



400 South Federal Hwy
Hallandale Beach, FL 33009

City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	May 17, 2017		Item Type: (Enter X in box)	Resolution X	Ordinance X	Other	
Fiscal Impact: (Enter X in box)	Yes	No	Ordinance Reading: (Enter X in box)	1st Reading X		2nd Reading	
	X		Public Hearing: (Enter X in box)	Yes X	No	Yes	No
Funding Source:			Advertising Requirement: (Enter X in box)	Yes X		No	
Account Balance:			Quasi Judicial: (Enter X in box)	Yes		No X	
Project Number:			RFP/RFQ/Bid Number:	N/A			
Contract/P.O. Required: (Enter X in box)	Yes	No	Strategic Plan Priority Area: (Enter X in box) Safety <input checked="" type="checkbox"/> Quality <input type="checkbox"/> Vibrant Appeal <input type="checkbox"/>				
		X					
Sponsor Name:	Roger M. Carlton, City Manager's Office		Department: Development Services	Keven R. Klopp, Director			

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) RETAIL CENTER" AND ALLOWING SUCH USE BY CONDITIONAL USE PERMIT; AMENDING ARTICLE IV, DIVISION 24, ON-SITE DISPENSING OF CONTROLLED SUBSTANCES, TO PROVIDE ADDITIONAL STANDARDS FOR CANNABIS TREATMENT CENTERS AND RETAIL CENTERS; AMENDING SECTION 32-242. PERMITTED ACCESSORY USES TO ALLOW MEDICAL MARIJUANA TREATMENT CENTERS AS AN ACCESSORY USE TO STATE LICENSED MEDICAL FACILITIES; AMENDING SECTION 32-

150(c) B-G BUSINESS GENERAL DISTRICT, LIST OF CONDITIONAL USES TO INCLUDE “CANNABIS/MEDICAL CANNABIS (MARIJUANA) RETAIL CENTER”; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

AND,

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE FEE SCHEDULE BOOKLET TO INCLUDE FEES ASSOCIATED WITH MEDICAL MARIJUANA RETAIL CENTERS, MEDICAL MARIJUANA TREATMENT FACILITIES, RELATED BUSINESS PERMITS AND CONDITIONAL USE APPROVALS; AND PROVIDING AN EFFECTIVE DATE.

Staff Summary:

Background:

Please see background provided in first marijuana related agenda item.

Current Situation

Staff has used the time allotted by the moratorium on marijuana establishments 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 regarding home occupations is provided below:

- Prohibits any home occupations related to marijuana
- Prohibits Medical Marijuana Retail Centers in the West and Central RAC Subdistricts.
- Establishes a definition 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 B-G Business General zoning district by Conditional Use Permit (CUP) only. B-G is found mainly along the east end and the west end of Hallandale Beach Blvd. (Conditional uses must receive City Commission approval.)
- 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;
 - Drug addiction rehabilitation facilities; and
 - Another Medical Marijuana Retail Center.

- Prohibits Accessory Uses for a Medical Marijuana Retail Center. No other businesses shall share space and operate side by side with a Medical Marijuana Retail Center.
- Establishes a set duration for a Medical Marijuana Retail Center CUP so they must be renewed annually like nightclubs.
- Establishes grounds for revocation of a Medical Marijuana Retail Center CUP.
- Establishes procedures for transfer of Medical Marijuana Retail Center CUP approval.
- Prohibits alcohol sale and consumption 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.
- Reiterates Florida Statutes which prohibit consumption of marijuana (medical or otherwise) in public places.
- Requires all Medical Marijuana Retail Centers to submit monthly reports to the City regarding employees, arrest, and/or any changes in the business from the application on file.

Exhibit 2 provides a proposed resolution establishing zoning fees related to the processing and approval of the cannabis dispensaries within the city. The fees are noted below:

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

The Planning and Zoning Board (PZB) voted to recommend approval of the proposed ordinance on November 30, 2016. The Planning and Zoning Board recommendation came with the following revisions: change the means of measuring distance for separation requirements; change tenant notification from 300 feet to 1,000 feet; and, require signage at each external entrance. The PZB revisions have been added to the ordinance.

On March 13, 2017 the City Commission held a workshop on the topic of cannabis. Staff provided a status report on the moratorium, outlined state proposed legislative changes, and listed alternatives to zoning regulations. City Commission direction was sought at the workshop and staff has reflected the input from March 13 in the proposed ordinance (Exhibit 1). All items in the proposed ordinance that have been revised since the Commission workshop and the PZB recommendation and approval are indicated with double underline or ~~double strike through~~ text.

In addition to the zoning regulations proposed in the Zoning and Land Development Code and the resolution for the related fees, staff is initiating three additional ordinances related to cannabis business regulations, business tax receipts, and property maintenance. All other ordinances will be heard as separate agenda items also being brought forth for City Commission consideration on the May 17, 2017 agenda.

Why Action is Necessary:

Pursuant to Article V, Section 5.01 of the City of Hallandale Beach Charter, a City Ordinance must be adopted by the City Commission to amend the Code of Ordinances. As staff is recommending revisions to Section 32 of the City Code, approval of the attached ordinance is

necessary. In accordance with Article III, Section 10-61, Fees, of the City of Hallandale Beach Code of Ordinances, service or user charges or fees shall be set or amended by a Resolution of the City Commission. Finally, pursuant to Section 8-36 of the Hallandale Beach Code of Ordinances, upon the completion of all zoning district changes relating to a moratorium, the commission shall issue its order terminating the building moratorium.

Fiscal Impact:

Should the City Commission decide to adopt the proposed ordinances related to cannabis regulations, corresponding fees associated with processing and monitoring cannabis dispensaries and related activities must also be adopted. The attached resolution (Exhibit 2) addresses the fees related to cannabis conditional use approval, conditional use renewal, and accessory use applications. Existing Conditional Use fees range from \$300 for single family residential to \$1,500 in the Central RAC. Staff is proposing a higher fee for the Medical Marijuana Retail Center Conditional Use Fee and the Medical Marijuana Treatment Center Accessory Use Fee (Exhibit 2). Assuming the city will approve three cannabis conditional use permits, the potential revenue would equate to \$22,500 for such permits. Additional revenues would also be realized via business tax receipts and business permits.

Proposed Action:

Staff is requesting the City Commission approve the proposed ordinance (Exhibit 1) establishing zoning regulations for retail and treatment center cannabis dispensaries upon first reading. Upon approval, second Reading will be scheduled for June 7, 2017. The related fee resolution will also be brought forth at second reading for Commission approval. The cannabis related moratorium will sunset upon adoption of the proposed ordinance.

Attachment(s):

Exhibit 1 - Proposed Ordinance
Exhibit 2 - Proposed Cannabis Fee Resolution

Prepared by:

Keven R. Klopp

Keven R. Klopp, Development Services Director