and land use laws, whether state or local,
397 including but not limited to the Unified Land Development Regulations;

398 (e) Keep the original of the ~~Medical Marijuana~~ on-site dispensing of controlled substances
399 permit posted in a conspicuous place at the Premises at all times, which ~~Medical~~
400 ~~Marijuana Permit~~ shall be available for inspection upon request at all times by the public.

401 (2) *Permit and Identification Tag required.* It shall be unlawful for any business or person to
402 operate a ~~Medical Marijuana Retail Center or Treatment Center~~ Dispensing Facility,
403 Pharmacy, or Pain Management Clinic, or to otherwise offer for sale or in any way participate
404 in the conduct of any activities upon the Premises within the City without first obtaining a
405 ~~Medical Marijuana~~ permit.

406 (a) Each person employed in the conduct of such activity shall be screened and approved
407 pursuant to subsection (f) and required to obtain an Identification Tag before the center

408 opens for business or, for persons who become involved with the Center after it is open,
409 before having any involvement in Center's activities.

410 (b) No such permit or Identification Tag shall be transferable; each person must obtain a
411 Medical Marijuana permit or Identification Tag directly from the City.

412 (3) Permit operation requirements. Any business operating under an on-site dispensing of
413 controlled substances ~~Medical Marijuana~~ permit shall comply with the following operational
414 guidelines.

415 a ~~Business identification.~~ The words "bong," "bud," "chronic," "demp," "dope,"
416 "ganja," "grass," "green," "hash," "hashish," "hemp," "herb," "hydro," "indo," "joint," "laughing,"
417 "mary jane," "peyote," "pot," "puff," "reefer," "smoke," "wacky tabacky," "weed," or synonyms for
418 such words or similar words or variations of such words shall not be permitted in the business
419 operating signage of the ~~Medical Marijuana Retail Center.~~

420 b ~~Hours of operation.~~

421 i. ~~Operation is permitted only between the hours of 8:00 a.m. and 6:00 p.m. Monday~~
422 ~~through Saturday.~~

423 ii. ~~No operation is permitted on Sundays or state or federal holidays.~~

424 c. ~~On site consumption of Marijuana.~~ No ~~Medical Marijuana Retail Center~~ shall allow
425 any ~~Marijuana~~ to be smoked, ingested or otherwise consumed on the Premises. The ~~Medical~~
426 ~~Marijuana Retail Center~~ shall take all necessary and immediate steps to ensure compliance with
427 this paragraph. No person shall smoke, ingest or otherwise consume ~~Marijuana~~ on the Premises.

428 d.

429 (a) Each Applicant, Owner, Employee, and manager shall, as soon as is reasonably
430 practicable, report all felonies and any theft, suspected theft or loss of ~~Marijuana or~~
431 ~~Marijuana-controlled substance~~ based products that occurs at the business to the
432 Police Department and any other entity that requires them to report such incidents.

433 (e) (b) Delivery. All deliveries to the ~~Medical Marijuana Retail Center or Treatment Center~~
434 Dispensing Facilities, Pharmacies, and Pain Management Clinic shall be made
435 while on-site security personnel are present.

436 f. ~~Delivery Vehicle Identification.~~ For security purposes, no vehicle used in the
437 operation of or for the business purposes of a ~~Medical Marijuana Retail Center~~

438 ~~or Treatment Center shall be marked in such a manner as to permit~~
439 ~~identification with the Medical Marijuana Retail Center or Treatment Center.~~

440 ~~g. Employment restrictions. It shall be unlawful for any Medical Marijuana Retail~~
441 ~~Center to employ any person who:~~

442 ~~a. is not at least 21 years of age; and~~

443 ~~b. has not passed a level 2 background screening.~~

444 ~~h. Sole business. No business other than the dispensing of Medical Marijuana~~
445 ~~shall be permitted to be conducted from the Premises.~~

446 ~~i. (c) Compliance with State regulations and licensure requirements. A Medical Marijuana~~
447 ~~Retail Center or Treatment Center permitted establishment must comply with all~~
448 ~~federal and State laws, licensing and regulatory requirements.~~

449 ~~1. A Medical Marijuana Retail Center or Treatment Center permitted establishment~~
450 ~~shall notify the City in writing within five business days of receipt of any notice of~~
451 ~~violation or warning from the State or of any changes to its State licensing approvals.~~

452 ~~2. If a Medical Marijuana Retail Center or Treatment Center permitted establishment~~
453 ~~receives a notice of violation or warning from the State, it shall, no later than 20~~
454 ~~business days after receipt of the notice, provide a copy of the corrective action plan~~
455 ~~and timeframes and completion date to address the identified issues to the City.~~

457 **SECTION 2:** Section 32-8 "Definitions of Chapter 32, "Zoning and Land Development
458 Code" of the Code of Ordinances, is hereby amended as follows:

459 ~~*Drug store* shall mean a retail pharmacy, with or without a drive lane, unless otherwise~~
460 ~~specified in this Code, that offers goods for retail sale and conducts on-site dispensing of~~
461 ~~prescription drugs prescribed by a health care practitioner, nonprescription drugs or both.~~
462 * * *

464 *Marijuana* means all parts of any plant of the genus Cannabis, whether growing or not; the
465 seeds thereof; the resin extracted from any part of the plant; and every compound,

466 manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin,
467 including low-THC cannabis, which are dispensed from a medical marijuana treatment center
468 for medical use by a qualified patient. The term shall be interpreted in accordance with F.S.
469 § 381.986 and Ch. 64-4 of the Florida Administrative Code.

470 * * *

471 *Medical marijuana treatment center dispensing facility* means any facility where
472 medical marijuana or any product derived there from is dispensed at retail. The term shall be
473 interpreted in accordance with F.S. § 381.986 and Ch. 64-4 of the Florida Administrative
474 Code.

475 * * *

476 *Pharmacy retail* shall mean a retail establishment primarily offering goods for retail sale and
477 on-site dispensing of prescription drugs prescribed by a health care practitioner,
478 nonprescription drugs or both. A retail pharmacy may also offer accessory services such as
479 photo processing, eyeglass care, etc. All pharmacies shall be staffed by a state licensed
480 pharmacist. Pharmacies include a community pharmacy, an institutional pharmacy, a
481 nuclear pharmacy or a special pharmacy as defined by F.S. Ch. 465, § 465.003 as amended
482 from time to time.

483 1. The term "community pharmacy" includes every location where medicinal drugs are
484 compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an
485 outpatient basis.

486 2. The term "institutional pharmacy" includes every location in a hospital, clinic, nursing
487 home, dispensary, sanitarium, extended care facility, or other facility, hereinafter referred to
488 as "health care institutions," where medicinal drugs are compounded, dispensed, stored, or
489 sold.

490 3. The term "nuclear pharmacy" includes every location where radioactive drugs and
491 chemicals within the classification of medicinal drugs are compounded, dispensed, stored, or
492 sold. The term "nuclear pharmacy" does not include hospitals licensed under F.S. Ch. 395 or
493 the nuclear medicine facilities of such hospitals.

494 4. The term "special pharmacy" includes every location where medicinal drugs are
495 compounded, dispensed, stored, or sold if such locations are not otherwise defined in this
496 subsection

497

498

* * *

499 Retail sales are those establishments engaged in retail sales and rental of products. For the
 500 purpose of this chapter the term retail, retail sale or similar terms, shall mean a sale to the
 501 ultimate consumer (i.e., a sale for any purpose other than resale), and including but not limited
 502 to all transactions for which there is collected or due by the seller a sales tax pursuant to Chapter
 503 212 of the Florida Statutes, as it may be amended.

504

505 **SECTION 3:** Chapter 32, Article III, Division 2 "Zoning Districts and Overlays" is
 506 hereby amended as follows:

507 * * *

508 **SECTION 32-149 "B-L BUSINESS LIMITED DISTRICT"**

509 (a) *Purpose and intent.* The purpose and intent of the B-L business limited district is to provide
 510 suitable sites for the development of limited business activities of an office, retail and service
 511 nature in centralized locations consistent with the city's comprehensive land use plan.

512 (b) *Uses permitted.* Uses permitted are as follows:

513 * * *

514 (3) Retail and service establishments, limited to:

- 515 a. Antique shops.
- 516 b. Appliance stores.
- 517 c. Art galleries.
- 518 d. Art and graphic supplies.
- 519 e. Auction galleries.
- 520 f. Bakeries.
- 521 g. Barber, beauty and skin care services.
- 522 h. Bath shops.
- 523 i. Bicycle shops.
- 524 j. Book and stationery stores.
- 525 k. Camera shops.
- 526 l. Candy and ice cream stores.
- 527 m. Catalog sales.
- 528 n. China and flatware stores.
- 529 o. Copying services.

- 530 p. Delicatessens.
- 531 q. Drapery stores.
- 532 ~~r. Drug and sundry stores.~~
- 533 ~~s. r.~~ Dry goods stores.
- 534 ~~t.~~ s. Florists.
- 535 ~~u.~~ t. Foodstores.
- 536 ~~v.~~ u. Fruit stores.
- 537 ~~w.~~ v. Furniture stores.
- 538 ~~x.~~ w. Gift shops.
- 539 ~~y.~~ x. Hardware stores.
- 540 ~~z.~~ y. Health and exercise studios.
- 541 ~~aa.~~ z. Hobby and handicraft shops.
- 542 ~~bb.~~ aa. Hotels and motels.
- 543 ~~cc.~~ bb. Interior decorators.
- 544 ~~dd.~~ cc. Jewelry stores.
- 545 ~~ee.~~ dd. Laundry and dry cleaning pickup substations.
- 546 ~~ff.~~ ee. Leather goods shops.
- 547 ~~gg.~~ ff. Liquor package stores.
- 548 ~~hh.~~ gg. Locksmith.
- 549 ~~ii.~~ hh. Luggage shops.
- 550 ~~jj.~~ ii. Medical Marijuana Treatment Center Dispensing Facility
- 551 ~~jj.~~ Messenger and delivery services.
- 552 ~~kk.~~ Movie theaters (indoor).
- 553 ~~ll.~~ Music and record shops.
- 554 ~~mm.~~ Newsstands.
- 555 ~~nn.~~ Office supply stores.
- 556 ~~oo.~~ Optical stores.
- 557 ~~pp.~~ Paint stores.

- 558 qq. Pet shops.
- 559 rr. Pharmacies
- 560 ~~rr.~~ ss. Photographic studios.
- 561 ~~ss.~~ tt. Restaurants provided that:
- 562 1. Freestanding restaurants located east of U.S. 1 must have a minimum of 2,000
- 563 square feet of gross floor area.
- 564 2. Freestanding restaurants located on the same parcel as a shopping center shall be
- 565 compatible with the architectural features of the shopping center.
- 566 ~~tt.~~ uu. Shoe repair shops.
- 567 ~~uu.~~ vv. Souvenir and novelty shops.
- 568 ~~vv.~~ ww. Specialty shops: men's, women's, children's clothing, shoes and similar
- 569 apparel shops.
- 570 ~~ww.~~ xx. Tailors and seamstresses.
- 571 ~~xx.~~ yy. Telegraph offices.
- 572 ~~yy.~~ zz. Title and abstract services.
- 573 ~~zz.~~ aaa. Tobacco shops.
- 574 ~~aaa.~~ bbb. Travel agencies.
- 575 ~~bbb.~~ ccc. Massage therapy services establishment holding a valid certificate for
- 576 massage therapy services in accordance with section 7-451.

577 * * *

578 **SEC. 32-152. "I-L INDUSTRIAL LIGHT DISTRICT"**

579 (c) *Uses permitted conditionally.* Uses permitted conditionally are as follows:

- 580 (1) Towing service storage facility, provided that such use shall be located
- 581 not less than 100 feet from any residentially zoned property and
- 582 provided that a wall or fence as may be required by the city commission
- 583 shall be provided.
- 584 (2) Outdoor storage in connection with permitted principal use, provided
- 585 storage is effectively screened from public view (heavy equipment, such
- 586 as bulldozers, backhoes and the like, not permitted). Any item stored
- 587 shall not exceed 20 feet in height.

588 (3) Accessory retail sales over ten percent of the principal use floor area up
589 to a maximum of 25 percent, provided parking for the industrial and
590 retail uses as referenced in section 32-455(c) is provided.

591 (4) ~~Cannabis/Medical Cannabis (Marijuana) Retail Center pursuant to 32-776-~~
592 ~~32-778. Medical Marijuana Treatment Center Dispensing Facility.~~

593 (5) Pharmacies.

