

ITEM #116

**ADDITIONAL MATERIAL
PUBLIC HEARING**

AUGUST 22, 2017

**SUBMITTED AT THE REQUEST OF
ENVIRONMENTAL PROTECTION and GROWTH
MANAGEMENT DEPARTMENT**



Environmental Protection and Growth Management Department

PLANNING AND DEVELOPMENT MANAGEMENT DIVISION

115 S. Andrews Avenue, Suite 329-K, Ft. Lauderdale, FL 33301 T: 954-357-6634 F: 954-357-8655

DATE: August 18, 2017

TO: Mayor and Members of the Board of County Commissioners

THRU: Bertha Henry, County Administrator

FROM: Josie P. Sesodia, AICP, Director *J. Sesodia*
Planning and Development Management Division

RE: Regulations for Medical Marijuana Facilities in Broward Municipal Services District – August 22, 2017 Public Hearing Agenda Item #116

On May 9, 2017, the Board continued a Public Hearing on an Ordinance related to Medical Marijuana facilities, pending action by the State legislature to create regulations implementing a Constitutional Amendment approved in November 2016. Subsequent to the May 9 Board meeting, during the 2017 Special Session, the Florida Legislature passed SB 8-A relating to the medical use of marijuana. Therefore, at this time:

1. In consultation with the County Attorney's office, staff requests the Board to withdraw the pending amendment to Chapter 39 on the August 22, 2017 public hearing agenda, because it is no longer consistent with state law; and
2. Staff will prepare a Motion to Discuss regulations for the location of Medical Marijuana facilities in the Broward Municipal Services District (BMSD) for a September 2017 Board Agenda.

Discussion is needed to provide direction to staff regarding actions the Board may choose to take regarding regulating the location of Medical Marijuana facilities in the BMSD, in light of restrictions included in recently adopted Senate Bill 8-A.

As background, please be advised that SB 8-A defines two types of medical marijuana facilities:

- (1) Cultivating and processing facilities, and
- (2) Dispensing facilities.

The State has preempted local governments from regulating the location of *cultivating and processing* facilities. **With regard to *dispensing* facilities pursuant to SB 8-A, the Board may ban them from being located within the BMSD altogether or may regulate their location in a manner that is not more restrictive than the criteria currently applied to a pharmacy, and noting that SB 8-A further provides that medical marijuana facilities cannot be located within 500 feet of public or private schools.**

Broward County Board of County Commissioners

Mark D. Bogen • Beam Furr • Steve Geller • Dale V.C. Holness • Chip LaMarca • Nan H. Rich • Tim Ryan • Barbara Sharief • Michael Udine
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Chapter 39 of the Broward County Code permits pharmacy use in Commercial Business Zoning Districts. Properties in the unincorporated area with this zoning designation are located in Central County (Exhibit 1), Broadview Park (Exhibit 2), and Hillsboro Pines (Exhibit 3). These Exhibits identify multiple parcels that meet the criteria for medical marijuana dispensing facilities within the BMSD (locations where pharmacy use is currently permitted that are more than 500 feet from a school.) At recent meetings, the Central County Community Advisory Board has expressed opposition to permitting medical marijuana facilities on existing commercial corridors, including NW 27 Ave., NW 31 Ave, Broward Blvd., and Sunrise Blvd., where commercial land abuts single-family homes.

Staff wishes to extend an invitation to meet with Board members and/or your staff at your convenience to be briefed on this issue or provide additional information. I can be reached directly at 954-357-6602 or jsesodia@broward.org.

Attach. (3)

cc: Monica Cepero, Assistant County Administrator
Alphonso Jefferson, Assistant County Administrator
Joni Armstrong Coffey, Esq., County Attorney
Robert Melton, County Auditor
Henry Sniezek, Director, Environmental Protection and Growth Management Department
Maite Azcoitia, Esq., Deputy County Attorney

