



400 South Federal Hwy
Hallandale Beach, FL 33009

City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	March 13, 2017		Item Type: (Enter X in box)	Resolution	Ordinance	Other X	
Fiscal Impact: (Enter X in box)	Yes	No	Ordinance Reading: (Enter X in box)	1st Reading		2nd Reading	
		X	Public Hearing: (Enter X in box)	Yes	No	Yes	No
Funding Source:	N/A		Advertising Requirement: (Enter X in box)	Yes		No X	
Account Balance:	N/A		Quasi Judicial: (Enter X in box)	Yes		No X	
Application Number :	N/A		RFP/RFQ/Bid Number:				
Contract/P.O. Required: (Enter X in box)	Yes	No	Strategic Plan Priority Area: (Enter X in box)				
			Safety <input type="checkbox"/> Quality <input checked="" type="checkbox"/> Vibrant Appeal <input type="checkbox"/>				
Sponsor Name:	Roger M. Carlton, City Manager		Department: Development Services	Keven R. Klopp, Development Services Director			

Short Title:

A WORKSHOP ON MEDICAL CANNABIS PRESENTED BY THE DEVELOPMENT SERVICES DEPARTMENT.

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 and seizures. In June 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 has authorized seven dispensing organizations in northwest, northeast, central,

southwest, and southeast Florida regions. Since the signing of the Compassionate Medical Cannabis Act of 2014, the Office of Compassionate Use (OCU) has designated the authorized dispensing agencies (Exhibit 1).

Cannabis, commonly known as marijuana, was the subject of a Florida ballot referendum on November 8, 2016. The voters of Florida supported the referendum by an overwhelming majority and medical marijuana became legal in the state. During the 2017 Florida Legislative session, additional guidelines will be developed with regard to marijuana treatment centers. These businesses may dispense statewide; thus, development and zoning regulations are required to determine where such establishments will be permitted and how they will be regulated at the local level. In addition, the City will need to provide for such business uses in the fee schedule for business tax receipts.

Current Situation:

Currently, the Code of Ordinances does not address or define dispensing organizations, cannabis treatment centers or other medical marijuana establishments. Also the Hallandale Beach existing Zoning and Land Development Code does not provide for business hours of operation, location and size requirements, or distance separation from schools and churches requirements for such uses. Given this fact, a comprehensive determination is required to establish zoning and development regulations for cannabis dispensing organizations/treatment centers.

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 December 7, 2016, the City Commission voted to extend the moratorium through February 7, 2017 (Resolution 2016-191). On January 25, 2017 the City Commission approved Resolution 2017-10 extending the Cannabis moratorium order a second time. Currently, the order is set to expire on June 9, 2017.

Analysis:

Considering Hallandale Beach could potentially become a selected location of a satellite cannabis dispensary or treatment center, the City should prepare regulations to provide guidance on the establishment of such businesses within the city limits. Staff is using the Moratorium period to research best practices for regulating these uses, establishing appropriate locations, and siting the conditions under which they may be allowed within the City, including distance separation requirements, hours of operation, and approval processing. The City Commission may also choose to establish regulations regarding setbacks, screening, and size limitations.

Legislative rulemaking at the state level is evolving. The regulations for implementing Amendment 2 are not complete as of the writing of this report; however, the state is proposing several changes to Florida Statutes Chapter 381.986 as part of Senate Bill 406. The Bill adds and revises definitions; revises rules for physician certifications; authorizes qualifying patients to designate caregivers; authorizes the Department of Health to levy a fee for identification cards; revises the operational requirements for medical marijuana treatment centers; requires childproof receptacles; and requires additional information on certain product labels.

Municipalities throughout the state have adopted regulations or moratorium periods to address medical marijuana. Some cities adopted regulations in 2014. Others have adopted regulations since Amendment 2 passed on November 8, 2016. The regulatory approach and degree of oversight addressed by the aforementioned regulations vary from city to city. The workshop scheduled March 13, 2017 will provide examples of the municipal rules that have been discovered by staff. In addition, public safety and building code perspectives will also be discussed.

Presentation Shall Include:

The Workshop will include a presentation on the following:

1. Legislative Overview
2. Overview - Other Municipal Cannabis Codes
3. Planning and Zoning Board recommendations of Draft Ordinance
4. Key Decision Points for City Commission
 - a. Zoning
 - i. Location Requirements - Where will marijuana-related uses be allowed (zoning districts)? Shall such uses be located alongside other retail establishments? Should marijuana-related uses be located within existing retail establishments as an accessory use, or permitted only as "stand-alone" establishments?
 - ii. Distance Separation Requirements - Should marijuana-related uses be separated from other uses (parks, schools, churches, night clubs, other marijuana centers, or liquor establishments)? If so, should the city establish distance separation requirements between uses? If distance separation requirements are established, should the distance separation between a marijuana-related use and a school be the same as the distance separation between a marijuana-related use and a church, etc?
 - iii. Approval Processing - Should the city require conditional use approval of marijuana-related uses, or will the use be permitted out-right? Should the city require annual or biennial "re-approval" of marijuana-related uses (similar to night club approvals)? Should the city accept the state issued identification cards for marijuana-related uses, or establish its own? Should the city allow consumption on-premises? Should business operating hours be limited?
 - b. Business Tax Receipts (BTR) - Should the fee structure for a marijuana-related use BTR be based upon inventory, like other retail establishments? Should the fee structure relate solely to the type of establishment for a flat rate (i.e. similar to a dry cleaning establishment)?
 - c. Public Safety
 - i. Police - Should the city require marijuana-related uses to have closed circuit cameras or other surveillance technology? Should the city use the same Police public safety measures for marijuana-related uses that are required for convenience stores (cash management policy, silent alarm, drop safe, window tinting limitations, etc.)?

Proposed Action:

Provide staff with direction on proposed regulations and fee structure for marijuana establishments and related uses.