594 * * *

595 **SECTION 32-159 "CCB CENTRAL CITY BUSINESS DISTRICT"**

596 * * *

597 (c) *Uses permitted.* Uses permitted are as follows:

598 * * *

599 (2) Retail and service establishments, as follows:

- 600 a. Abstract and title services.
- 601 b. Alcoholic beverage establishments.
- 602 c. Antique shops.
- 603 d. Appliance stores (limited to small appliances).
- 604 e. Art galleries (private).
- 605 f. Art and graphic supplies.
- 606 g. Auction galleries:
- 607 h. Bakeries.
- 608 i. Barber, beauty and skin care services.
- 609 j. Bath shops.
- 610 k. Bicycle shops.
- 611 l. Book and stationery stores.
- 612 m. Camera shops.
- 613 n. Candy and ice cream stores.
- 614 o. Catalog sales.
- 615 p. China and flatware stores.
- 616 q. Copy and duplication services.
- 617 r. Delicatessens.
- 618 s. Drapery stores.
- 619 ~~t. Drug and sundry stores.~~
- 620 ~~u. t. Dry goods stores.~~

- 621 ~~v-~~ u. Florists.
- 622 ~~w-~~ v. Food stores.
- 623 ~~x-~~ w. Fruit stores.
- 624 ~~y-~~ x. Furniture stores.
- 625 ~~z-~~ y. Gift shops.
- 626 ~~aa-~~ z. Health and exercise studios.
- 627 ~~bb-~~ aa. Hobby and handicraft shops.
- 628 ~~ee-~~ bb. Hotels and motels.
- 629 ~~ed-~~ cc. Interior decorators.
- 630 ~~ee-~~ dd. Jewelry stores.
- 631 ~~ff-~~ ee. Laundry and dry clean pickup station.
- 632 ~~gg-~~ ff. Leather goods shops.
- 633 ~~hh-~~ gg. Liquor package stores.
- 634 ~~ii-~~ hh. Locksmith.
- 635 ~~jj-~~ ii. Luggage shops.
- 636 ~~kk-~~ jj. Medical Marijuana Treatment Center Dispensing Facilities
- 637 ~~kk.~~ Messenger and delivery services.
- 638 ~~mm.~~ Movie theaters (indoor).
- 639 ~~nn.~~ Music and record shops.
- 640 ~~oo.~~ Newsstands.
- 641 ~~pp.~~ Office supply stores.
- 642 ~~qq.~~ Paint stores.
- 643 ~~rr.~~ Pharmacies
- 644 ~~ff-~~ ss. Pet shops.
- 645 ~~ss-~~ tt. Photographic studios.
- 646 ~~tt-~~ uu. Shoe repair shops.
- 647 ~~uu-~~ vv. Souvenir and novelty shops.
- 648 ~~vv-~~ ww. Specialty shops; clothing, shoes and similar apparel.
- 649 ~~ww-~~ xx. Sporting goods stores.
- 650 ~~xx-~~ yy. Tailors and seamstresses.
- 651 ~~yy-~~ zz. Telegraph offices.
- 652 ~~zz-~~ aaa. Tobacco shops.
- 653 ~~aaa-~~ bbb. Travel agencies.
- 654 ~~bbb-~~ ccc. Massage therapy services establishment holding a valid certificate for massage
655 therapy services in accordance with section 7-451.

656 * * *

657 **Table 32-160.a West RAC Permitted Uses by Subdistrict**

Commercial Uses	Palms Gateway	Foster Road	Pembroke
Candy and ice cream stores	-	P	P
<u>Medical Marijuana Treatment Center Dispensing Facility</u>	-	P	P
Car washes (indoor only)	-	P	-
Drug and Sundry Stores <u>Pharmacies</u>		P	P

658

659 **SECTION 4:** Article III, "Zoning", Division 2. Zoning Districts and Overlays,
 660 Subdivision I, "Conventional Zoning Districts", Table 32-193(a), Allowable Uses by
 661 Subdistrict, of the Code of Ordinances, is hereby amended as follows:

Table 32-193(a) – Allowable Uses by Subdistrict

..... CENTRAL RAC SUBDISTRICTS.....						
	RAC Corridor	Transit Core	RAC Neighborhood	Trans. Mixed Use	Fashion Art Design	Greyhound Track
RESIDENTIAL						
Single-family dwellings	-	-	P	-	P	-
Two-family (duplex) dwellings	-	P	P	-	P	P
Townhouse dwellings	P	P	P	P	P	P
Multi-family dwellings	P	P	P	P	P	P
Live/work units	P	P	C	P	P	P
Work/live units	P	P	-	P	P	P
Assisted living facilities	P	P	C	C	-	P
Nursing homes	P	P	C	C	-	P
Other residential care facilities see section 32-524					
LODGING						
Bed-and-breakfast inns	P	C	C	P	P	P
Hotels and motels	P	P	-	P	-	P
BUSINESS						
<u>Medical Marijuana Treatment Center Dispensing Facilities and Pharmacies</u>	P	P	-	P	P	P

Offices, limited	P	P	C	P	P	P
Offices	P	P	-	P	P	P
Stores & services, general	P	P	-	P	P	P
Stores & services, large format	P	P	-	P	-	P
Service Station/Convenience Business	-	-	-	C	-	P
Family Entertainment Center	P	P	-	P	-	P
Drive-through facilities (for any use)	C	-	-	C	C	C
Contractor & trade operations	P	-	-	P	P	P
Garage, public parking	C	C	-	C	-	P
Parking Lot	C	C	-	C	C	P
Parking lot, interim	C	C	-	C	C	C
Alcoholic beverage establishments	P	C	-	P	P	P
Racing and casino complexes	-	-	-	-	-	P
Restaurants	P	P	-	P	P	P
Studio or workshop	P	P	-	P	P	P
Vehicle sales, repair, or service	-	-	-	C	-	P
Warehouse/Self-Storage Facility (1)	-	-	-	-	-	P

CIVIC & EDUCATION

Civic open spaces	P	P	P	P	P	P
Day care centers	P	P	C	P	P	P
Government uses	P	P	-	P	-	P
Places of worship	P	P	C	P	-	-
Schools, public and private	P	P	C	P	P	-

P = Permitted Use C = Conditional Use - = Use Not Permitted

(1) Permitted only on parcels abutting NE 1 Avenue and/or NE 7 Street.