Exhibit 1



Commercial Business
Zoned Parcels
more than
500 feet from Schools

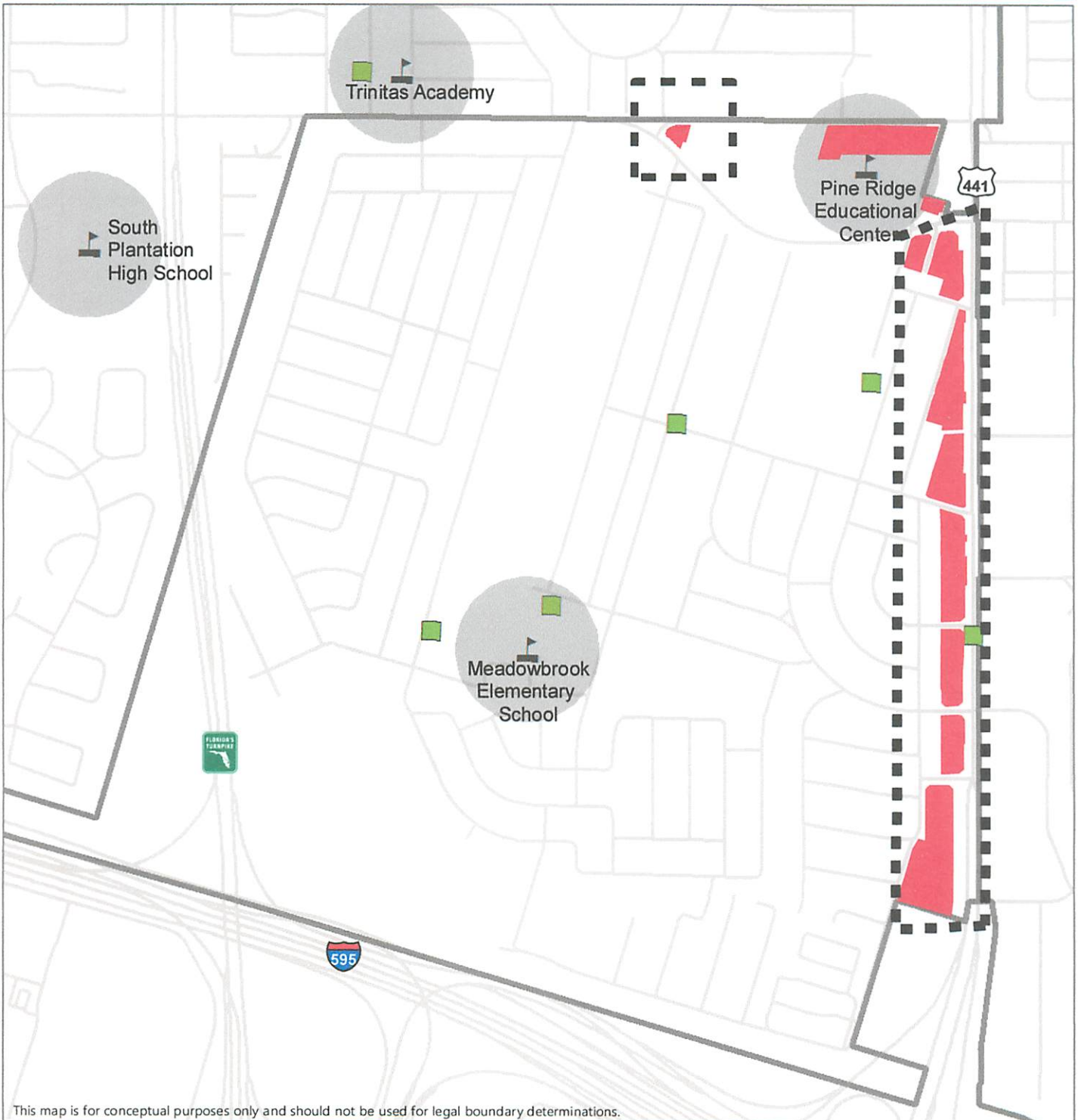


- Commercial Business Zoned Parcels
- Places of Assembly
- Childcare
- School
- 500 foot Radius around Schools
- Dashed line areas show potential locations for Medical Marijuana Facility

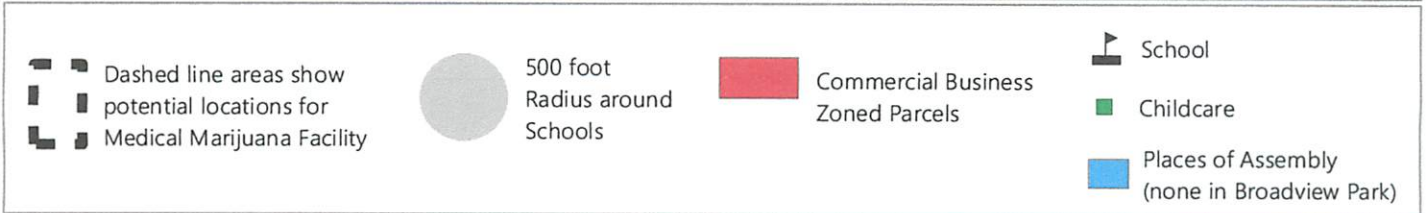
0 600 1,200 Feet
This map is for conceptual purposes only and should not be used for legal boundary determinations.

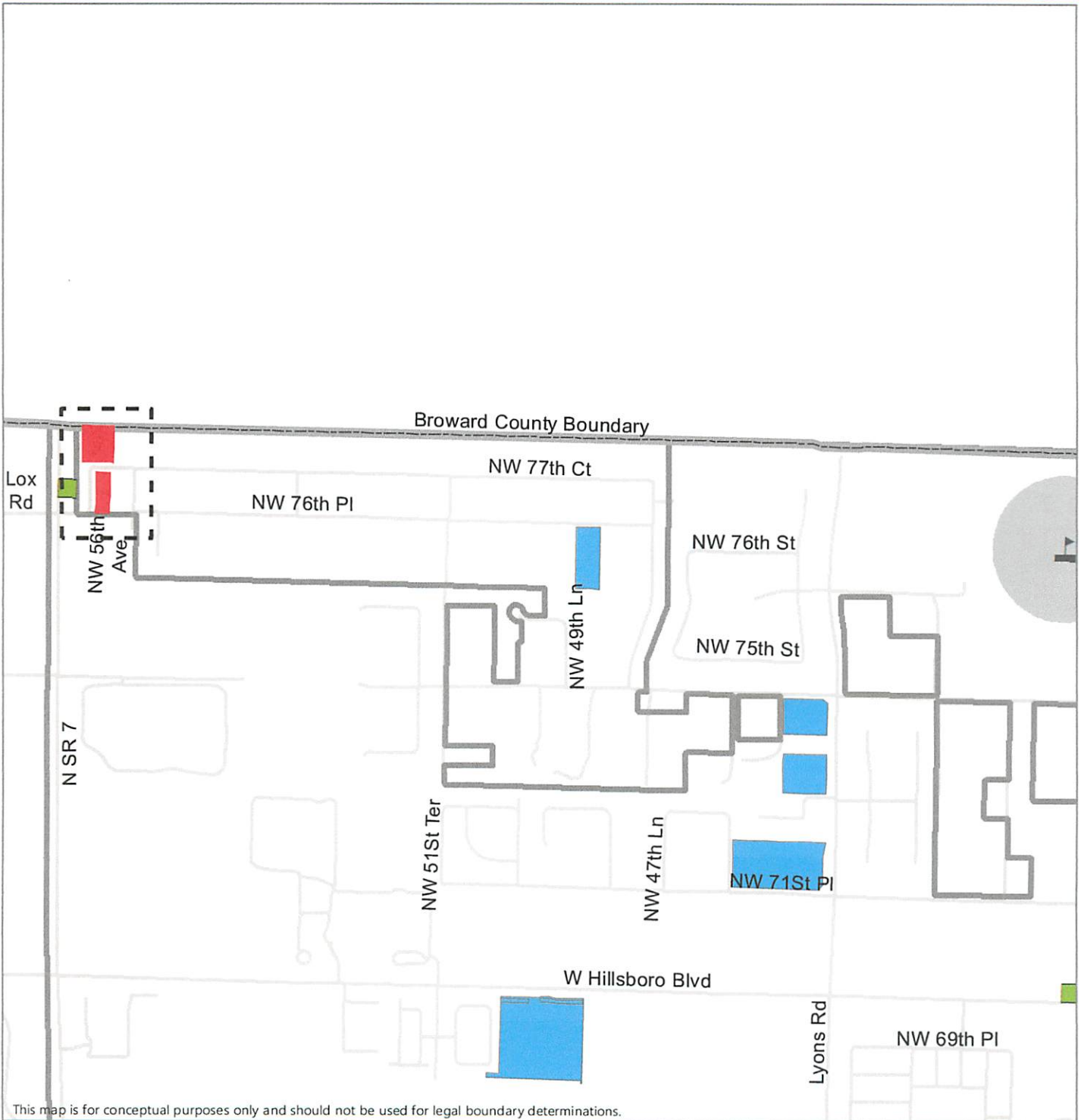


Prepared by: Broward County GIS
Planning and Development Management Division
Environmental Protection and
Growth Management Department










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 Dashed line areas show potential locations for	 500 foot Radius around Schools	 Commercial Business Zoned Parcels	 School
 Medical Marijuana Facility			 Childcare
			 Places of Assembly