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.

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

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

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

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

WHEREAS, Section 381.986(11)(b), Florida Statutes, provides that “A municipality may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, medical marijuana treatment center dispensing facilities located within the boundaries of that municipality... Except as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of...
dispensing facilities which are more restrictive than its ordinances permitting or determining the
locations for pharmacies licensed under chapter 465*; and

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

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

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

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

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

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

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

WHEREAS, City Administration has determined based on the Comprehensive Plan that
a 1,000 foot minimum interbusiness distance separation requirement is reasonable for medical
marijuana establishments, pharmacies, and pain management clinics, and is in the best interest of the public health, safety, and welfare; and

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

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

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

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

Chapter 7. Businesses

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ARTICLE – XV Medical Cannabis Business Regulations

Permitting for On-Site Dispensing of Controlled Substances

Section 7-491. – Permit Application and Requirements.

1. Applications for permit; investigation and issuance; term.
   a. Application. Applications for an Medical-Marijuana Permit on-site dispensing of controlled substances permit for businesses established after the date this ordinance is enacted shall be made by the Applicant in person to the Development Services Department during regular business hours upon such forms and with such accompanying information as may be established by the City. Both-Medical Marijuana Treatment Centers Dispensing Facilities ("Treatment-Centers") and Medical-Marijuana Retail Centers ("Retail-Centers") as defined in Chapter 32-776(e), pharmacies, and pain management clinics as defined in Chapter 32 are required to apply for an Medical-Marijuana on-site dispensing of substances permit. Such application shall be sworn to or affirmed. Every application shall contain at least the following:

1. The business operating name and all Applicant and Owner information. If the Applicant or Owner is:
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.
e. The addresses required by this section shall be physical locations, and not post office boxes.

2. A complete copy of the business' application filed with the State of Florida and all related exhibits, appendices, and back up materials for approval and licensure as a Medical Marijuana Treatment Center Dispensing Facility or Retail-Center pharmacy, or pain management clinic in compliance with state law.

3. Copies of any and all state and other licenses issued to the Applicant to engage in their Marijuana business.

4. A statement as to whether the Applicant or any Owner or Employee has previously received an on-site dispensing of controlled substances Medical Marijuana permit or Identification Tag from the City.

5. A statement as to whether the Applicant or any Owner holds other permits or licenses under this Code and, if so, the names and locations of such other permitted or licensed establishments.

6. A statement as to whether the Applicant or any Owner has been a partner in a partnership or an officer or director of a corporation whose permit or license issued under this Code has previously been suspended or revoked, including the name and location of the establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation.

7. A statement as to whether or not the Applicant or any Owner has lost any privilege or had any permit or license to do business revoked by any local, state or federal government and, if so, the nature of such privilege, permit or license and the reason for such revocation.

8. A statement as to whether or not the Applicant or any Owner has lost any privilege or had any permit or license to do business suspended by any local, state or federal government and, if so, the nature of such privilege, permit or license and the reason for such suspension.

9. A statement as to whether or not the Applicant or any Owner or Employee has been found guilty of or has pleaded guilty or nolo contendere to a felony relating to any business in this State or in any other State or Federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases.
10. A statement as to whether or not the Applicant or any Owner or Employee has been found guilty of, or have pleaded guilty or nolo contendere to, a felony relating to a battery or a physical violence on any person in this State or in any other State or Federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

11. A statement as to whether or not the Applicant or any Owner has filed a petition to have their respective debts discharged by a bankruptcy court having jurisdiction of such cases.

12. Written documentation, acceptable to the City Manager or designee, that the Applicant, every Owner, Manager, and each any Employee who dispenses or has access to controlled substances has successfully completed level 2 background screening within the year.

13. A passport photograph of the Applicant, every Owner, and each Employee.

14. A notarized, signed, and sworn statement that the information within the application is truthful, independently verifiable, and complete and that the photocopies of the attached driver's licenses or state or federally issued photo identification cards are currently valid and are true and correct copies of the originals.