662

663 **SECTION 5:** Section 32-242. Permitted Accessory Uses of the Code of Ordinances, is

664 hereby amended as follows:

665 **Section 32-242. Permitted Accessory Uses**

666 ~~(d) Accessory Medical Marijuana Treatment Centers are permitted City wide subject to the~~

667 ~~following:~~

668 ~~(1) Shall only be located at state licensed medical facilities authorizing~~

669 ~~dispensary and consumption of cannabis on site. Such Centers may also be~~

670 ~~referred to as a "Medical Marijuana Treatment Facility" or "dispensing~~

671 ~~organization" or other similar term recognized by State law.~~

- 672 ~~(2) Shall not exceed 35 percent of the main structure or building.~~
- 673 ~~(3) Shall complete and submit an accessory use application to the City with~~
- 674 ~~payment for requisite fees.~~
- 675 ~~(4) Obtain a Medical Marijuana Permit, which shall be pursuant to Section 7-465~~
- 676 ~~of the City's Code of Ordinances.~~

677 **SECTION 6:** Section 32-370 "Home Occupations and live/work" of the Code of
678 Ordinances, is hereby amended as follows:

679 **Sec. 32-370. - Home occupations and live/work.**

680 (a) *Home occupations.*

681 (1) *Purpose.* This section is intended to provide for home occupational uses within
682 residential districts which are compatible with residential uses and do not detract
683 from the residential character of the neighborhood. It is further the intent of this
684 section to regulate the operation of a home occupation in such a manner that the
685 average neighbor will be unaware of its existence. All home occupations shall
686 conform with all requirements and stipulations of this section prior to the issuance
687 of an occupational license.

688 (2) *Performance standards.* A home occupation is allowable as an accessory use in a
689 dwelling unit in any residential area. No home occupation shall be permitted unless
690 it complies with all of the following standards:

- 691 a. The use shall be conducted entirely within a dwelling and carried on only by
- 692 the residents of the dwelling.
- 693 b. No more than 25 percent of the area of the residence and no garage or
- 694 accessory building or structure is used for the business purpose.
- 695 c. No sign relating to the home occupation or any business may be posted or
- 696 displayed on the site and no vehicles with any signs displaying the business
- 697 or residential address, which might serve to indicate that the dwelling is
- 698 being used for a business occupation use, may be located on the premises.

- 699 d. No person or customer shall be serviced in person on the site nor shall the
700 occupation be conducted in any way which would necessitate suppliers or
701 customers visiting the site.
702 *Exception.* Individual tutoring shall be permitted at the residence, provided there are
703 no more than two students at any one time in the residence.
- 704 e. No goods shall be displayed for sale or as samples either inside or outside
705 on the site.
- 706 f. No noise, odors, smoke, electrical interference, hazardous materials or
707 nuisance of any type shall arise from or be used in the conduct of the
708 occupation.
- 709 g. The address or telephone of the premises may be used for receiving
710 business mail and telephone calls provided no more than one business
711 phone line and one fax/modem line are used and the home address is not
712 listed in any Yellow Pages advertising.
- 713 h. The home address shall not be used for purposes of advertising, soliciting or
714 announcing the licensed use of the premises through printed material or any
715 other media, except stationery and business cards.
- 716 i. The use shall not generate additional pedestrian or vehicular traffic.
- 717 j. Pharmacies and businesses related to Mmarijuana, including medical marijuana,
718 preparation, cultivation, storage, processing, manufacturing, and delivery or
719 dispensing for any person, business or occupational use is are prohibited.

720
721 **SECTION 7:** Article IV "Development Standards", Division 24 "On-site dispensing of
722 Controlled Substances" of the Code of Ordinances, is hereby amended as follows:

723 **DIVISION 24. – ON-SITE DISPENSING OF CONTROLLED SUBSTANCES**

724 **Sec. 32-776. - Pain Management Clinics ~~Controlled substances dispensed on-site.~~**

725 a) *Applicability.* Pain management clinics, as defined in section 32-8, "Definitions," and
 726 ~~cannabis/medical cannabis (Marijuana) treatment centers or retail centers (which may~~
 727 ~~collectively be referred to as "cannabis center" or "cannabis centers" throughout the~~
 728 ~~City's Code of Ordinances) as defined in this section,~~ shall be subject to the following
 729 supplemental regulations:

730 ~~(b) Pain Management Clinics.~~

731 (1) On-site dispensing of controlled substances that are identified in Schedule II, III,
 732 or IV in F.S. §§ 893.03, 893.035 or 893.0355, unless otherwise expressly
 733 permitted by federal or state law, is prohibited. The following is specifically
 734 exempt from this prohibition:

735 a. A health care practitioner's epidural injection of a controlled substance in an
 736 amount adequate to treat the patient during that particular treatment session.

737 (2) *Nonconforming pain management clinics.* Pain management clinics, in existence
 738 prior to the effective date of this division, but now in violation of subsection (a)(1)
 739 of this section, shall be required to terminate the on-site dispensing of controlled
 740 substances and be brought into full compliance with this section within 18 months
 741 of the date of adoption of this division.

742 ~~(c) Cannabis/Medical Cannabis (Marijuana) Businesses.~~

743 ~~(1) Definitions.~~ The following words, terms and phrases, when used in this article,
 744 shall have the meanings ascribed to them in this section,

745 a. ~~Applicant.~~ An individual or business entity desiring to operate a
 746 Medical Marijuana Retail Center within the City limits.

747 b. ~~Business Operating Name.~~ The legal or fictitious name under which a
 748 Medical Marijuana Retail Center conducts its business with the public.

749 c. ~~Employee.~~ A person authorized to act on behalf of the Medical
 750 Marijuana Retail Center, whether that person is an Employee or a

751 contractor, and regardless of whether that person receives
752 compensation.

753 d. ~~Identification Tag. A tamperproof card issued by the City to the persons~~
754 ~~involved with a Medical Marijuana Retail Center as evidence that they~~
755 ~~have passed the background checks and other requirements of this~~
756 ~~article and are authorized to be present on the Premises.~~

757 e. ~~Marijuana. Means all parts of any plant of the genus Cannabis,~~
758 ~~whether growing or not; the seeds thereof; the resin extracted from any~~
759 ~~part of the plant; and every compound, manufacture, sale, derivative,~~
760 ~~mixture, or preparation of the plant or seed or resin that is dispensed~~
761 ~~only from a dispensing organization for medical use by an eligible~~
762 ~~patient as defined in s. 499.0295 F. S. Marijuana includes any strain~~
763 ~~of marijuana or cannabis, in any form, that is authorized by State law~~
764 ~~to be dispensed or sold in the State of Florida. Also referred to as~~
765 ~~"medical marijuana."~~

766 f. ~~Medical Marijuana Permit. A permit issued by the City pursuant to this~~
767 ~~article authorizing a business to sell Marijuana in the City. Also referred~~
768 ~~to as "permit."~~

769 g. ~~Medical Marijuana Retail Center. A retail establishment, licensed by~~
770 ~~the Florida Department of Health as a "medical marijuana treatment~~
771 ~~facility," "medical marijuana treatment center," "dispensing~~
772 ~~organization," "dispensing organization facility" or similar use, that~~
773 ~~sells and dispenses medical Marijuana, but does not engage in any~~
774 ~~other activity related to preparation, wholesale storage, distribution,~~
775 ~~transfer, cultivation, or processing of any form of Marijuana or~~
776 ~~Marijuana product, and does not allow on-site consumption of~~

777 ~~Marijuana. A Medical Marijuana Treatment Center shall not be~~
778 ~~construed to be a Medical Marijuana Retail Center.~~

779 ~~h. *Medical Marijuana Treatment Center.* Any facility licensed by the~~
780 ~~Florida Department of Health to acquire, cultivate, possess, process~~
781 ~~(including but not limited to development of related products such as~~
782 ~~food, tinctures, aerosols, oils, or ointments), transfer, transport, sell,~~
783 ~~distribute, dispense, store, or administer Marijuana, products~~
784 ~~containing Marijuana, related supplies, or educational materials, as~~
785 ~~authorized by State law. A Medical Marijuana Treatment Center may~~
786 ~~include retail sales or dispensing of Marijuana. A facility which provides~~
787 ~~only retail sales or dispensing of Marijuana shall not be classified as a~~
788 ~~Medical Marijuana Treatment Center under this article. Also may be~~
789 ~~referred to as a "Medical Marijuana Treatment Facility" or "dispensing~~
790 ~~organization" or other similar term recognized by State law. A Medical~~
791 ~~Marijuana Treatment Center shall only be permitted as an accessory~~
792 ~~use to a state licensed medical facility and pursuant to Section 32-242.~~

793 ~~i. *Owner.* Any person, including any individual or other legal entity, with~~
794 ~~a direct or indirect ownership interest of five percent or more in the~~
795 ~~Applicant, which interest includes the possession of stock, equity in~~
796 ~~capital, or any interest in the profits of the Applicant.~~

797 ~~j. *Premises.* The building, within which a Medical Marijuana Retail~~
798 ~~Center is permitted to operate by the City, including the property on~~
799 ~~which the building is located, all parking areas on the property or that~~
800 ~~are utilized by the Medical Marijuana Retail Center and sidewalks and~~
801 ~~alleys within 100 feet of the property on which the Medical Marijuana~~
802 ~~Retail Center is located.~~

803 k. ~~Qualified registered patient/qualified patient. A resident of the State of~~
804 ~~Florida who has been added to the State's compassionate use registry~~
805 ~~by a physician licensed under F.S. ch. 458 or ch. 459, to receive~~
806 ~~Medical Marijuana from a dispensing organization or Medical~~
807 ~~Marijuana Treatment Center or similar use as defined in Florida~~
808 ~~Statutes.~~

809 (2) ~~A Medical Marijuana Retail Center shall only be permitted in the I-L Industrial~~
810 ~~Light zoning district as a conditional use.~~

811 (3) ~~No Medical Marijuana Retail Center Permit shall be issued hereunder unless and~~
812 ~~until the Premises/business is granted conditional use approval in accordance~~
813 ~~with Article VIII of the Zoning and Land Development Code.~~

814 (4) ~~Medical Marijuana Retail Center Application. In addition to the standard~~
815 ~~development approval application requirements and meeting all the~~
816 ~~requirements for a conditional use under Article VIII of the Zoning and Land~~
817 ~~Development Code, an application for a permit hereunder shall:~~

818 a. ~~Be a joint application by the property Owner and the tenant if the Medical~~
819 ~~Marijuana Retail Center and the property are not owned by the same~~
820 ~~person or entity;~~

821 b. ~~Be accompanied by a lease identifying the specific use, if the Medical~~
822 ~~Marijuana Retail Center and the property are not owned by the same~~
823 ~~person or entity;~~

824 c. ~~Include a survey sealed by a Florida registered land surveyor who is~~
825 ~~licensed by the State of Florida. The survey shall indicate the distance~~
826 ~~between the proposed Medical Marijuana Retail Center and any other~~
827 ~~protected use as set forth below in subsection 5, Location Requirements;~~
828 ~~and~~

829 ~~d. In addition to the notice to property owners required by Article VIII, no~~
830 ~~later than ten days prior to each and every public hearing, provide proof~~
831 ~~of notice of the public hearing to all tenants and property owners within~~
832 ~~1000 feet of the property on which the Medical Marijuana Retail Center~~
833 ~~is proposed.~~

834 ~~(5) Location requirements. A Medical Marijuana Retail Center shall not be established:~~

835 ~~a. Within 1,000 feet of another Medical Marijuana Retail Center;~~

836 ~~b. a. Within 1,000 feet of an elementary, middle or secondary school, child~~
837 ~~day care facility, county or municipal park, or licensed rehabilitation~~
838 ~~facility, or place of worship~~

839 ~~c. Where a Medical Marijuana Retail Center is lawfully procured in~~
840 ~~conformity with the provisions of this article, the subsequent locating of~~
841 ~~one of the uses listed within 1,000 feet of an existing Medical Marijuana~~
842 ~~Retail Center shall not cause a violation of this section. Whenever a~~
843 ~~conditional use approval for a Medical Marijuana Retail Center has been~~
844 ~~lawfully procured and thereafter an elementary, middle or secondary~~
845 ~~school, child day care facility, county or municipal park, or licensed~~
846 ~~rehabilitation facility, rehabilitation facility or place of worship be~~
847 ~~established within a distance otherwise prohibited by law, the~~
848 ~~establishment of the use shall not be cause for the revocation of the~~
849 ~~conditional use approval or related Medical Marijuana Permit or prevent~~
850 ~~the subsequent renewal of same; and~~

851 ~~d. Distances shall be measured using an airline measurement from the~~
852 ~~property line of the property on which the Medical Marijuana Retail~~
853 ~~Center is located to the nearest property line of the uses identified in 5.a.~~

854 through 5.c. that existed before the date the Medical Marijuana Retail
855 Center submitted its initial application for approval.

