

ORDINANCE NO. _____

(18-T-30)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLE 2 OF THE ZONING AND LAND DEVELOPMENT REGULATIONS, ENTITLED "DEFINITIONS", BY AMENDING SECTION 2.2 "TERMS DEFINED" BY REVISING THE DEFINITION OF PHARMACY TO INCLUDE A MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY; DEFINING A MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY; AMENDING ARTICLE 3 SECTION 3.23 "DISTANCE SEPARATION REQUIREMENTS" TO PROVIDE FOR THE SEPARATION OF TREATMENT CENTER DISPENSING FACILITIES FROM SCHOOLS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 9, 2017, during a special legislative session, the State Legislature passed the Medical Marijuana Act, Laws of Florida Chapter 2017-232; and

WHEREAS, Governor Rick Scott signed the Medical Marijuana Act into law on June 23, 2017; and

WHEREAS, pursuant to Section 381.986(11)(b)(1), Florida Statutes, a county or municipality may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality; and

WHEREAS, under Section 381.986(11)(b)(1), Florida Statutes, a county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality; and

WHEREAS, pursuant to Section 3891.(11)(b)(2), Florida Statutes, except as provided in Section 381.986(11)(c), Florida Statutes, a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities that are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under Chapter 465; and

WHEREAS, the City Commission wishes to allow dispensing facilities within its borders in accordance with its regulations on pharmacies.

(Coding: Words in ~~struck through~~ type are deletions from existing text; words underscored are additions to existing text)

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Article 2, Subsection 2.2 of the Zoning and Land Development Regulations is hereby amended as follows:

ARTICLE 2. DEFINITIONS.

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§2.2 Terms Defined.

* * *

PHARMACY. A retail establishment primarily offering goods for retail sale and on-site dispensing of prescription drugs, nonprescription drugs of both. A pharmacy may also offer accessory services such a photo processing, eyeglass care etc. For purposes of this definition, a Medical Marijuana Treatment Center Dispensing Facility shall be treated as a Pharmacy.

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MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY. Any facility where medical marijuana or any product derived therefrom is dispensed at retail.

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ARTICLE 3: GENERAL PROVISIONS

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§ 3.23 Distance Separations Requirements.

* * *

- C. There shall be a ½ mile distance separation requirement for Pain Management Clinics from the following uses:
 - 1. Preexisting Pain Management Clinic;
 - 2. Preexisting Pharmacy of ≤9,000 sq. ft.;
 - 3. Preexisting Social Service Facility.

D. There shall be a ½ mile distance separation requirement for Pharmacies of ≤9,000 sq. ft. from the following uses:

1. Preexisting Pain Management Clinics;
2. Preexisting Pharmacies.

Pharmacies of ≤9,000 sq. ft. that have been in existence for 25 continuous years in the same location as of the effective date of this ordinance, which are required to relocate as a result of governmental action are not subject to the above restriction. However, such Pharmacies must relocate within eighteen (18) months from the effective date of the governmental action. Once the eighteen month period has passed, the Pharmacies shall be subject to the distance separation requirement set forth above. For purposes of this section, a Medical Marijuana Treatment Center Dispensing Facility shall be treated as a Pharmacy.

E. There shall be a 2,500 linear foot distance separation requirement between a convenience store and another convenience store.

F. There shall be a 2,500 linear foot distance separation requirement between a massage establishment and another massage establishment.

G. 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 City approves the location through a formal proceeding open to the public at which the City determines that the location promotes the public health, safety, and general welfare of the community, as provided for in Florida Statutes Section 381.986.

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All distance separations shall be measured linearly by an actual or imaginary straight line upon the ground or in the air. Any other provision of this Code to the contrary notwithstanding, there shall be no variances of the above distance separation requirements granted for any reason.

Section 3: That it is the intention of the City Commission and it is ordained that the provisions of this section shall be made a part of the Zoning and Land Development Regulations, and the sections of the Regulations may be renumbered to accomplish such intention.

AN ORDINANCE AMENDING ARTICLE 2 OF THE ZONING AND LAND DEVELOPMENT REGULATIONS, ENTITLED "DEFINITIONS", BY AMENDING SECTION 2.2 "TERMS DEFINED" BY REVISING THE DEFINITION OF PHARMACY TO INCLUDE A MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY; DEFINING A MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY; AMENDING ARTICLE 3 SECTION 3.23 "DISTANCE SEPARATION REQUIREMENTS" TO PROVIDE FOR THE SEPARATION OF TREATMENT CENTER DISPENSING FACILITIES FROM SCHOOLS; AND PROVIDING FOR AN EFFECTIVE DATE.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, that invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: That all sections or parts of sections of the Zoning and Land Development Regulations, all regulations or parts of regulations, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2018.

PASSED on first reading this _____ day of _____, 2018.

PASSED AND ADOPTED on second reading this _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY