



Hallandale Beach
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City of Hallandale Beach

City Commission Agenda Cover Memo

Meeting Date:	<i>September 17, 2018</i>		Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Other	
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	X			
		X		1st Reading		2nd Reading	
			Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes	No
Funding Source:	<i>N/A</i>		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No	
				X			
Account Balance:	<i>N/A</i>		Quasi-Judicial: <i>(Enter X in box)</i>	Yes		No	
						X	
Project Number:	<i>LDC-18-01208</i>		RFP/RFQ/Bid Number:	<i>N/A</i>			
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area: <i>(Enter X in box)</i> Safety <input checked="" type="checkbox"/> Quality <input checked="" type="checkbox"/> Vibrant Appeal <input checked="" type="checkbox"/> <div style="text-align: right;"><i>Granicus # 18-428 and 18-476</i></div>				
		X					
Sponsor Name:	Keven Klopp, Development Services Director		Department: Development Services	Vanessa Leroy, Associate Planner			

Short Title:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 7, "BUSINESSES", RENAMING ARTICLE XV; "PERMITTING FOR ON-SITE DISPENSING OF CONTROLLED SUBSTANCES"; PROVIDING PROCEDURES FOR PERMIT APPLICATION, REVIEW, AND REVOCATION FOR MEDICAL MARIJUANA BUSINESSES, PHARMACIES, AND PAIN MANAGEMENT CLINICS; AMENDING CHAPTER 32, "ZONING AND LAND DEVELOPMENT CODE; PROVIDING UPDATES TO DEFINITIONS, ZONING DISTRICTS, PERMITTED ACCESSORY USES, HOME OCCUPATIONS, AND PERMITTING RELATED TO PHARMACIES AND MEDICAL MARIJUANA ESTABLISHMENTS TO COMPORT WITH STATE LAW; PROVIDING MINIMUM DISTANCE SEPARATION REQUIREMENTS FOR MEDICAL MARIJUANA ESTABLISHMENTS, PHARMACIES, AND PAIN MANAGEMENT CLINICS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

City Administration periodically reviews City Ordinances and makes recommendations to the City Commission.

In reviewing state law related to the regulation of medical marijuana establishments, pharmacies, and pain management clinics, the City Administration has determined it is in the best interest to update regulations related to the on-site dispensing of controlled substances.

Marijuana is a Schedule I drug under the federal Controlled Substances Act, 21 U.S.C Section 811. According to the United States Drug Enforcement Agency, in 2014, an estimated 6.5 million people aged 12 or older used marijuana on a daily or almost daily basis over a 12-month period. A significant proportion of all admissions for substance abuse treatment are for marijuana/hashish as their primary drug of abuse. In 2013, 16.8% of all such admissions, 281,911 over the course of the year, were for primary marijuana/hashish abuse.

In November 2016, Florida voters approved an amendment to the Florida Constitution to allow for the broader medical use of medical marijuana. On June 7, 2017, the City Commission of the City Hallandale Beach adopted Ordinance No. 2017-09, Ordinance No. 2017-10, and Ordinance No. 2017-11 related to the regulation of medical marijuana within City Boundaries. On June 23, 2017, Governor Rick Scott signed into law Senate Bill 8-A, which significantly amended Section 381.986, Florida Statutes. The statute preempted to the state of Florida the regulation of cultivation, processing, and delivery of marijuana, and established parameters for municipal action related to the regulation of medical marijuana and pharmacies. Local governments may either ban medical marijuana dispensaries by ordinance or regulate them within the State parameters. By statute, the regulations for medical marijuana dispensaries may not be more restrictive than the regulations for pharmacies.

In addition, Section 381.986(11)(c), Florida Statutes provides that a medical marijuana treatment center dispensing facility “may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location through a formal proceeding open to the public at which the county or municipality determines that the location promotes the public health, safety, and general welfare of the community.”

Pain management clinics and pharmacies licensed and under the regulatory authority of the state of Florida also provide on-site dispensing of controlled substances, identified in Schedule II, III, or IV in Section 893.03, 893.035, or 893.0355, Florida Statutes.