15. The Applicant shall submit a security plan demonstrating compliance with e-384.986 F.S. and all other applicable statutes and State administrative rules.

   a. In addition to proving compliance with all State requirements,
      the security plan shall, at a minimum, provide the following:

      1. Fully operational lighting and alarms reasonably designed to ensure the safety of persons and to protect the Premises from theft, both in the Premises and in the surrounding rights-of-way, including:

         i. a silent security alarm that notifies the Police Department that a crime is taking place;

         ii. a vault, drop safe or cash management device that provides minimum access to the cash receipts; and

         iii. a security camera system capable of recording and retrieving, for at least forty-five (45) days, an image which shall be operational at all times
during and after business hours. The security cameras shall be located:

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

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

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

2. Traffic management and loitering controls;

3. Cash and inventory controls for all stages of operation on the Premises, and during transitions and delivery.

4. On-site armed security personnel from one hour before the business opens to the public until one hour after the business closes to the public.

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

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

(3) Fees. In addition to demonstrating compliance with this article, the Applicant shall pay a nonrefundable application fee in an amount established by resolution of the City Commission for each Applicant, each Owner, and each Employee to cover its administrative costs and expenses incurred in reviewing and administering the Permit.
and Identification Tag Program, irrespective of the issuance or denial of the application. Each Applicant shall also pay an annual nonrefundable, non-proratable permit fee in an amount established by resolution of the City Commission before receiving a Medical-Marijuana permit.

(4) **Application review.**

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

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

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

1. Notify the Applicant that the permit has been denied and the reason for such denial; or
2. Issue a permit, with or without conditions.
3. The City Manager or designee shall provide notice to the Commission following issuance of any Medical-Marijuana permit issued pursuant to this section.

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

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

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

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

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

(6) Reconsideration of a denied permit application. If a Person applies for a Medical–Marijuana permit at a particular location within a period of one year from the date of denial of a previous application for a Medical–Marijuana permit at the location, and there has not been an intervening change in the circumstances material to the decision regarding the former reason(s) for denial, the application shall not be accepted for consideration.
Renewal. Medical-Marijuana Permits shall be entitled to renewal annually subject to the provisions of this article. Before the October 1 expiration date, the annual Medical Marijuana permit may be renewed by presenting the permit for the previous year, and:

(a) Paying the appropriate Annual Permit Renewal fee;
(b) Updating the information supplied with the latest application or certifying that the information supplied previously remains unchanged; and
(c) Providing proof of continued compliance with all state and City licenses, operational, public safety, and zoning requirements.
(d) Listing of outstanding code violations, and public safety calls from appropriate city departments, or statement of no outstanding violations and calls on city letterhead.

(8) Permit Transferability.

(a) The Medical-Marijuana permit is specific to the Applicant and the location and shall not be transferred.
(b) An attempted transfer of a Medical-Marijuana permit, either directly or indirectly in violation of this section is hereby declared void, and in that event the Medical Marijuana permit shall be deemed abandoned, and the Medical-Marijuana permit shall be forfeited.

Section 7-462 — Violation of Regulations, Revocation, and Effect of Revocation

(1) Violation of regulations. In the event of a Code violation, violation of the conditions of the Medical-Marijuana permit or conditional use approval, or other violation of the laws applicable to the Medical-Marijuana Retail Center or Treatment Center—to the on-site dispensing of controlled substances, the City shall issue a warning notice and the Applicant shall provide a copy of a corrective action plan and timeframes and completion date to address the identified issues to the City.

(2) Illegal transfer. If a Medical-Marijuana permit is transferred contrary to this article or state law, the City shall suspend the Medical-Marijuana permit and notify the permittee of the suspension. The suspension shall remain in effect until all of the requirements of this article have been satisfied and a new Medical-Marijuana permit has been issued by the City.

(3) Security Alarm Failure. Any instance of breaking and entering at a Medical-Marijuana Retail Center or Treatment Center on the premises of the permittee, regardless of whether Marijuana or-Marijuana-based controlled substance products are stolen, shall constitute a violation of this article if the security alarm shall fail to activate simultaneous with the breaking and entering.
(4) **Grounds for Revocation.** Any Medical-Marijuana permit issued under this article shall be immediately revoked if any one or more of the following occurs:

(a) The Applicant provides false or misleading information to the City;

(b) Anyone on the Premises knowingly dispenses, delivers, or otherwise transfers any Marijuana or Marijuana product, or other controlled substance, to an individual or entity not authorized by State law to receive such substance or product;

(c) The Applicant, an Owner or a manager is convicted of a felony offense;

