

1 EXHIBIT 1

2 ORDINANCE NO. 2017 -

3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
4 THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING
5 SECTION 32-370 HOME OCCUPATIONS AND LIVE/WORK, TO
6 PROHIBIT CANNABIS RELATED BUSINESSES AND HOME
7 OCCUPATIONS; AMENDING CHAPTER 32, ARTICLE III OF THE
8 ZONING AND LAND DEVELOPMENT CODE, TABLE 32-160.a
9 AND TABLE 32-193(a), ESTABLISHING ADDITIONAL USE
10 TYPE "CANNABIS/MEDICAL CANNABIS (MARIJUANA)
11 RETAIL CENTER"; AMENDING ARTICLE IV, DIVISION 24, ON-
12 SITE DISPENSING OF CONTROLLED SUBSTANCES, TO
13 PROVIDE ADDITIONAL STANDARDS FOR CANNABIS
14 TREATMENT CENTERS AND RETAIL CENTERS; AMENDING
15 SECTION 32-242. PERMITTED ACCESSORY USES TO ALLOW
16 MEDICAL MARIJUANA TREATMENT CENTERS AS AN
17 ACCESSORY USE TO STATE LICENSED MEDICAL
18 FACILITIES; PROVIDING FOR CONFLICT; PROVIDING FOR
19 SEVERABILITY; PROVIDING FOR CODIFICATION; AND
20 PROVIDING AN EFFECTIVE DATE.

21
22 **WHEREAS**, City Administration periodically reviews City Ordinances and makes
23 recommendations to the City Commission to revise its Ordinances; and

24 **WHEREAS**, the 2014, Florida Legislature approved Senate Bill 1030 providing for the
25 growing, processing, and distributing of specific forms of low-THC (non-euphoric) cannabis to
26 qualified patients and their legal representatives for the treatment of listed medical conditions,
27 which became effective on June 16, 2014, as Chapter 2014-157, Laws of Florida, and is codified
28 at Section 381.986, Florida Statutes ("Senate Bill 1030"); and

29 **WHEREAS**, the Florida Department of Health has adopted Chapter 64-4 Florida
30 Administrative Code to implement Senate Bill 1030; and

31 **WHEREAS**, on November 4, 2014, Florida voters did not approve an amendment to the
32 Florida Constitution to allow for broader medical use of any kind of marijuana (including
33 euphoric strains) within the State (the "2014 Constitutional Amendment"); and

34 **WHEREAS**, on November 8th 2016, Florida voters voted to approve an amendment
35 to the Florida Constitution to allow for broader medical use of any kind of marijuana (including
36 euphoric strains) within the State (the "2016 Constitutional Amendment"); and

37 **WHEREAS**, the 2016 Constitutional Amendment authorizes and defines "Medical
38 Marijuana Treatment Centers" to encompass the entire supply chain (cultivation, processing,
39 storage, distribution, etc.), not just retail sales to qualified patients; and

40 **WHEREAS**, the 2016 Constitutional Amendment will permit the use of additional
41 alternative forms of marijuana (marijuana in all its forms including low-THC cannabis, together
42 referred to as "marijuana") and alternative dispensing methods (including, but not limited to,
43 smoking and food products); and

44 **WHEREAS**, the 2016 Florida Legislature approved House Bill 307, which among other
45 things, amended Senate Bill 1030, and provided for the growing, processing, and distributing of
46 specific forms of medical (euphoric) cannabis to qualified patients and their legal representatives
47 for the treatment of listed medical conditions, which became effective on March 25, 2016 as
48 Chapter 2016-123, Laws of Florida, and is codified at Sections 391.986, and 499.0295, Florida
49 Statutes ("House Bill 307"); and

50 **WHEREAS**, pursuant to House Bill 307, the Florida Department of Health is authorized to
51 adopted additional rules to implement certain sections of House Bill 307; and

52 **WHEREAS**, despite the adoption of Senate Bill 1030 and House Bill 307 the activities they
53 condone remain illegal under federal law; and

54 **WHEREAS**, significant safety and security issues exist for any establishment involved
55 in the cultivation, processing or distribution of marijuana, because they maintain large drug
56 inventories and are forced to deal in cash because their activities have not yet been sanctioned
57 by federal law; and

