

ORDINANCE NO. C-17-09

AN ORDINANCE AMENDING THE CITY OF FORT LAUDERDALE, FLORIDA UNIFIED LAND DEVELOPMENT REGULATIONS BY AMENDING SECTIONS 47-6.11 – LIST OF PERMITTED AND CONDITIONAL USES, BOULEVARD BUSINESS (B-1) DISTRICT, SECTION 47-6.12 – LIST OF PERMITTED AND CONDITIONAL USES, GENERAL BUSINESS (B-2) DISTRICT, SECTION 47-6.13 – LIST OF PERMITTED AND CONDITIONAL USES, HEAVY COMMERCIAL/LIGHT INDUSTRIAL BUSINESS (B-3) DISTRICT, AND SECTION 47-20 – PARKING AND LOADING REQUIREMENTS, AND CREATING SECTION 47-18.46 – MEDICAL CANNABIS DISPENSING FACILITIES; PROVIDING FOR DEFINITIONS, ESTABLISHING REGULATIONS, CREATING LOCATION AND OPERATION STANDARDS AND CRITERIA FOR APPROVAL FOR MEDICAL CANNABIS DISPENSING FACILITIES; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, desires to amend Section 47-6 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (ULDR), entitled "Business Zoning Districts", specifically amending Section 47-6.11, List of permitted and conditional uses, Boulevard Business District; Section 47-6.12, List of permitted and conditional uses, General Business District; Section 47-6.13, List of permitted and conditional uses, Heavy Commercial/Light Industrial Business District; amending Section 47-20, Parking and Loading Requirements; and creating Section 47-18.46, Medical Cannabis Dispensing Facilities; and

WHEREAS, notice was provided to the public that this ordinance would be considered at the City Commission meeting to be held on Tuesday, May 2, 2017, and Tuesday, May 16, 2017, at 6:00 o'clock P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

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SECTION 1. That Section 47-6.11, List of permitted and conditional uses, Boulevard Business (B-1) District, of the City of Fort Lauderdale, Florida Unified Land Development Regulations ("ULDR") is hereby amended to read as follows:

Sec. 47-6.11. List of permitted and conditional uses, Boulevard Business (B-1) District

...

<u>9. Service/Office Facilities</u>	<u>Services/Office Facilities Conditional Uses</u>
a. Auction House.	a. Adult Gaming Center, see Section 47-18.42.
...	b. Child Day Care Facilities, see Section 47-18.8.
	c. Helistop, see Section 47-18.14.
	<u>d. Medical Cannabis Dispensing Facilities, see Section 47-18.46.</u>

SECTION 2. That Section 47-6.12, List of permitted and conditional uses, General Business (B-2) District, of the Unified Land Development Regulations ("ULDR") of the City of Fort Lauderdale is hereby amended to read as follows:

Sec. 47-6.12. List of permitted and conditional uses, General Business (B-2) District.

...

<u>9. Service/Office Facilities</u>	<u>Services/Office Facilities Conditional Uses</u>
a. Auction House.	a. Adult Gaming Center, see Section 47-18.42.
...	b. Child Day Care Facilities, see Section 47-18.8.
	c. Helistop, see Section 47-18.14.
	<u>d. Medical Cannabis Dispensing Facilities, see Section 47-18.46.</u>

SECTION 3. That Section 47-6.13, List of permitted and conditional uses, Heavy Commercial/Light Industrial (B-3) District, of the Unified Land Development Regulations ("ULDR") of the City of Fort Lauderdale is hereby amended to read as follows:

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Sec. 47-6.13. List of permitted and conditional uses, Heavy Commercial/Light Industrial (B-3) District.

...

<u>9. Service/Office Facilities</u>	<u>Services/Office Facilities Conditional Uses</u>
a. Auction House.	a. Adult Gaming Center, see Section 47-18.42.
	b. Child Day Care Facilities, see Section 47-18.8.
	c. <u>Medical Cannabis Dispensing Facilities</u> , see Section 47-18.46.
...	

SECTION 4. That Section 47-20, Parking and Loading Requirements, of the ULDR of the City of Fort Lauderdale is hereby amended to read as follows:

Sec. 47-20.2. Parking and loading zone requirements.

...

TABLE 1. PARKING AND LOADING ZONE REQUIREMENTS

Use	Standard Requirements	
	<i>Parking Space Requirement</i>	<i>Loading Zone Requirement</i>
...		
Meat, poultry packers	1/800 sf gfa	See Table 2.
<u>Medical Cannabis Dispensing Facility</u>	<u>1/150 sf gfa</u>	<u>See Table 2.</u>
Medical office (doctor, dentist, clinic)	1/150 sf gfa	See Table 2.
...		