(d) Any Applicant, Owner, manager or Employee is convicted of any drug-related crime under Florida Statutes;

(e) The Applicant fails to correct any City Code violation or to otherwise provide an action plan to remedy the violation acceptable to the City Manager or designee within 20 days of citation;

(f) The Applicant fails to correct any State law violation or address any warning in accordance with any corrective action plan required by the State within the timeframes and completion date the Applicant provided to the City;

(g) The Applicant's state license or approval authorizing the dispensing of Medical Marijuana controlled substances expires or is revoked;

(h) Any conditional-use approval granted by the City for the use of a Medical Marijuana Retail-Center at a particular location expires or is revoked;

(i) The Applicant, Owner, manager or Employee is declared to be a habitual felony offender, violent habitual felony offender, violent career criminal as defined in Section 775.084 Florida Statutes, and declared by the State;

(j) The Applicant, Owner, manager or Employee is added to the United States government's Terrorist Screening Center's No Fly List;

(k) The Applicant, Owner, manager or Employee is declared a gang member and is documented in the NCIC/FCIC law enforcement database as such; or

(l) Any violation and/or non-compliance of any regulations or requirements listed in this article.

(5) **Revocation.** In the event the City determines there are grounds for revocation as provided in this article, the City shall notify the permittee of the intent to revoke the Medical-Marijuana permit and the grounds upon which such revocation is proposed. The permittee shall have ten business days in which to provide evidence of compliance with this article. If the permittee fails to show compliance with this article within ten business days, the City shall schedule a hearing before the Special Magistrate. If the Special Magistrate determines that a permitted
Medical-Marijuana Retail-Center establishment is not in compliance with this article the City shall revoke the Medical-Marijuana-permit and shall notify the permittee of the revocation. Nothing in this section shall take away other enforcement powers of the Special Magistrate or any other agency provided by the Code or statute.

(6) Effect of Revocation.
(a) If a Medical-Marijuana permit is revoked, the permittee shall not be allowed to obtain another Medical-Marijuana permit for a period of two years.
(b) The revocation shall take effect 15 days, including Saturdays, Sundays, and holidays, after the date the City mails the notice of revocation to the permittee or on the date the permittee surrenders his or her Medical-Marijuana permit to the City, whichever occurs first.

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

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

(a) Conform to all applicable building statutes, codes, ordinances, and regulations, whether federal, state, or local;
(b) Conform to all applicable fire statutes, codes, ordinances, and regulations, whether federal, state, or local;
(c) Conform to all applicable health statutes, codes, ordinances, and regulations, whether federal, state, or local;
(d) Conform to all applicable zoning regulations and land use laws, whether state or local, including but not limited to the Unified Land Development Regulations;
(e) Keep the original of the Medical-Marijuana on-site dispensing of controlled substances permit posted in a conspicuous place at the Premises at all times, which Medical Marijuana Permit shall be available for inspection upon request at all times by the public.

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

(a) Each person employed in the conduct of such activity shall be screened and approved pursuant to subsection (f) and required to obtain an Identification Tag before the center
opens for business or, for persons who become involved with the Center after it is open,
before having any involvement in Center's activities.

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

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

such words or similar words or variations of such words shall not be permitted in the business
operating signage of the Medical Marijuana Retail Center.

b. Hours of operation:

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

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

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

d.

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

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

f. Delivery Vehicle Identification. For security purposes, no vehicle used in the
operation of or for the business purposes of a Medical Marijuana Retail Center
Treatment Center shall be marked in such a manner as to permit identification with the Medical Marijuana Retail Center or Treatment Center.

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

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

b. has not passed a level 2 background screening.

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

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

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

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

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

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

*Marijuana* means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound,
manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient. The term shall be interpreted in accordance with F.S. § 381.986 and Ch. 64-4 of the Florida Administrative Code.

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

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

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

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

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

4. The term "special pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold if such locations are not otherwise defined in this subsection.
Retail sales are those establishments engaged in retail sales and rental of products. For the purpose of this chapter the term retail, retail sale or similar terms, shall mean a sale to the ultimate consumer (i.e., a sale for any purpose other than resale), and including but not limited to all transactions for which there is collected or due by the seller a sales tax pursuant to Chapter 212 of the Florida Statutes, as it may be amended.