856 ~~(6) Accessory uses. Medical Marijuana Retail Centers are prohibited from having~~
857 ~~accessory uses.~~

858 ~~a. If the Medical Marijuana Retail Center is located in a freestanding~~
859 ~~building it shall be the only use permitted on the property,~~

860 ~~b. If the Medical Marijuana Retail Center is located in a bay or multi-bay~~
861 ~~space within a multi-tenant structure, it shall be the only use permitted~~
862 ~~within the bay or multi-bay space it occupies.~~

863 ~~c. Medical Marijuana Treatment Centers are only permitted as accessory~~
864 ~~uses subject to the conditions enumerated in this section.~~

865 ~~(7) Prohibited activities. A Medical Marijuana Retail Center shall not engage in any~~
866 ~~activity other than those activities specifically defined herein as an authorized part~~
867 ~~of the use. The preparation, wholesale storage, cultivation, or processing of any~~
868 ~~form of Marijuana or Marijuana product, and on-site consumption of any~~
869 ~~Marijuana or Marijuana product is specifically prohibited at a Medical Marijuana~~
870 ~~Retail Center. On-site storage of any form of Marijuana or Marijuana product is~~
871 ~~prohibited, except to the extent reasonably necessary for the conduct of the on-site~~
872 ~~retail business.~~

873 ~~(8) Conditional use duration. A conditional use approval for a Medical Marijuana Retail~~
874 ~~Center shall be valid for two years, subject to compliance with the conditions of~~
875 ~~approval and all State laws, licensing, permitting and operational requirements. A~~
876 ~~new conditional use approval must be obtained prior to expiration of the active~~
877 ~~approval to ensure continued operation.~~

878 ~~(9) Revocation of conditional use approval. Any conditional use approval granted under~~
879 ~~this section shall be immediately terminated if any one or more of the following~~
880 ~~occur:~~

- 881 ~~a. The Applicant provides false or misleading information to the City;~~
- 882 ~~b. Anyone on the Premises knowingly dispenses, delivers, or otherwise~~
883 ~~transfers any Marijuana or Marijuana product to an individual or entity~~
884 ~~not authorized by State law to receive such substance or product;~~
- 885 ~~c. An Applicant, Owner or manager is convicted of a felony offense;~~
- 886 ~~d. Any Applicant, Owner, manager or Employee is convicted of any drug~~
887 ~~related crime under Florida Statutes;~~
- 888 ~~e. The Applicant fails to correct any City Code violation or to otherwise~~
889 ~~provide an action plan to remedy the violation acceptable to the City~~
890 ~~Manager, or designee within 20 days of citation;~~
- 891 ~~f. The Applicant fails to correct any State law violation or address any~~
892 ~~warning in accordance with any corrective action plan required by the~~
893 ~~State within the timeframes and completion date the Applicant provided~~
894 ~~to the City;~~
- 895 ~~g. The Applicant's state or any other license or approval authorizing the~~
896 ~~dispensing of Medical Marijuana expires or is revoked; or~~
- 897 ~~h. The Applicant fails to maintain a Medical Marijuana Permit as required~~
898 ~~by this section.~~

899 ~~(10) Transfer of Medical Marijuana Retail Center conditional use approval.~~

- 900 ~~a. A conditional use approval for a Medical Marijuana Retail Center shall~~
901 ~~not be transferred to a new Owner, or possession, control, or operation~~
902 ~~of the establishment surrendered to such other person until a new~~

903 ~~Medical Marijuana Permit has been obtained by the new Applicant in~~
904 ~~accordance with this section.~~

905 ~~b. An application for a conditional use approval transfer, meeting the~~
906 ~~requirements of this section and the provisions of Article VIII, shall be~~
907 ~~filed with the City at the same time the new Applicant files its application~~
908 ~~for a Medical Marijuana Permit.~~

909 ~~c. The application for a conditional use approval transfer shall be~~
910 ~~accompanied by a conditional use approval transfer fee to be set by~~
911 ~~resolution of the Commission; and~~

912 ~~d. If the new Applicant is granted a Medical Marijuana Permit and the~~
913 ~~transfer application meets the requirements of this section and the City~~
914 ~~Code, the City Manager or designee shall approve the conditional use~~
915 ~~approval transfer.~~

916 ~~e. A conditional use transfer approval is particular only to the previously~~
917 ~~approved conditional use location and shall not be transferred to another~~
918 ~~location.~~

919 ~~f. An attempt to transfer a conditional use approval either directly or~~
920 ~~indirectly in violation of this section is hereby declared void, and in that~~
921 ~~event the conditional use shall be deemed abandoned, and the related~~
922 ~~Medical Marijuana Permit shall be forfeited.~~

923 ~~(11) Alcohol prohibited. No Medical Marijuana Retail Center shall allow the~~
924 ~~sale, service, or consumption of any type of alcoholic beverages on~~
925 ~~the Premises including in the surrounding rights-of-way. The Medical~~
926 ~~Marijuana Retail Center shall take all necessary and immediate steps~~
927 ~~to ensure compliance with this paragraph. No person shall consume~~

928 ~~an alcoholic beverage on the Premises, including the surrounding~~
929 ~~rights of way.~~

930 ~~(12) Outdoor activity. There shall be no outdoor displays, sales,~~
931 ~~promotions, or activities of any kind permitted on the Premises,~~
932 ~~including the surrounding rights of way. All activities and business~~
933 ~~shall be conducted within the confines of the permanent building~~
934 ~~containing the Medical Marijuana Retail Center.~~

935 ~~(13) On site storage. There shall be no on-site storage of any form of~~
936 ~~Marijuana or Marijuana product.~~

937 ~~(14) Live plant materials. No living Marijuana plants are permitted on the~~
938 ~~site of a Medical Marijuana Retail Center.~~

939 ~~(15) Odor and air quality. A complete air filtration and odor elimination filter and~~
940 ~~scrubber system shall be provided ensuring the use will not cause or result in~~
941 ~~dissemination of dust, smoke, or odors beyond the confines of the building, or~~
942 ~~in the case of a tenant in a multi-tenant building, beyond the confines of the~~
943 ~~occupied space. A double door system shall be provided at all entrances to~~
944 ~~mitigate odor intrusion into the air outside the Medical Marijuana Retail Center.~~

945 ~~(16) Signage. Medical Marijuana Retail Center shall post, at each exterior entrance~~
946 ~~to the Medical Marijuana Retail Center the following language:~~