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SECTION 5. That Section 47-18.46, Medical Cannabis Dispensing Facilities, of the ULDR is hereby created to read as follows:

Sec. 47-18.46. Medical Cannabis Dispensing Facilities

A. Regulated uses.

[Generally.] In the development and execution of this section it is recognized that marihuana (sic) is listed on Schedule I of the Comprehensive Drug Abuse Prevention and Control Act of the United States Code Annotated, 21 U.S.C.A. § 801 et seq (the "Act"). Drugs and substances listed on Schedule I of the Act are declared drugs or substances with high potential for abuse with no currently accepted medical use in treatment in the United States and that there is a lack of any accepted safe use of the drug or substance under medical supervision. 21 U.S.C.A. § 812(b)(1). Certain actions and conduct involving Schedule I drugs or substances are unlawful under Federal law. Section 29 of Article X of the Florida Constitution provides that certain actions and conduct involving the medical use of marijuana are not subject to criminal or civil liability or sanctions under Florida law. Special regulation of these uses is necessary to ensure that adverse effects resulting from these uses will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in the following subsections of this section. These regulations are for the purpose of preventing a concentration of these uses in any one area and requiring a distance separation of such uses from each other as well as other vulnerable uses identified herein.

B. Definitions.

Except as provided herein, all terms shall be defined in accordance with Section 381.986, Florida Statutes, as may be amended:

Cannabis or Marijuana - 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, cannabis derivative product, mixture or preparation of the plant or its seeds or resin.

Cannabis Cultivation Use - an establishment engaged in the planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof.

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Cannabis Delivery Device - a device utilized for the consumption of prescribed medical cannabis. Such devices can only be sold to a qualified patient that has been prescribed medical cannabis or low-THC cannabis or someone authorized by the qualified patient or the qualified patient's legal representative authorized to receive the device on the qualified patient's behalf.

Dispensing Organization - an organization approved by the State of Florida to cultivate, process, transport, and dispense medical cannabis pursuant to Florida law.

Medical Cannabis - 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 its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient.

Medical Cannabis Dispensing Facility - the building or structure where medical cannabis, as well as cannabis delivery devices, is dispensed.

C. Zoning Requirements

1. Medical Cannabis Dispensing Facilities operated by a State licensed Dispensing Organization shall be permitted in the following zoning districts subject to separation requirements and approval process set forth in this section.

- a. Boulevard Business (B-1)
- b. General Business (B-2)
- c. Heavy Commercial/Light Industrial (B-3)

2. Distance Separation Requirements

- a. 5,280 feet (one mile) from another medical cannabis dispensing facility
- b. ~~4,000~~ 1,500 feet from a school or child day care facility
- c. ~~4,000~~ 1,500 feet from a park
- d. ~~4,000~~ 1,500 feet from a library
- e. The separation shall be measured from the closest point of the facility where the medical cannabis is dispensed ~~will be located~~ to the closest point property line of the property for the school, child day care facility, park or library.

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- f. This separation will include those uses listed above in adjacent municipalities and unincorporated areas of the County.
3. No more than one medical cannabis dispensing facility shall be permitted for every 40,000 residents as determined by population figures published by the United States Census Bureau and no more than one medical cannabis dispensing facility shall be permitted to be located within each City Commission district.
4. The hours of operation shall be allowed between 7:00 am and 9:00 pm daily pursuant to state law.
5. Parking shall be parked at 1/150 square feet of gross floor area.
6. Drive-through facilities associate with the use are prohibited.
7. Marijuana plants, products, and paraphernalia (and depictions thereof) shall not be visible from a public sidewalk or public right-of-way.
8. Odor and Air Quality. The applicant shall ensure that there are adequate air filtration systems in place to ensure that dust, smoke, or odors will not go beyond the confines of the occupied space.
9. Nothing in this section shall prohibit a state-approved dispensing organization, or another entity licensed under state law to dispense cannabis, from making deliveries of cannabis or derivative products to the residence or business of an authorized individual, or to a health care facility, as permitted by other relevant ordinances and state law.
10. All other uses related to cannabis not listed as permitted in this section, including but not limited to cannabis cultivation uses, shall be considered prohibited within the City.

D. Review Process

1. The approval process shall be considered a conditional use and subject to a Site Plan Level III application per ULDR Section 47-24.3, Conditional Use Permit Requirements.

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2. The applicant shall furnish a certified survey from a registered engineer or surveyor, indicating the distance between the proposed medical cannabis dispensing facility and any existing medical cannabis dispensing facility, school, child day care facility, or library within the applicable radius to ensure the required separation distances have been met.
3. Security Plan. As part of the site plan application, the applicant shall submit a security plan that, at a minimum, provides the following:
 - a. Fully operational lightning 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 a minimum access to the cash receipts; and,
 - iii. A security camera system capable of recording and retrieving, for at least thirty (30) 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;
 - b) On the interior where any monetary transaction shall occur; and,
 - c) At the ingress and egress to any area where medical cannabis is stored.
 - b. The Police Department shall review the applicant's operational and security plan and may impose site and operational revisions as are deemed reasonably necessary to ensure safety.
4. Approval. If two ~~potential~~ applications for medical cannabis dispensing facilities propose locations within a ~~one-mile~~ distance of 5,280 feet (one mile) and are approved at the same Planning and Zoning Board hearing, then the first

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application that has been deemed complete pursuant to Section ~~27-255~~ 47-24.1.I. will be granted the Conditional Use Permit as to meeting the distance separation requirements of Section 47-18.46.C.2.

The applicant will have 18 months from the issuance of the Conditional Use Permit to apply for any necessary permits and 24 months to obtain said permits, otherwise the Conditional Use Permit shall be considered null and void.


SECTION 6. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 7. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 8. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the 2nd day of May, 2017.

PASSED SECOND READING this the 16th day of May, 2017.


Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JEFFREY A. MODARELLI

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