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

**SECTION 32-149 “B-L BUSINESS LIMITED DISTRICT”**

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

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

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(3) Retail and service establishments, limited to:

a. Antique shops.
b. Appliance stores.
c. Art galleries.
d. Art and graphic supplies.
e. Auction galleries.
f. Bakeries.
g. Barber, beauty and skin care services.
h. Bath shops.
i. Bicycle shops.
j. Book and stationery stores.
k. Camera shops.
l. Candy and ice cream stores.
m. Catalog sales.
n. China and flatware stores.
o. Copying services.
p. Delicatessens.
q. Drapery stores.
r. Drug and sundry stores.
s. Dry goods stores.
t. Florists.	u. Foodstores.	v. Fruit stores.	w. Furniture stores.
x. Gift shops.
y. Hardware stores.
z. Health and exercise studios.
aa. Hobby and handicraft shops.
bb. Hotels and motels.
cc. Jewelry stores.
dd. Laundry and dry cleaning pickup substations.
ee. Leather goods shops.
ff. Liquor package stores.
 gg. Locksmith.
 hh. Luggage shops.
ii. Messenger and delivery services.
jj. Medical Marijuana Treatment Center Dispensing Facility.
kk. Movie theaters (indoor).
ll. Music and record shops.
mm. Newsstands.
nn. Office supply stores.
oo. Optical stores.
pp. Paint stores.
qq. Pet shops.

rr. Pharmacies

rr. ss. Photographic studios.

ss. tt. Restaurants provided that:

1. Freestanding restaurants located east of U.S. 1 must have a minimum of 2,000 square feet of gross floor area.

2. Freestanding restaurants located on the same parcel as a shopping center shall be compatible with the architectural features of the shopping center.

tt. uu. Shoe repair shops.

uu. vv. Souvenir and novelty shops.

vv. ww. Specialty shops: men's, women's, children's clothing, shoes and similar apparel shops.

ww. xx. Tailors and seamstresses.

xx. yy. Telegraph offices.

yy. zz. Title and abstract services.

zz. aaa. Tobacco shops.

aaa. bbb. Travel agencies.

bbb. ccc. Massage therapy services establishment holding a valid certificate for massage therapy services in accordance with section 7-451.

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

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

(1) Towing service storage facility, provided that such use shall be located not less than 100 feet from any residentially zoned property and provided that a wall or fence as may be required by the city commission shall be provided.

(2) Outdoor storage in connection with permitted principal use, provided storage is effectively screened from public view (heavy equipment, such as bulldozers, backhoes and the like, not permitted). Any item stored shall not exceed 20 feet in height.
(3) Accessory retail sales over ten percent of the principal use floor area up
to a maximum of 25 percent, provided parking for the industrial and
retail uses as referenced in section 32-455(c) is provided.

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

(5) Pharmacies.

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SECTION 32-159 “CCB CENTRAL CITY BUSINESS DISTRICT”

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

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(2) Retail and service establishments, as follows:

a. Abstract and title services.

b. Alcoholic beverage establishments.

c. Antique shops.

d. Appliance stores (limited to small appliances).

e. Art galleries (private).

f. Art and graphic supplies.

g. Auction galleries:

h. Bakeries.

i. Barber, beauty and skin care services.

j. Bath shops.

k. Bicycle shops.

l. Book and stationery stores.

m. Camera shops.

n. Candy and ice cream stores.

o. Catalog sales.

p. China and flatware stores.

q. Copy and duplication services.

r. Delicatessens.

s. Drapery stores.

t. Drug and sundry stores.

u. Dry goods stores.
Florists.
Food stores.
Fruit stores.
Furniture stores.
Gift shops.
Health and exercise studios.
Hobby and handicraft shops.
Hotels and motels.
Interior decorators.
Jewelry stores.
Laundry and dry clean pickup station.
Leather goods shops.
Liquor package stores.
Locksmith.
Luggage shops.
Medical Marijuana Treatment Center Dispensing Facilities
Messenger and delivery services.
Movie theaters (indoor).
Music and record shops.
Newsstands.
Office supply stores.
Paint stores.
Pharmacies.
Pet shops.
Photographic studios.
Shoe repair shops.
Souvenir and novelty shops.
Specialty shops; clothing, shoes and similar apparel.
Sporting goods stores.
Tailors and seamstresses.
Telegraph offices.
Tobacco shops.
Travel agencies.
Massage therapy services establishment holding a valid certificate for massage therapy services in accordance with section 7-451.
Table 32-160.a West RAC Permitted Uses by Subdistrict

