

## City of Hallandale Beach City Planning and Zoning Board Agenda Cover Memo

<b>Primary Application Type:</b>	CODE AMENDMENT	<b>Hearing Date:</b>	November 30, 2016		
<b>Additional Applications:</b>	N/A	<b>Public Hearing:</b>	<b>YES</b>	<b>NO</b>	
			X		
<b>Code Section &amp; General Title:</b>	32-776 Controlled Substances Dispensed On-site	<b>Quasi-Judicial:</b>	<b>YES</b>	<b>NO</b>	
				X	
<b>Applicant:</b>	City of Hallandale Beach	<b>Workshop:</b>	<b>YES</b>	<b>NO</b>	
				X	
<b>Application #</b>	LDC-16-02581	<b>Advertisement Type Required:</b>	<b>DISPLAY</b>	<b>REGULAR</b>	<b>N/A</b>
				X	
<b>Staff Recommendation:</b>		<b>Approve</b>	<b>Approve w/Conditions</b>		<b>Reject</b>
		X			
<b>Applicant Request:</b>	City Administration is proposing to amend the Zoning and Land Development Code to establish regulatory requirements for medical cannabis dispensing organizations, and other similar uses.				
The subject application has been reviewed and processed pursuant to policies and regulations contained within: <ul style="list-style-type: none"> <li>▪ City of Hallandale Beach Comprehensive Plan</li> <li>▪ City of Hallandale Beach Code of Ordinances</li> <li>▪ Broward County Land Use Plan</li> </ul>		<b>Strategic Plan Priority Area:</b>			
		<input checked="" type="checkbox"/> Safety <input type="checkbox"/> Quality <input type="checkbox"/> Vibrant Appeal			
<b>Sponsor Name:</b>	Keven R. Klopp, Development Services Director	<b>Prepared By:</b>	Althea Jefferson, AICP, Planning & Zoning Manager		

### Short Title:

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING SECTION 32-370 HOME OCCUPATIONS AND LIVE/WORK, TO PROHIBIT CANNABIS RELATED BUSINESSES AND HOME OCCUPATIONS; AMENDING CHAPTER 32, ARTICLE III OF THE ZONING AND LAND DEVELOPMENT CODE, TABLE 32-160.a AND TABLE 32-193(a), ESTABLISHING ADDITIONAL USE TYPE "CANNABIS/MEDICAL CANNABIS (MARIJUANA)**

**DISPENSARY”; AMENDING ARTICLE IV, DIVISION 24, ON-SITE DISPENSING OF CONTROLLED SUBSTANCES, TO PROVIDE ADDITIONAL STANDARDS FOR CANNABIS DISPENSARY; AMENDING 32-8 TO CREATE DEFINITIONS FOR CANNABIS, MEDICAL CANNABIS, AND CANNABIS DISPENSARY; AMENDING SECTION 32-242. PERMITTED ACCESSORY USES, TO ALLOW MEDICAL MARIJUANA TREATMENT CENTERS AS AN ACCESSORY USE TO STATE LICENSED MEDICAL FACILITIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

### **Staff Summary:**

#### **Background:**

Recent advances in medicine have concluded that there are medicinal benefits to the use of cannabis for certain medical conditions, including cancer, seizures, and the like. In June of 2014, Governor Rick Scott signed Senate Bill 1030, which made one strain of the drug available to Floridians for medical use. This strain, referred to as Charlotte’s Web, is known to be beneficial to children suffering from epilepsy. The law also called for the establishment of five dispensing organizations to cultivate, process, and dispense low-THC cannabis. The Florida Department of Health must authorize one dispensing organization in each of the following regions: northwest, northeast, central, southwest, and southeast Florida. Since the signing of the Compassionate Medical Cannabis Act of 2014, the Office of Compassionate Use (OCU) has designated the authorized dispensing agencies. These agencies may dispense statewide; thus, development and zoning regulations are required to determine where such agencies will be permitted and how they will be regulated. In addition, the City will need to provide for such business uses in the fee schedule for business tax receipts.

To adequately prepare regulations and pursuant to Article III, Section 32-966(g) of the City’s Code of Ordinances, the City of Hallandale Beach declared a 180 day Zoning in Progress Moratorium on the filing and acceptance of business tax receipts or development applications for dispensing organizations within the City, through December 16, 2016. On July 6, 2016, City Commission approve the attached Resolution of the Mayor and City Commission of the Hallandale Beach, Florida, invoking a 180 day Zoning in Progress and building Moratorium, relative to medical cannabis and dispensing organizations.

Medical cannabis was the subject of a Florida ballot referendum on November 8, 2016. The voters of Florida supported the referendum, making medical marijuana legal in the state effective January 3, 2017.

Currently, the Code of Ordinances does not address or define grow houses, dispensing organizations, or other similar uses. The existing Zoning and Land Development Code also does

not provide for business hours of operation, location and size requirements, or distance separation requirements for such uses.

### **Why Action is Necessary**

Pursuant to Chapter 2-231 of the City's Code of Ordinances, the Planning and Zoning Board shall review and make advisory recommendations to the City Commission with regard to Zoning and Land Development Code Amendments.

### **Current Situation**

As of the referendum vote on November 8, 2016, medical cannabis is now legal in the state of Florida. Currently, the Code of Ordinances does not address or define grow houses, dispensing organizations, or other similar uses. The existing Zoning and Land Development Code also does not provide for business hours of operation, location and size requirements, or distance separation requirements for such uses. Therefore, the city must establish zoning and development regulations for cannabis dispensing organizations.

The Moratorium order is set to expire on December 16, 2016, and staff has scheduled an extension request for December 7, 2016. The request is for the City Commission to consider a sixty (60) day extension of the Moratorium Order, which will allow staff the time to schedule the requisite public hearings of the proposed ordinance for the City Commission.

### **Analysis**

The Light Industrial Future Land Use designation is intended to encourage research development activities, light manufacturing, large scale printing and electronics related uses. These uses are not intense, but generally are buffered with commercial uses – rather than residential. The proposed ordinance is found to be consistent with the following objectives and policies of the City's Comprehensive Plan:

**GOAL 1:** To provide a coordinated and compatible mix of land uses which encourages a high quality of life meeting the social, economic and physical needs of the present and future population of Hallandale Beach, while insuring reasonable environmental protection and timely and efficient provision of services.

**OBJECTIVE 1.2:** Land Use Compatibility: Continuously review and reevaluate existing and potential land use conflicts and recommend solutions, in order to enhance land use compatibility and quality of life.

**POLICY 1.3.3:** The City shall maintain land development regulations intended to preserve and protect existing single-family neighborhoods from the negative impacts of incompatible land uses and nuisances.

**OBJECTIVE 1.12:** Land Use Consistency: The City shall manage growth and development through the continued administration, and enforcement of the Hallandale Beach Zoning and Land Development Code which shall ensure that future land uses remain consistent with this Plan.

**POLICY 1.12.3:** The City shall continue to review, evaluate and update the City's Unified Land Development Code.

**POLICY 1.16.1:** The City shall use existing and establish new procedures as needed to ensure consistency and coordination between the City and County Comprehensive Plans, the State of Florida Comprehensive Plan, the Regional Policy Plan for South Florida, plans of adjacent municipalities, and plans of other units of local government which provide services within the City, but do not have regulatory authority.

**POLICY 1.19.1:** The City shall maintain a CPTED review policy and procedure in the form of administrative policy or land development regulations. The policy shall require plan review by the Development Services and Police Departments, at a minimum.

Considering Hallandale Beach could potentially become a selected location of a satellite outlet for cannabis dispensary, the City has prepared regulations to provide guidance on the establishment of dispensing organizations within the city limits. Staff has used the Moratorium period to research best practices for regulating these uses, establishing appropriate locations for them, and siting the conditions under which they may be allowed within the City, including distance separation requirements, hours of operation, setbacks, screening, size, and height limitations. A summary of the ordinance is provided below:

- Prohibits any home occupations related to marijuana (medical or otherwise).
- Prohibits Medical Marijuana Retail Centers in the West and Central RAC Subdistricts.
- Establishes a definitions for Cannabis related facilities and establishments.
- Allows Medical Marijuana Treatment Centers as an accessory use to medical facilities possessing the appropriate state licenses from State Department of Health to administer medical marijuana on-premises.
- Allows Medical Marijuana Retail Centers in the I-L Industrial Light zoning district by Conditional Use Permit (CUP) only.
- Establishes that Medical Marijuana Retail Centers must meet Article VIII requirements for conditional use as well as additional application criteria, such as:
  - CUP must be a joint application by business owner and property owner; and,
  - A lease which specifies the use.
- Establishes 1000 foot distance separation requirement between a Medical Marijuana Retail Center and:
  - Parks;
  - Schools;
  - Daycares;
  - Churches;
  - Rehabilitation facilities; and
  - Another Medical Marijuana Retail Center.
- Prohibits Accessory Uses for a Medical Marijuana Retail Center.
- Establishes a set duration for a Medical Marijuana Retail Center CUP.
- Establishes grounds for revocation of a Medical Marijuana Retail Center CUP.
- Establishes procedures for transfer of Medical Marijuana Retail Center CUP approval.
- Prohibits alcohol use at Medical Marijuana Retail Centers.
- Stipulates that all activities and business shall be conducted within the confines of the building where the Medical Marijuana Retail Center is located.

- Prohibits on-site storage and live Marijuana plant materials.
- Prohibits visibility of the marijuana products from exterior windows or glass doors.
- Specifies special signage provision.
- Prohibits consumption of marijuana (medical or otherwise) in public places.
- Requires all Medical Marijuana Retail Centers to submit monthly reports to the City.

In addition to the regulations proposed in the Zoning and Land Development Code, staff is initiating two additional ordinances and a resolution related to this issue. No action is required by the Planning and Zoning Board for the resolution or additional ordinances; however, staff is providing a brief description of each one below:

Proposed ordinance amending Chapter 7, Businesses:

- Requires a Medical Marijuana Permit and Identification Tag.
- Requires a background investigation (Level 2) for permit applicants, and establishes the permit expires on September 30<sup>th</sup> of each year.
- Establishes grounds for the denial of a Medical Marijuana Permit application.
- Prohibits transfer of the Medical Marijuana Permit.
- Establishes grounds for the revocation of a Medical Marijuana Permit.
- Establishes the hours of operation for Medical Marijuana Retail Centers.
- Stipulates provisions to be taken for security.
- Prohibits the hiring of employees under the age of 21.
- Prohibits the hiring of employees that have not passed a level 2 background screening.
- Requires any state violations or changes in state licensure to be reported to the City.

Proposed ordinance amending the Business Tax Receipt schedule of fees to include:

1. Medical Cannabis dispensary Business Tax
  - a. Medical Marijuana Retail Establishment Fee
  - b. Medical Marijuana Treatment Center fee
2. Physician – Medical Cannabis (Rx) Business Tax

Resolution for the establishment of new fees for Planning and Zoning Review and Processing:

1. Medical Marijuana Retail Establishment Conditional Use Application Fee
2. Medical Marijuana Treatment Center Conditional Use Application Fee
3. Medical Marijuana Conditional Use Transfer Application Fee
4. NEW Medical Marijuana Permit Fee - Non-refundable
5. Annual Renewal Medical Marijuana Permit Fee - Non-refundable
6. Identification Tags
7. Level II – Medical Marijuana Background Check Fee (per person) – facilitated by 3<sup>rd</sup> party entity; *Non-refundable application fee for each applicant, owner, employee to cover administrative costs & expenses.*

<b>Recommendation:</b>
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Staff recommends approval of the proposed Ordinance and Application LDC-16-02581 (Exhibit 1), which establishes regulatory requirements for medical cannabis dispensing organizations, and other similar uses in the City of Hallandale Beach.

### Proposed Action:

A member of the Planning and Zoning Board shall make a motion to:

- ☐ Recommend the City Commission **APPROVE** the proposed ordinance and Application LDC-16-02581; or,
- ☐ Recommend the City Commission **APPROVE** the proposed ordinance and Application LDC-16-02581 **WITH CHANGES**, as proposed by the Board; or,
- ☐ Recommend the City Commission **NOT APPROVE** the proposed ordinance and Application LDC-16-02581.

Once Planning and Zoning Board action is taken, the ordinance will then be presented to the City Commission for consideration and approval at two separate hearings.

### Attachments:

Exhibit 1- Proposed Ordinance