947 ~~ONLY INDIVIDUALS WITH LEGALLY RECOGNIZED MARIJUANA OR~~
948 ~~CANNABIS QUALIFYING PATIENT OR LEGAL REPRESENTATIVE~~
949 ~~IDENTIFICATION CARDS OR A QUALIFYING PATIENT'S LEGAL~~
950 ~~GUARDIAN MAY OBTAIN MARIJUANA FROM A MEDICAL MARIJUANA~~
951 ~~RETAIL CENTER.~~

952 ~~The required text shall be in letters one half inch in height. This required~~
953 ~~signage shall not count toward the maximum allowable signage for the~~
954 ~~establishment.~~

955 ~~(17) *Persons allowed to enter the Premises.*~~

956 ~~a. *Underage entry.* It shall be unlawful for any Medical Marijuana~~
957 ~~Retail Center to allow any person who is not at least 18 years~~
958 ~~of age on the Premises during hours of operation, unless that~~
959 ~~person is authorized by State law to purchase Medical~~
960 ~~Marijuana, whether as a Qualified patient with a valid~~
961 ~~identification card or legal representative of a Qualified patient~~
962 ~~with a valid identification card.~~

963 ~~b. *Entry by persons authorized by State law.* It shall be unlawful~~
964 ~~for any Medical Marijuana Retail Center to allow any person on the~~
965 ~~Premises during the hours of operation if that person is not authorized~~
966 ~~by State law to be there. Authorized persons, such as Owners,~~
967 ~~managers, Employees and Qualified registered patients, and their~~
968 ~~legal representatives must wear an Identification Tag, and authorized~~
969 ~~inspectors and authorized visitors must wear a visitor identifying badge~~
970 ~~and be escorted and monitored at all times by a person who wears his~~
971 ~~or her Identification Tag.~~

972 ~~(18) *Product visibility.* No Marijuana or product of any kind may be visible from any~~
973 ~~window or exterior glass door.~~

974 ~~(19) *Prohibited activities.* A Medical Marijuana Retail Center shall not engage in~~
975 ~~any activity other than those activities specifically defined herein as an~~
976 ~~authorized part of the use. The preparation, wholesale storage, cultivation, or~~
977 ~~processing of any form of Marijuana or Marijuana product, and on site~~

978 consumption of any Marijuana or Marijuana product is specifically prohibited
979 at a Medical Marijuana Retail Center. On-site storage of any form of Marijuana
980 or Marijuana product is prohibited, except to the extent reasonably necessary
981 for the conduct of the on-site retail business.

982 ~~(20) Public consumption of Marijuana. Nothing in this article shall be deemed to~~
983 ~~permit the public consumption of any form of Marijuana. Further, it shall be~~
984 ~~unlawful for any person to smoke, ingest or consume Marijuana, Medical~~
985 ~~Marijuana, cannabis, or low-THC cannabis as defined in Florida Statutes, in~~
986 ~~any form in any public building, public right-of-way, or public space within the~~
987 ~~City.~~

988 **(b) Supplemental regulations for pain management clinics.**

989 ~~(a)~~ **(1)** Pain management clinics, as defined in section 32-8, shall, at the time of annual payment
990 of the business license tax, provide a statement as to the existence and status of any
991 pending or completed disciplinary actions by the department of health or any board
992 authorized pursuant to F.S. § 456.072, concerning the clinic or any persons employed
993 by the clinic and provide a copy of any registration required by the department of health
994 pursuant to [F.S. §§] 458.309(4) and 459.005(3).

995 ~~(b)~~ **(2) Parking.** Any parking demand created by a pain management clinic shall not exceed the
996 supply of parking spaces legally available within the shared guest or visitor parking areas
997 allocated on the site as required by section 32-455. An applicant may be required to
998 demonstrate that on-site traffic flow and parking will be sufficient to accommodate
999 parking demands generated by the pain management clinic based on a current traffic
1000 and parking study prepared by a certified professional, if requested by the city.

1001 ~~**Sec. 32-778. Information to be filed monthly with the city.**~~

1002 **(c) Information to be filed monthly with the city.**

1003 ~~(a)~~ **(1)** Each month during the term of a license, each licensee shall supply the city with the
1004 following information, such information to be provided on the form and in the manner
1005 prescribed by the city:

1006 ~~(1)~~ **a.** A statement of the names of all employees of the licensee.

- 1007 (2) b. A statement as to whether any arrests have occurred upon the licensed premises
1008 and if so, the dates of such arrests, the persons arrested and the offense with which
1009 each of those persons was charged.
- 1010 (3) c. Any material change in any of the information required pursuant to the original
1011 application for the license.
- 1012 (4) d. The violation of any of the terms and conditions of this division or the violation of
1013 any ordinance of the city or county, or the violation of any of the laws of the state or
1014 the United States as they pertain to the conduct of the licensed business shall be
1015 cause for revocation of the license pursuant to section 18-40 of the city's Code of
1016 Ordinances by clear and convincing evidence.

1017 **Sec. 32-777. Medical marijuana establishments and pharmacies**

1018 (a) Definitions. For purposes of this section, the following words terms and phrases, including their
1019 respective derivatives have the following meanings:

- 1020 (1) Derivative product means any form of cannabis suitable for routes of administration.
- 1021 (2) Low-THC cannabis means a plant of the genus Cannabis, the dried flowers of which
1022 contain 0.8 percent or less of tetrahydrocannabinol and more than ten percent of
1023 cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of
1024 such plant; or any compound, manufacture, salt, derivative, mixture, or preparation
1025 of such plant or its seed or resin that is dispensed only from a dispensing organization
1026 approved by the Florida Department of Health pursuant to F.S. § 381.986.
- 1027 (3) Low-THC cannabis dispensary means an establishment where low-THC cannabis is
1028 dispensed at retail.
- 1029 (4) Medical Marijuana means all parts of any plant of the genus Cannabis, whether
1030 growing or not; the seeds thereof; the resin extracted from any part of the plant; and
1031 every compound, manufacture, salt, derivative product, mixture, or preparation of the
1032 plant or its seeds or resin including low-THC cannabis, which are dispensed from a
1033 medical marijuana treatment center for medical use by a qualified patient. The term
1034 shall be interpreted in accordance with F.S. § 381.986 and Ch. 64-4 of the Florida
1035 Administrative Code.
- 1036 (5) Medical marijuana establishment means an establishment related to medical
1037 marijuana, regulated pursuant to F.S. § 381.986.

1038 (6) Medical marijuana treatment center means an entity that acquires, cultivates,
1039 possesses, processes (including development of related products such as food,
1040 tinctures, aerosols, oils, or ointments), transfers, transport, sells, distributes,
1041 dispenses, or administers marijuana, products contain marijuana, related supplied, or
1042 educational materials to qualifying patients or their caregivers and is registered by the
1043 Florida Department of Health.

1044 (7) Medical marijuana treatment center dispensing facility means any facility where
1045 medical marijuana or any product derived there from is dispensed at retail. The
1046 term shall be interpreted in accordance with F.S. § 381.986 and Ch. 64-4 of the
1047 Florida Administrative Code.

1048 (b) Compliance with laws. Medical marijuana treatment centers and pharmacies, as defined in
1049 section 32-8, "Definitions," shall, at all times, comply with the licensing and regulatory
1050 requirements of applicable statutes and state administrative rules, which include, but are
1051 not limited to, the Florida Building Code, the Florida Fire Prevention Code, and any local
1052 amendments to the Florida Building Code or the Florida Fire Prevention Code.

1053 (c) License or permit fees. Medical marijuana treatment centers shall be charged all license or
1054 permit fees in an amount equal to the license or permit fees charged to pharmacies. Any
1055 person or entity applying for or renewing a business tax receipt for a medical marijuana
1056 treatment center or pharmacy within the city shall exhibit an active state license, or proof
1057 of same, before such business tax receipt may be issued. Permitting requirements are
1058 subject to Chapter 7.

1059 (d) Medical marijuana establishment proximity to schools.
1060 1. Medical marijuana treatment center dispensing facilities may not be located within five
1061 hundred (500) feet of the real property that comprises a public or private elementary
1062 school, middle school, or secondary school unless the city commission, upon
1063 application for the requested variance and public hearings, determines that the
1064 location promotes the public health, safety, and general welfare of the community.

1065 i. In granting any such variance, the city commission may prescribe any
1066 conditions that it deems necessary in the public interest.

1067 ii. All applications for variances to this section shall be heard by the
1068 planning and zoning board and by the city commission, regardless of
1069 whether the application qualifies as a minor development based on the

1070 city code. The public hearings shall be noticed, posted and advertised
1071 in conformity with the requirements for variances; except that courtesy
1072 letters shall also be sent to all property owners located within 500 feet
1073 of the proposed medical marijuana treatment center dispensing facility
1074 seeking the variance. An administrative fee, established in accordance
1075 with the city's general fee policy, shall be due at the time application for
1076 such a hearing is made.

1077 2. The five hundred-foot distance shall be measured by drawing a straight line from the
1078 nearest property boundary line of the medical marijuana treatment center dispensing
1079 facility to the nearest property boundary line of the public or private elementary
1080 school, middle school, or secondary school. The distance shall not be measured by
1081 a pedestrian route or automobile route.

1082 **Sec. 32-778. Interbusiness distance separation requirements for on-site**
1083 **dispensing of controlled substances.**

1084 (a) Pain Management Clinic. No property used for a Pain Management Clinic shall be located
1085 within 1,000 feet of another legally established Pain Management Clinic.

1086 (b) Medical Marijuana Treatment Center Dispensing Facility. No property used for a Medical
1087 Marijuana Treatment Center Dispensing Facility shall be located within 1,000 feet of another
1088 legally established Medical Marijuana Treatment Center Dispensing Facility.

1089 (c) Pharmacy. No property used for a Pharmacy shall be located within 1,000 feet of another
1090 legally established Pharmacy.

1091 (d) The 1,000-foot distance requirement shall be measured by following a straight line from the
1092 nearest portion of the property boundary line of the existing use. The distance shall not be
1093 measured by a pedestrian route or automobile route.

1094 (e) Variance. The city commission, may, upon application for the requested variance and public
1095 hearings, determine that the location promotes the public health, safety, and general welfare
1096 of the community. In granting any such variance, the city commission may prescribe any
1097 conditions that it deems necessary in the public interest. All applications for variances to
1098 this section shall be heard by the planning and zoning board and by the city commission,
1099 regardless of whether the application qualifies as a minor development based on the city
1100 code. The public hearings shall be noticed, posted and advertised in conformity with the

1101 requirements for variances; except that courtesy letters shall also be sent to all property
1102 owners located within 1,000 feet of the proposed medical marijuana treatment center
1103 dispensing facility, pharmacy, or pain management clinic seeking the variance. An
1104 administrative fee, established in accordance with the city's general fee policy, shall be due
1105 at the time application for such a hearing is made.

1106 (f) Nonconformity. Any pharmacy authorized prior to the adoption of this section, or any pain
1107 management clinic, pharmacy or a medical marijuana treatment center dispensing facility
1108 created and established under the land development regulations in a legal manner which
1109 may thereafter become legally nonconforming, may continue until there is an abandonment
1110 of the use. Once the legally nonconforming pain management clinic, pharmacy or medical
1111 marijuana treatment center dispensing facility use is abandoned, it may not be re-
1112 established unless it conforms to the requirements of this section. Abandonment shall
1113 consist of: a change of use or suspension of active business with the public for a period of
1114 at least six months or a lesser time if a written declaration of abandonment is provided by
1115 the owner of the premises, or, if the property is subject to a lease, by the owner and tenant.

1116
1117 **SECTION 3. Conflict.** All ordinances or portions of the Code of Ordinances of the City of
1118 Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent
1119 of such conflict.

1120 **SECTION 4. Severability.** Should any provision of this ordinance be declared by a court
1121 of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a
1122 whole, or any part thereof, other than the part declared to be invalid.

1123 **SECTION 5. Codification.** It is the intention of the Mayor and the City Commission that
1124 the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such
1125 intention the words "ordinance" or "section" may be changed to other appropriate words.

1126 **SECTION 6. Effective Date.** This Ordinance shall take effect immediately upon adoption
1127 on second reading.

1128
1129 PASSED AND ADOPTED on 1st reading on August 15, 2018.

1130 PASSED AND ADOPTED on 2nd reading on September 17, 2018.

1131
1132 
1133 KEITH S. LONDON
1134 MAYOR

1135 SPONSORED BY: CITY ADMINISTRATION

1136

1137 ATTEST:

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1141

JENORGEN GUILLEN

1142 CITY CLERK

1143

1144 APPROVED AS TO LEGAL SUFFICIENCY

1145 AND FORM

1146

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1148

1149

JENNIFER MERINO

1150 CITY ATTORNEY

1151

VOTE
AYE/NAY

Mayor London	✓ / ___
Vice Mayor Lazarow	✓ / ___
Comm. Butler	✓ / ___
Comm. Dally	✓ / ___
Comm. Taub	✓ / ___