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

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

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

<table>
<thead>
<tr>
<th>CENTRAL RAC SUBDISTRICTS</th>
<th>RAC Corridor</th>
<th>Transit Core</th>
<th>RAC Neighborhood</th>
<th>Trans. Mixed Use</th>
<th>Fashion Art Design</th>
<th>Greyhound Track</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-family dwellings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two-family (duplex) dwellings</td>
<td></td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>-</td>
</tr>
<tr>
<td>Townhouse dwellings</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Multi-family dwellings</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Live/work units</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Work/live units</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Assisted living facilities</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>P</td>
</tr>
<tr>
<td>Nursing homes</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>P</td>
</tr>
<tr>
<td>Other residential care facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LODGING</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed-and-breakfast inns</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>P</td>
</tr>
<tr>
<td>BUSINESS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Marijuana Treatment Center Dispensing Facilities and Pharmacies</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>P</td>
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ISR NO. 2018
File NO. 18-428
<table>
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<tr>
<th>Category</th>
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<th>C</th>
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</thead>
<tbody>
<tr>
<td>Offices, limited</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Offices</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Stores &amp; services, general</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Stores &amp; services, large format</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>P</td>
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<tr>
<td>Service Station/Convenience Business</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>P</td>
</tr>
<tr>
<td>Family Entertainment Center</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>P</td>
</tr>
<tr>
<td>Drive-through facilities (for any use)</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Contractor &amp; trade operations</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Garage, public parking</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>P</td>
</tr>
<tr>
<td>Parking Lot</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Parking lot, interim</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Alcoholic beverage establishments</td>
<td>P</td>
<td>C</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Racing and casino complexes</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
</tr>
<tr>
<td>Restaurants</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Studio or workshop</td>
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<td>P</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Vehicle sales, repair, or service</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>P</td>
</tr>
<tr>
<td>Warehouse/Self-Storage Facility (1)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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</table>

<table>
<thead>
<tr>
<th>Category</th>
<th>P</th>
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<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
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</thead>
<tbody>
<tr>
<td>Civic open spaces</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Day care centers</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Government uses</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>P</td>
</tr>
<tr>
<td>Places of worship</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Schools, public and private</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>-</td>
</tr>
</tbody>
</table>

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

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

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SECTION 5: Section 32-242. Permitted Accessory Uses of the Code of Ordinances, is hereby amended as follows:

Section 32-242. Permitted Accessory Uses

(d) Accessory-Medical-Marijuana Treatment Centers are permitted City-wide subject to the following:

(1) Shall only be located at state-licensed medical facilities authorizing dispensary and consumption of cannabis on-site. Such Centers may also be referred to as a "Medical Marijuana Treatment Facility" or "dispensing organization" or other similar term recognized by State law.
(2) Shall not exceed 35 percent of the main structure or building.

(3) Shall complete and submit an accessory use application to the City with payment for requisite fees.

(4) Obtain a Medical Marijuana Permit, which shall be pursuant to Section 7-465 of the City's Code of Ordinances.

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

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

(a). Home occupations.

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

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

a. The use shall be conducted entirely within a dwelling and carried on only by the residents of the dwelling.

b. No more than 25 percent of the area of the residence and no garage or accessory building or structure is used for the business purpose.

c. No sign relating to the home occupation or any business may be posted or displayed on the site and no vehicles with any signs displaying the business or residential address, which might serve to indicate that the dwelling is being used for a business occupation use, may be located on the premises.
d. No person or customer shall be serviced in person on the site nor shall the occupation be conducted in any way which would necessitate suppliers or customers visiting the site.

Exception. Individual tutoring shall be permitted at the residence, provided there are no more than two students at any one time in the residence.

e. No goods shall be displayed for sale or as samples either inside or outside on the site.

f. No noise, odors, smoke, electrical interference, hazardous materials or nuisance of any type shall arise from or be used in the conduct of the occupation.

g. The address or telephone of the premises may be used for receiving business mail and telephone calls provided no more than one business phone line and one fax/modem line are used and the home address is not listed in any Yellow Pages advertising.

h. The home address shall not be used for purposes of advertising, soliciting or announcing the licensed use of the premises through printed material or any other media, except stationery and business cards.

i. The use shall not generate additional pedestrian or vehicular traffic.

j. Pharmacies and businesses related to marijuana, including medical marijuana, preparation, cultivation, storage, processing, manufacturing, and delivery or dispensing for any person, business or occupational use is prohibited.