58 **WHEREAS**, such businesses are inherently attractive targets for criminals, and it is
59 therefore essential that the City limit the permissible scope of such uses and 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, other attributes of land uses dealing with marijuana, such as odors, must be regulated to minimize their impact on surrounding properties and uses and prevent the creation of attractive nuisances; and

WHEREAS, Senate Bill 1030, and the 2016 Constitutional Amendment are silent on the topic of local government regulation and, consistent with Florida case law governing preemption, local governments are therefore not preempted from regulating marijuana uses; and

WHEREAS, House Bill 307 provides that all matters regarding the regulation of the cultivation and processing of medical cannabis or low-THC cannabis by dispensing organizations are preempted to the state; and

WHEREAS, House Bill 307 allows a municipality to determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with State law or department rule for dispensing facilities or dispensing organizations located within its municipal boundaries; and

WHEREAS, City Administration has determined that this Ordinance is consistent with the Comprehensive Plan, the Land Development Regulations and the Ordinances of the City, and recommends approval of this Ordinance; and

WHEREAS, the Planning and Zoning Board has conducted a public hearing on November 30, 2016, has determined this Ordinance to be consistent with the Comprehensive Plan, the Land Development Regulations and other Ordinances of the City and recommends approval as provided herein; and

WHEREAS, the City Commission has determined that it is in the best interests of the citizenry and general public to provide appropriate business regulations to ensure the compatibility of any business related to marijuana with the surrounding businesses,

properties, and community, as well as the safety of the employees, neighbors, customers and area residents; and

WHEREAS, the City Commission conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the City Commission has determined that this Ordinance is consistent with the City's Comprehensive Plan and in the best interest of the City, its residents, and its visitors.

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

SECTION 1: The foregoing "WHEREAS" clauses are hereby ratified as being true and correct and are incorporated herein by this reference.

SECTION 2: Article IV, "Development Standards", Division 7-B "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:

- 112 a. The use shall be conducted entirely within a dwelling and carried on only by
113 the residents of the dwelling.
- 114 b. No more than 25 percent of the area of the residence and no garage or
115 accessory building or structure is used for the business purpose.
- 116 c. No sign relating to the home occupation or any business may be posted or
117 displayed on the site and no vehicles with any signs displaying the business
118 or residential address, which might serve to indicate that the dwelling is
119 being used for a business occupation use, may be located on the premises.
- 120 d. No person or customer shall be serviced in person on the site nor shall the
121 occupation be conducted in any way which would necessitate suppliers or
122 customers visiting the site.

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

- 125 e. No goods shall be displayed for sale or as samples either inside or outside
126 on the site.
- 127 f. No noise, odors, smoke, electrical interference, hazardous materials or
128 nuisance of any type shall arise from or be used in the conduct of the
129 occupation.
- 130 g. The address or telephone of the premises may be used for receiving
131 business mail and telephone calls provided no more than one business
132 phone line and one fax/modem line are used and the home address is not
133 listed in any Yellow Pages advertising.
- 134 h. The home address shall not be used for purposes of advertising, soliciting or
135 announcing the licensed use of the premises through printed material or any
136 other media, except stationery and business cards.
- 137 i. The use shall not generate additional pedestrian or vehicular traffic.

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

SECTION 3: Article III, “Zoning”, Division 3. Form-Based Zoning Districts, Subdivision I, “Central RAC District”, Table 32-160.a, West RAC Permitted Uses by Subdistrict, of the Code of Ordinances, is hereby amended as follows:

Table 32-160.a West RAC Permitted Uses by Subdistrict

Commercial Uses	Palms Gateway	Foster Road	Pembroke
Candy and ice cream stores	-	P	P
<u>Cannabis/Medical Cannabis (Marijuana)</u>	-	-	-
<u>Retail Center</u>	-	-	-
Car washes (indoor only)	-	P	-