In 2017, following the Centers for Disease Control and Prevention (CDC) declaring a national opioid epidemic, Governor Rick Scott signed Executive Order 17-146 directing a Public Health Emergency across the state. In 2015, opioids were responsible for over 33,000 deaths nationwide and nearly 3,900 deaths in Florida.

Opioid abuse has required additional resources from local first responders such as law enforcement, firefighters, and emergency medical services. According to the Hallandale Beach Fire Department, in 2017, there were 110 suspected opioid overdoses in Hallandale Beach. By August 2018, there were 24 suspected opioid overdoses in Hallandale Beach. Narcan was administered to these patients at an additional cost to the City.

The overprescribing and excessive consumption of opiate prescription drugs has resulted in the increased addiction of persons, increased crime associated with such activity, and a high number of deaths in the South Florida area and around the City of Hallandale Beach. It has created an urgent situation requiring immediate action to reduce the threat to the health, safety and welfare of the citizens of the City of Hallandale Beach.

Businesses which provide the on-site dispensing of controlled substances are inherently attractive targets for criminals, and it is therefore essential that the City regulate them to ensure their compatibility with surrounding businesses and the community, and to protect and advance the public health, safety and welfare. Preventing the concentration and proliferation of medical marijuana establishments, pharmacies, and pain management clinics serves to disperse and mitigate the deleterious impacts more widely and to prevent the gradual blighting of surrounding areas.

Several municipalities have recognized the link between the medical marijuana, the opioid crisis and risk from the proliferation of pharmacies and pain management clinics. The City of Dania Beach enacted an ordinance in August 2017 requiring that no retail pharmacy, medical marijuana retail center, or pain management clinic may be permitted to locate within a one-thousand-foot radius of another retail pharmacy, medical marijuana retail center, or pain management clinic. The City of Deerfield Beach enacted an ordinance in January 2018 to restrict pharmacies from being located within 250 feet of other pharmacies, and restricted medical marijuana dispensaries 250 feet from other medical marijuana dispensaries. Other municipalities such as Miami Beach and Oakland Park have enacted ordinances restricting the location of pharmacies and medical marijuana establishments through zoning districts. The City of Miami Beach enacted regulations related to permitting and security requirements for medical marijuana establishments and pharmacies.

City Administration has found a 1,000-foot minimum inter-business distance separation requirement for medical marijuana establishments, pharmacies, and pain management clinics is reasonable and consistent with the Comprehensive Plan, and in the best interest of the public health, safety, and welfare.

The proposed ordinance provides:

1. Procedures under Chapter 7 of the City Code of Ordinances for the permit application, review, and revocation for the on-site dispensing of controlled substances at Medical Marijuana Businesses, Pharmacies, and Pain Management Clinics.
2. Updates in Chapter 32 to definitions, designated zoning districts, permitted accessory uses and home occupations for medical marijuana establishments and pharmacies.
3. Designation under Chapter 32 for minimum distance inter-business separation requirements, and a procedure for the applicant to apply for a variance, only granted by the City Commission upon a determination that the location promotes the public health, safety, and general welfare of the community. Nonconforming uses may continue until there is an abandonment of that use. Once abandoned, the legally nonconforming establishment may not be reestablished unless it conforms to the requirements of the code.

On April 25, 2018 and July 25, 2018, the Planning and Zoning Board, serving as the Local Planning

Agency, considered the proposed amendments to Chapter 32 and afforded all interested persons an opportunity to be heard at the public meeting. On August 15, 2018, the City Commission voted to approve the Ordinance on First Reading by a roll call vote of 5 to 0.

Staff Recommendation:

Staff recommends the City Commission approve and adopt the proposed Ordinance on Second Reading.

Attachment(s):

Exhibit 1 – Ordinance

Prepared by:



Vanessa Leroy, Associate Planner

Department Head Review:



Keven Klopp, Development Services