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

DIVISION 24. – ON-SITE DISPENSING OF CONTROLLED SUBSTANCES

Sec. 32-776. - Pain Management Clinics Controlled-substances-dispensed-on-site.
a) **Applicability.** Pain management clinics, as defined in section 32-8, "Definitions," and cannabis/medical-cannabis (Marijuana) treatment centers or retail centers (which may collectively be referred to as "cannabis center" or "cannabis centers" throughout the City's Code of Ordinances) as defined in this section, shall be subject to the following supplemental regulations:

(b) **Pain Management Clinics.**

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

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

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

(c) **Cannabis/Medical-Cannabis (Marijuana) Businesses.**

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

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

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

   c. **Employee.** A person authorized to act on behalf of the Medical Marijuana Retail Center, whether that person is an Employee or a
contractor, and regardless of whether that person receives compensation.

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

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

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

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

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

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

j. Premises. The building, within which a Medical Marijuana Retail Center is permitted to operate by the City, including the property on which the building is located, all parking areas on the property or that are utilized by the Medical Marijuana Retail Center, and sidewalks and alleys within 100 feet of the property on which the Medical Marijuana Retail Center is located.
k. Qualified registered patient/qualified patient. A resident of the State of Florida who has been added to the State's compassionate use registry by a physician licensed under F.S. ch. 468 or ch. 469, to receive Medical Marijuana from a dispensing organization or Medical Marijuana Treatment Center or similar use as defined in Florida Statutes.

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

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

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

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

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

c. Include a survey sealed by a Florida registered land surveyor who is licensed by the State of Florida. The survey shall indicate the distance between the proposed Medical Marijuana Retail Center and any other protected use as set forth below in subsection 5, Location Requirements; and
d. In addition to the notice to property owners required by Article VIII, no later than ten days prior to each and every public hearing, provide proof of notice of the public hearing to all tenants and property owners within 1,000 feet of the property on which the Medical Marijuana Retail Center is proposed.

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

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

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

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

d. Distances shall be measured using an airline measurement from the property line of the property on which the Medical Marijuana Retail Center is located to the nearest property line of the uses identified in 5.a.
through 5.c. that existed before the date the Medical-Marijuana Retail Center submitted its initial application for approval.

(6) Accessory uses. Medical-Marijuana Retail Centers are prohibited from having accessory uses.

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

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

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

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

(8) Conditional use duration. A conditional use approval for a Medical-Marijuana Retail Center shall be valid for two years, subject to compliance with the conditions of approval and all State laws, licensing, permitting and operational requirements. A new conditional use approval must be obtained prior to expiration of the active approval to ensure continued operation.
(9) Revocation of conditional-use approval. Any conditional-use approval granted under this section shall be immediately terminated if any one or more of the following occur:

a. The Applicant provides false or misleading information to the City;

b. Anyone on the Premises knowingly dispenses, delivers, or otherwise transfers any Marijuana or Marijuana product to an individual or entity not authorized by State law to receive such substance or product;

c. An Applicant, Owner, or manager is convicted of a felony offense;

d. Any Applicant, Owner, manager, or Employee is convicted of any drug-related crime under Florida Statutes;

e. The Applicant fails to correct any City Code violation or to otherwise provide an action plan to remedy the violation acceptable to the City Manager, or designee within 20 days of citation;

f. The Applicant fails to correct any State law violation or address any warning in accordance with any corrective action plan required by the State within the timeframes and completion date the Applicant provided to the City;

g. The Applicant's state or any other license or approval authorizing the dispensing of Medical Marijuana expires or is revoked; or

h. The Applicant fails to maintain a Medical Marijuana Permit as required by this section.

(10) Transfer of Medical Marijuana Retail Center conditional-use approval:

a. A conditional-use approval for a Medical Marijuana Retail Center shall not be transferred to a new Owner, or possession, control, or operation of the establishment surrendered to such other person until a new
Medical Marijuana Permit has been obtained by the new Applicant in accordance with this section:

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

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

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

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

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

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

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

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

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

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

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

ONLY INDIVIDUALS WITH LEGALLY RECOGNIZED MARIJUANA OR CANNABIS QUALIFYING PATIENT OR LEGAL REPRESENTATIVE IDENTIFICATION CARDS OR A QUALIFYING PATIENT’S LEGAL GUARDIAN MAY OBTAIN MARIJUANA FROM A MEDICAL MARIJUANA RETAIL CENTER.
The required text shall be in letters one-half inch in height. This required signage shall not count toward the maximum allowable signage for the establishment.

(17) Persons allowed to enter the Premises:

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

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

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

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

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

(b) Supplemental regulations for pain management clinics.

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

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

Sec. 32-778. — Information to be filed monthly with the city.

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

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

(1) A statement of the names of all employees of the licensee.
(2) b. A statement as to whether any arrests have occurred upon the licensed premises and if so, the dates of such arrests, the persons arrested and the offense with which each of those persons was charged.

(3) c. Any material change in any of the information required pursuant to the original application for the license.

(4) d. The violation of any of the terms and conditions of this division or the violation of any ordinance of the city or county, or the violation of any of the laws of the state or the United States as they pertain to the conduct of the licensed business shall be cause for revocation of the license pursuant to section 18-40 of the city's Code of Ordinances by clear and convincing evidence.

Sec. 32-777. Medical marijuana establishments and pharmacies

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

(1) **Derivative product** means any form of cannabis suitable for routes of administration.

(2) **Low-THC cannabis** means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than ten percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seed or resin that is dispensed only from a dispensing organization approved by the Florida Department of Health pursuant to F.S. § 381.986.

(3) **Low-THC cannabis dispensary** means an establishment where low-THC cannabis is dispensed at retail.

(4) **Medical Marijuana** means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative product, mixture, or preparation of the plant or its seeds or resin including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient. The term shall be interpreted in accordance with F.S. § 381.986 and Ch. 64-4 of the Florida Administrative Code.

(5) **Medical marijuana establishment** means an establishment related to medical marijuana, regulated pursuant to F.S. § 381.986.
(6) Medical marijuana treatment center means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transport, sells, distributes, dispenses, or administers marijuana products contain marijuana, related supplied, or educational materials to qualifying patients or their caregivers and is registered by the Florida Department of Health.

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

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

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

(d) Medical marijuana establishment proximity to schools.

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

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

   ii. All applications for variances to this section shall be heard by the planning and zoning board and by the city commission, regardless of whether the application qualifies as a minor development based on the
city code. The public hearings shall be noticed, posted and advertised in conformity with the requirements for variances; except that courtesy letters shall also be sent to all property owners located within 500 feet of the proposed medical marijuana treatment center dispensing facility seeking the variance. An administrative fee, established in accordance with the city's general fee policy, shall be due at the time application for such a hearing is made.

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

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

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

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

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

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

(e) **Variance.** The city commission, may, upon application for the requested variance and public hearings, determine that the location promotes the public health, safety, and general welfare of the community. In granting any such variance, the city commission may prescribe any conditions that it deems necessary in the public interest. All applications for variances to this section shall be heard by the planning and zoning board and by the city commission, regardless of whether the application qualifies as a minor development based on the city code. The public hearings shall be noticed, posted and advertised in conformity with the
requirements for variances; except that courtesy letters shall also be sent to all property
owners located within 1,000 feet of the proposed medical marijuana treatment center
dispensing facility, pharmacy, or pain management clinic seeking the variance. An
administrative fee, established in accordance with the city’s general fee policy, shall be due
at the time application for such a hearing is made.

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

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

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

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

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

PASSED AND ADOPTED on 1st reading on August 15, 2018.
PASSED AND ADOPTED on 2nd reading on September 17, 2018.

KEITH S. LONDON
MAYOR

ISR NO. 2018
File NO. 18-428

ORD. NO. 2018-024
SPONSORED BY: CITY ADMINISTRATION

ATTEST:

JENORGEN GUILLEN
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY AND FORM

JENNIFER MERINO
CITY ATTORNEY

VOTE

AYE/NAY

Mayor London
Vice Mayor Lazarow
Comm. Butler
Comm. Dally
Comm. Taub