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

CENTRAL RAC SUBDISTRICTS						
	RAC Corridor	Transit Core	RAC Neigh- borhood	Trans. Mixed Use	Fashion Art Design	Grey- hound Track
RESIDENTIAL						
Single-family dwellings	-	-	P	-	P	-
Two-family (duplex) dwellings	-	P	P	-	P	P
Townhouse dwellings	P	P	P	P	P	P
Multi-family dwellings	P	P	P	P	P	P
Live/work units	P	P	C	P	P	P
Work/live units	P	P	-	P	P	P
Assisted living facilities	P	P	C	C	-	P
Nursing homes	P	P	C	C	-	P
Other residential care facilities	see section 32-524					
LODGING						
Bed-and-breakfast inns	P	C	C	P	P	P
Hotels and motels	P	P	-	P	-	P
BUSINESS						
Cannabis/Medical Cannabis (Marijuana)	-	-	-	-	-	-
Offices, limited	P	P	C	P	P	P
Offices	P	P	-	P	P	P
Stores & services, general	P	P	-	P	P	P
Stores & services, large format	P	P	-	P	-	P
Service Station/Convenience Business	-	-	-	C	-	P
Family Entertainment Center	P	P	-	P	-	P
Drive-through facilities (for any use)	C	-	-	C	C	C
Contractor & trade operations	P	-	-	P	P	P
Garage, public parking	C	C	-	C	-	P
Parking Lot	C	C	-	C	C	P
Parking lot, interim	C	C	-	C	C	C
Alcoholic beverage establishments	P	C	-	P	P	P
Racing and casino complexes	-	-	-	-	-	P
Restaurants	P	P	-	P	P	P
Studio or workshop	P	P	-	P	P	P
Vehicle sales, repair, or service	-	-	-	C	-	P
Warehouse/Self-Storage Facility (1)	-	-	-	-	-	P
Civic open spaces	P	P	P	P	P	P

Day care centers	P	P	C	P	P	P
Government uses	P	P	-	P	-	P
Places of worship	P	P	C	P	-	-
Schools, public and private	P	P	C	P	P	-

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

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

SECTION 5: DIVISION 24. - ON-SITE DISPENSING OF CONTROLLED SUBSTANCES of the

Code of Ordinances, is hereby amended as follows:

Sec. 32-776. - 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 food, 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. 458 or ch. 459, 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 I-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 1000 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. 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

355 event the conditional use shall be deemed abandoned, and the related
356 Medical Marijuana Permit shall be forfeited.

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

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

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

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

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

379 (16) *Signage.* Medical Marijuana Retail Center shall post, at each exterior entrance
380 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.

Sec. 32-777. - Supplemental regulations for pain management clinics and cannabis centers.

(a) Pain management clinics, as defined in section 32-8, and cannabis/medical cannabis (Marijuana) treatment centers or retail centers as defined in 32-776 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 Florida Department of Health or any board authorized pursuant to F.S. § 456.072, concerning the pain management clinic/-or cannabis centers or any persons employed by the clinic and provide a copy of any registration required by any state agency or the Florida Department of Health pursuant to Florida Laws, and F.S. §§ 458.309(4) and 459.005(3).

(b) *Parking.* Any parking demand created by a pain management clinic or cannabis centers 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 or cannabis centers 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.

(a) Each month, the clinic, or cannabis center owner ~~during the term of a license, each licensee~~ shall supply the city with the following information, such information ~~to~~ must be provided on the form and in the manner prescribed by the city:

- (1) A ~~statement~~ list of the names of all employees ~~of the licensee that~~ worked at the clinic, cannabis/medical cannabis treatment center, or cannabis/ medical cannabis retail center establishment in the past 30 days. A statement of start and end dates of employment.
- (2) 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) Any material change in any of the information required pursuant to the original application for the license.
- (4) 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.

SECTION 6: Article III, Zoning, Division 2. Zoning Districts and Overlays,

Subdivision I: Conventional Zoning Districts, Section 32-152 I-L Industrial Light district of the Code of Ordinances, is hereby amended as follows:

Sec. 32-152. - I-L industrial light district.

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.

SECTION 7: Section 32-242. Permitted Accessory Uses of the Code of Ordinances, is

hereby amended as follows:

(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 8: It is the intention of the Mayor and City Commission of the City of Hallandale Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Hallandale Beach, Florida.

SECTION 9. 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 10. 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 than the part declared to be invalid.

SECTION 11. 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 12. Effective Date. This Ordinance shall take effect immediately upon adoption on second reading.

PASSED AND ADOPTED on 1st reading on May 17, 2017. PASSED
AND ADOPTED on 2nd reading on June 7, 2017.

JOY F. COOPER
MAYOR

515 ATTEST:
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517
518 _____
519 MARIO BATAILLE, CMC
520 CITY CLERK
521
522 APPROVED AS TO LEGAL SUFFICIENCY
523 AND FORM
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525
526 _____
527 JENNIFER MERINO
528 CITY ATTORNEY