



## Legislation Text

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**File #:** PO-2016-23, **Version:** 3

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An Ordinance Of The City Of Hollywood, Florida, Creating Chapter 109A Of The Code Of Ordinances Entitled "Medical Marijuana Businesses" To Establish Regulations And Guidelines For Such Uses; And Providing For A Repealer Provision, A Severability Clause, And An Effective Date. (16-T-75)

Staff Recommends: Approval of the attached Ordinance.

### Explanation:

Ordinance was presented at First Reading before the City Commission on December 14, 2016. The presented ordinance has been amended as follows:

Page 4: Added definition for "Caregiver."

Page 8: Removed application requirement for statement by Applicant/Owner that a bankruptcy has never been filed or petitioned.

Page 10: Removed prohibition of off-site deliveries.

### BACKGROUND

On November 8, 2016, State voters approved the amended Amendment 2 with a 71.32% vote according to the Florida Division of Elections. Amendment 2 authorizes and defines "Medical Marijuana Treatment Centers" to encompass the entire supply chain (cultivation, processing, storage, distribution, etc.), not just retail sales to qualified patients.

As of today, 27 states have legalized MEDICAL marijuana and eight states (Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon and Washington) have legalized limited RECREATIONAL use of marijuana (Attachment "A"). Already signed into Florida State legislation, State Senate Bill 1030 allows doctors to prescribe low-THC cannabis, known as "Charlotte's Web," to patients for treating certain medical conditions, such as epilepsy. Additionally, State House Bill 307 establishes regulations and guidelines for low-THC and medical cannabis in end-of-life treatment and "dispensing organizations" operating in Florida.

It is anticipated the regulations to be drafted by the State will be appropriated for a state level regulatory body; similar to the rules for beer and wine licenses and liquor licenses. Should Amendment 2 rule making emulate Senate Bill 1030, it is possible only a limited number of components will be regulated by the State; such as the right to cultivate, distribute, process, administer, and sell. Thus, it shall be incumbent upon counties and municipalities to draft appropriate local development and regulatory policies for Medical Marijuana Businesses.

The City has determined that given the potential impact on the surrounding areas and in the best interest of the public that Medical Marijuana Businesses require local regulation. Several other local

governments passed and adopted regulations, should Amendment 2 pass. Attachment "A" includes list of other municipalities in the State that have adopted similar regulations for Medical Marijuana Businesses.

## REQUEST

Pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Section 166.021, Florida Statutes, the City proposes to adopt such provisions for Medical Marijuana Businesses in order to protect the health, safety, and welfare of its residents and visitors. In this case, to ensure local laws are in effect. Therefore, proposed are definitions, permitted locations of Medical Marijuana Retail Centers, distance separation requirements, numerical limits and supplemental requirements (See the attached Ordinance):

### Definitions:

Definitions provided for marijuana and medical marijuana dispensary.

### Locations of Medical Marijuana Retail Centers:

Medical Marijuana shall be permitted with a Special Exception in the two following IM Industrial and Manufacturing Districts (Attachment C):

- IM-1 Low Intensity Industrial and Manufacturing District located west of Interstate-95, east of the CSX Railroad, north of Sheridan Street and south of Stirling Road; and
- IM-3 Medium Intensity Industrial and Manufacturing District located west of Interstate 95, east of State Road Seven, north of Griffin Road and south of Interstate-595.

### Distance Separation Requirements:

To establish minimum standards for separation of Medical Marijuana Businesses which shall apply to businesses located outside the corporate limits of the City, including, but not limited to:

- Restrict association with other uses and activities such as Social Service Facilities, Pharmacies greater than 9000 square feet, Pain Management Clinics, Medical Marijuana Retail Centers, and Substance Abuse and Rehabilitation Centers; and
- distance requirements from other uses including, but not limited to, Medical Marijuana Retail Centers, schools, daycares, places of worship, and parks.

### Numerical Limits:

To establish minimum standards for an appropriate number of Medical Marijuana Businesses based on a by-population model.

### Supplemental Requirements:

Development Standards to ensure the appropriate placement and development of medical marijuana dispensaries, including, but not limited to:

- Additional application requirements;
- identification Tags and list of employees and business owners;
- provide adequate parking, queuing, and security;
- limit hours of operation;
- prohibition of on-site consumption and loitering; and

- prohibition of outdoor displays, the sale of marijuana and/or paraphernalia via drive-through facilities, and vending machines.

Revocation of Special Exception:

Ensure compliance with federal, state and local laws, and provide for the ability to revoke a Special Exception approval.

Attachment A: Application Package

Attachment B: Constitutional Amendment Petition Form

Attachment C: Zoning Map

Recommended for inclusion on the agenda by:

Dr. Wazir Ishmael, City Manager

Gus Zambrano, Assistant City Manager/Sustainable Development

Thomas Barnett, Director, Department of Development Services

Andria Wingett, Assistant Director, Department of Development Services