

PROPOSED

ORDINANCE NO. 2017-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MEDICAL MARIJUANA FACILITIES; AMENDING VARIOUS SECTIONS OF CHAPTER 39 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); PROVIDING PROCESS FOR ISSUANCE OF ALL CONDITIONAL USE PERMITS; ESTABLISHING REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSING ORGANIZATIONS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, in 2014, the Florida Legislature enacted Section 381.986, Florida Statutes, entitled the "Compassionate Medical *Cannabis* Act of 2014" (the "Act"); and

WHEREAS, the Act authorized licensed physicians to order low-THC *Cannabis* for medicinal purposes ("Low-THC *Cannabis*") to qualified patients under specific conditions, primarily those suffering from cancer or severe or persistent seizures and muscle spasms; and

WHEREAS, the Act was amended by Chapter 2016-123, Laws of Florida, to include medical *Cannabis*; and

WHEREAS, the Act, as amended, designated the Florida Department of Health as the regulatory body to manage and implement the cultivation, processing, transportation, and dispensing of Low-THC *Cannabis* and medical *Cannabis* among authorized organizations and facilities; and

WHEREAS, the Florida Department of Health promulgated and adopted Chapter 64-4, Florida Administrative Code, to implement Section 381.986, Florida Statutes; and

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1 WHEREAS, pursuant to Section 381.986, Florida Statutes, and Chapter 64-4,
2 Florida Administrative Code, all authorized facilities, organizations, and physicians are
3 required to comply with stringent requirements, including completed background checks
4 for personnel and specific training for licensed physicians; and

5 WHEREAS, the state of Florida maintains the Compassionate Use Registry of
6 qualified patients, in accordance with Section 381.986, Florida Statutes, and
7 Rule 64-4.009, Florida Administrative Code; and

8 WHEREAS, Section 381.986(8), Florida Statutes, authorizes local governments
9 to regulate the number, location, and other permitting requirements of medical
10 marijuana facilities through zoning; and

11 WHEREAS, Amendment 2 to the Florida Constitution was approved on
12 November 8, 2016, expanding the types of medical conditions for which licensed
13 physicians may order medical marijuana as a treatment; and

14 WHEREAS, the Broward County Board of County Commissioners deems it in the
15 best interests of the residents of Broward County to enact an Ordinance regulating
16 medical marijuana facilities and their impacts on the community; and

17 WHEREAS, it is not the intent of this Ordinance to interfere with the legal
18 prescription, dispensing, or use of controlled substances,

19 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
20 BROWARD COUNTY, FLORIDA:

21 Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed
22 as being true and correct and incorporated herein by reference.

23 Section 2. Section 39-4 of the Broward County Code of Ordinances is hereby
24 amended to read as follows:

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1 **Sec. 39-4. Terms defined.**

2 ...

3 *Building:* Any structure having a solid roof and solid walls on all sides and used
4 or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

5 *Cannabis delivery device:* An object used, intended for use, or designed for use
6 in preparing, storing, ingesting, inhaling, or otherwise introducing low-THC Cannabis or
7 medical Cannabis into the human body.

8 ...

9 *Completely ~~E~~nclosed ~~B~~uilding:* A building separated on all sides from adjacent
10 open space, or from other buildings or structures, by a permanent roof and by exterior
11 walls or party walls, pierced only by windows and normal entrance or exit doors.

12 *Conditional use:* A use that is allowed in a particular zoning district, provided
13 certain conditions are met.

14 ...

15 *Dinner ~~T~~heater:* A full service restaurant within which live theatrical
16 performances are provided on a stage to persons seated at tables and consuming food
17 and beverages during the performances.

18 *Director:* The Director of the Planning and Development Management Division,
19 or successor agency.

20 ...

21 *Division:* The Planning and ~~Red~~Development Management Division, or
22 successor agency.

23 ...

24

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1 *Farm:* The land, buildings, support facilities, machinery, and other
2 appurtenances used in the production of farm and aquaculture products when such land
3 is classified as agricultural pursuant to Section 193.461, Florida Statutes, or has been
4 determined to be a farm pursuant to a determination by the Environmental Protection
5 and Growth Management Department, or successor agency, or a final order of a
6 hearing officer in accordance with Section 5-45 of the Broward County Code of
7 Ordinances. For purposes of this Code, a Medical Marijuana Dispensing Organization
8 shall not be deemed a farm.

9 . . .

10 *Food ~~S~~ervice ~~E~~stablishment:* Any place where food is prepared and intended
11 for individual portion service, and includes the site at which individual portions are
12 provided. The term includes any such place regardless of whether consumption is on or
13 off the premises and regardless of whether there is a charge for the food. The term also
14 includes delicatessen-type operations that prepare sandwiches, salads, and other food
15 intended for individual service. The term does not include private homes where food is
16 prepared or served for individual family consumption.

17 *Freestanding building:* A stand-alone building, with a single occupant, and that
18 provides its own parking on site.

19 . . .

20 *Lot:* A parcel or tract of land designated and identified as a single unit of area in
21 a subdivision plat recorded in the Official Records of Broward County, Florida.

22 *Low-THC Cannabis:* A plant of the genus *Cannabis*, the dried flowers of which
23 contain 0.8 percent or less of tetrahydrocannabinol ("THC") and more than
24 ten percent (10%) of cannabidiol ("CBD") weight for weight; the seeds thereof; the resin

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1 extracted from any part of such plant; or any compound, manufacture, sale, derivative,
2 mixture, or preparation of such plant or its seed or resin. No other formulation, strain,
3 or ration of THC and CBD shall be considered Low-THC Cannabis.

4 Low-THC Cannabis Derivative Product or Derivative Product: Forms of
5 Low-THC Cannabis suitable for routes of administration, as defined by
6 Rule 64-4.001, Florida Administrative Code.

7 . . .

8 *Massage establishment:* Any shop, parlor, establishment, or place of business
9 wherein all or any one (1) or more of the following named subjects and methods of
10 treatments are administered or practiced:

11 . . .

12 Medical Cannabis: All parts of any plant of the genus Cannabis, whether
13 growing or not; the seeds thereof; the resin extracted from any part of the plant; and
14 every compound, manufacture, sale, derivative, mixture, or preparation of the plant or
15 its seeds or resin that are dispensed only from a Dispensing Organization for medical
16 use by an eligible patient, as defined in Section 499.0295, Florida Statutes.

17 Medical Marijuana Dispensing Organization ("Dispensing Organization"): A
18 facility that meets the requirements of Section 381.986(5)(b), Florida Statutes, and
19 Chapter 64-4, Florida Administrative Code, including its contractual agents, and that has
20 applied to and been authorized by the Florida Department of Health to cultivate,
21 process, transport, and dispense Low-THC Cannabis or medical Cannabis. There are
22 three (3) types of Dispensing Organizations:

23
24
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underscored type are additions.

1 (1) Cultivation Facility: An indoor area designated in the Dispensing
2 Organization's place of business to be used for cultivation of Low-THC or
3 medical *Cannabis*.

4 (2) Processing Facility: An indoor area designated in the Dispensing
5 Organization's place of business to be used for processing of Derivative
6 Product or medical *Cannabis*.

7 (3) Dispensing Facility: An indoor area designated in the Dispensing
8 Organization's place of business where Derivative Product or medical
9 *Cannabis* is dispensed at retail.

10 Medical use: Administration of the ordered amount of low-THC *Cannabis* or
11 medical *Cannabis*. The term does not include the:

12 (1) possession, use, or administration by smoking;

13 (2) transfer of Low-THC *Cannabis* or medical *Cannabis* to a person other than
14 the Qualified Patient for whom it was ordered or the Qualified Patient's
15 legal representative on behalf of the Qualified Patient; and

16 (3) use or administration of low-THC *Cannabis* or medical *Cannabis* on any
17 form of public transportation; in any public place; in a Qualified Patient's
18 place of employment, if restricted by the Qualified Patient's employer; in a
19 state correctional institution, as defined in Section 944.02, Florida
20 Statutes, or a correctional institution as defined in Section 944.241, Florida
21 Statutes; on the grounds of a preschool, primary school, or secondary
22 school; or on a school bus or in a vehicle, aircraft, or motorboat.

23 ...
24
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1 *Pyrotechnical items:* Those items not defined as "fireworks" pursuant to
2 Subsections 791.01(4)(b) and (c), Florida Statutes, which are permitted to be sold at
3 retail stores in accordance with the provisions of this eCode.

4 *Qualified Patient:* A resident of the state of Florida whose name has been added
5 to the Compassionate Use Registry, maintained by the state of Florida, by a licensed
6 physician, in order to receive low-THC *Cannabis* or medical *Cannabis* from a
7 Dispensing Organization, pursuant to Section 381.986, Florida Statutes, and
8 Chapter 64-4, Florida Administrative Code.

9 *Qualified Patient's legal representative:* The Qualified Patient's parent, legal
10 guardian acting pursuant to a court's authorization as required under
11 Section 744.3215(4), Florida Statutes, health care surrogate acting pursuant to the
12 Qualified Patient's written consent or a court's authorization as required under
13 Section 765.113, Florida Statutes, or an individual who is authorized under a power of
14 attorney to make health care decisions on behalf of the Qualified Patient, and who is
15 registered with the State's Compassionate Use Registry.

16 . . .

17 *Zoning eCode* or *eCode:* The zoning regulations set forth in Chapter 39 of the
18 Broward County Code of Ordinances.

19 *Zoning official:* The director of the ~~Permitting, Licensing and Consumer~~
20 ~~Protection~~ Planning and Development Management Division, or successor agency, or
21 designee.

22 Section 2. Section 39-228 of the Broward County Code of Ordinances is
23 hereby amended to read as follows:

24 **Sec. 39-228. Amount Number of off-street offstreet parking spaces.**

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underscored type are additions.

1 ...

2 (b) The following minimum ~~amounts of off-street~~ number of offstreet parking
3 spaces shall be supplied for all business and commercial buildings and uses:

4 <u>Types of Buildings</u> 5 <u>and Uses</u>	6 <u>Min. Number of</u> 7 <u>Parking Spaces</u> 8 <u>Required per</u> 9 <u>Indicated Unit</u>	10 <u>Unit of Measure</u>
11 ...		
12 (43) <u>Pain Management Clinic (see</u> 13 <u>Section 39-242)*</u>		
14 (44) <u>Marijuana Dispensing</u> 15 <u>Organization - Dispensing</u> 16 <u>Facility, alone or with</u> 17 <u>Cultivation or Processing</u> 18 <u>Facility at same site (see</u> 19 <u>Section 39-243)*</u>		

20 * Parking requirements are not subject to waiver, variance, or adjustment.

21 (c) The following minimum ~~amounts of off-street~~ number of offstreet parking
22 spaces shall be provided for all industrial uses of buildings and properties:

23 ...		
24 (10) <u>Marijuana Dispensing</u> 25 <u>Organization - Cultivation and</u> 26 <u>Processing Facility (see</u> 27 <u>Section 39-243)*</u>		

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1 * Parking requirements are not subject to waiver, variance, or adjustment.

2 ...
3 Section 3. Section 39-235 of the Broward County Code of Ordinances is
4 hereby amended to read as follows:

5 **Sec. 39-235. ~~Purpose and intent~~ Conditional use applications.**

6 (a) Certain uses may be harmonious under special conditions and in specific
7 locations within a zoning district, but may not be appropriate under the general
8 conditions of the zoning district regulations as stated. These uses are set forth in this
9 article subject to specific limitations intended to protect the health, safety, and welfare of
10 adjacent properties, contribute to the community as a whole, comply with the policies
11 and objectives of the Broward County Land Use Plan, and provide flexibility of design.

12 (b) Minor conditional uses. The following uses, which are either temporary in
13 nature or that typically cause little impact on surrounding property(ies), may be
14 approved by the zoning official as minor conditional uses, as set forth herein:

15 (1) Outdoor events (Section 39-238);

16 (2) Holiday or temporary wayside stands (Section 39-249);

17 (3) Yard sales (Section 39-241);

18 (4) Home offices (Section 39-237);

19 (5) Offsite parking lots (Section 39-240); and

20 (6) Outdoor grilling accessory to fast food, full service, or take-out restaurant
21 (Section 39-244).

22 (c) Major conditional uses. The following conditional uses, which are
23 permanent in nature and may impact surrounding property(ies), may be approved by
24 the Board of County Commissioners, as set forth herein:

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1 (1) Pain Management Clinics (Section 39-243); and

2 (2) Medical Marijuana Dispensing Organizations (Section 39-242).

3 (d) Application for conditional use. An application shall be submitted by the
4 business and property owners, or an agent authorized in writing to act on the owners'
5 behalf. Said application shall be accompanied by a nonrefundable fee in an amount to
6 be established by resolution of the Board of County Commissioners. The application
7 shall be in a form and shall contain such information and documentation as prescribed
8 by the Division. A meeting with the zoning official, or designee, may be required upon
9 submittal of the application. In addition to specific requirements set forth herein for a
10 particular conditional use, the application shall include:

11 (1) Name and address of all business and property owners;

12 (2) Legal description and lot number of the property which is the subject of the
13 application;

14 (3) A written statement describing in general terms the proposed use; and

15 (4) A written statement setting forth how the proposed use meets each
16 standard specified in this Article XIII for the conditional use.

17 For an application for a major conditional use, the application shall also include:

18 (1) A site plan at a scale that meets the minimum requirements of
19 Section 5-193 of the Broward County Code of Ordinances; and

20 (2) Aerial photograph(s), taken within one (1) year before the application is
21 filed, of the subject parcel and all adjacent property within one thousand
22 two hundred (1,200) feet of all boundaries of the subject parcel.

23 (e) Review of application. Within fifteen (15) calendar days after receipt of an
24 application for a certificate of use that includes an application for conditional use

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1 approval, the zoning official shall determine whether the application is complete. If the
2 application is determined to be incomplete, a written statement specifying the
3 deficiencies shall be provided to the applicant, by U.S. mail at the address indicated on
4 the application, and no further action shall be taken on the application until the
5 deficiencies are remedied. If the deficiencies are not remedied within six (6) months
6 after the initial application, the application shall be deemed withdrawn.

7 (f) Standards applicable to conditional uses. When considering applications
8 for a conditional use, the zoning official and the Board of County Commissioners, as
9 applicable, shall consider the extent to which the proposed conditional use meets the
10 applicable requirements of Sections 39-237 through 39-244 of this Code. For
11 applications subject to major review, the zoning official and the Board of County
12 Commissioners shall also consider the extent to which:

13 (1) The conditional use is consistent with the purposes, goals, objectives, and
14 standards of the Broward County Land Use Plan and the Future
15 Unincorporated Area Land Use Element, and this chapter;

16 (2) The conditional use is compatible with the community character of the
17 immediate vicinity of the parcel for which a conditional use is sought;

18 (3) The design of the proposed use minimizes adverse effects, including
19 visual impacts, of the proposed use on adjacent properties; and

20 (4) The proposed use complies with all additional standards imposed on it by
21 Sections 39-242 or 39-243 of this Code, as applicable.

22 (g) Minor conditional use determination. Within twenty (20) calendar days
23 after receipt of a complete application, the zoning official shall issue a written
24 determination either approving, approving as modified, or denying the minor conditional

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1 use application. Within seven (7) calendar days after the zoning official's rendition of
2 the administrative determination, the zoning official shall forward a copy of the
3 determination by U.S. mail to the applicant, at the address indicated on the application,
4 and to any interested person who submitted documentation or information and
5 requested a copy of the determination.

6 (h) *Major conditional use application determination.* Within ten (10) calendar
7 days after receipt of a complete application, the zoning official shall forward the
8 application to the appropriate Division(s) within Broward County, seeking submission of
9 written comments relative thereto. Each reviewing agency shall prepare a staff report
10 which sets out, in writing, its comments and recommendations regarding the application
11 and shall forward such staff report to the zoning official within forty-five (45) calendar
12 days after acceptance of the complete application by the Division. If any reviewing
13 agency staff report is not received within said time frame, this shall indicate that the
14 reviewing agency has no comments or objections to the application. The zoning official
15 shall review the application for conditional use approval and any comments received
16 from the reviewing agencies and prepare a recommendation to the Board of County
17 Commissioners regarding the proposed major conditional use. A public hearing before
18 the Board of County Commissioners shall be scheduled within sixty (60) calendar days
19 after issuance of the zoning official's recommendation or, if the Board of County
20 Commissioners does not have scheduled meetings at that time, as soon thereafter as
21 practicable. The Board of County Commissioners shall hold a public hearing on the
22 application for major conditional use approval. At least ten (10) calendar days before
23 the public hearing, notice of the public hearing shall be posted with written notice
24 provided to surrounding property owners, as specified in Section 39-38. At the

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1 conclusion of the public hearing, the Board of County Commissioners shall issue a
2 development order granting, granting with conditions, or denying the application.

3 (i) Conditions. The zoning official or the Board of County Commissioners, as
4 applicable, may attach such conditions to approval of a conditional use application as
5 are necessary to prevent or minimize adverse effects upon other property in the
6 neighborhood.

7 (j) Appeals. The zoning official's determination regarding a minor conditional
8 use application may be appealed to a hearing officer within thirty (30) calendar days
9 after rendition of the zoning official's determination, pursuant to Article V of the Code.
10 Appeal of a determination concerning a major conditional use application shall be filed
11 within thirty (30) calendar days after rendition of the order of the Board of County
12 Commissioners, in accordance with the Florida Rules of Appellate Procedure.

13 (k) Time limit. Unless appealed, conditional use approvals shall expire
14 one hundred eighty (180) calendar days after the rendition date of the administrative
15 determination or development order if:

16 (1) No permit, certificate of use, or other required license has been issued
17 based upon and incorporating the conditional use approval; or

18 (2) One (1) or more conditions or limitations of the conditional use approval
19 have not been satisfied.

20 The one hundred eighty (180) day period shall commence on the day after rendition of
21 the written determination of the zoning official or the Board of County Commissioners,
22 as applicable. This time limit shall be tolled during the pendency of any appeal to the
23 determination until a final order is entered by the hearing officer or the court, as
24 applicable, or the appeal is otherwise dismissed. Upon written request from the

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1 applicant, the Director may grant up to two (2) extensions, of no more than one hundred
2 eighty (180) days each, to the foregoing time limit. The applicant shall be notified by
3 U.S. mail, at the address set forth in the application for conditional use approval, of the
4 expiration of any conditional use approval at least thirty (30) calendar days prior to the
5 expiration.

6 Section 4. Section 39-242 of the Broward County Code of Ordinances is
7 hereby repealed in its entirety and a new Section 39-242 is hereby created to read as
8 follows:

9 [UNDERLINING OMITTED]

10 **Sec. 39-242. Medical Marijuana Dispensing Organizations.**

11 Notwithstanding any other provision of the Broward County Code of Ordinances
12 that allows medical clinics, doctors' offices, or pharmacies as a permitted use in any
13 other zoning district, Dispensing Facilities shall be allowed only as a conditional use in
14 the B-3 Intense Commercial Business Zoning District, unless ancillary to a Cultivation or
15 Processing Facility. Cultivation Facilities and Processing Facilities shall be allowed only
16 as a conditional use in the M-2 General Manufacturing and Industrial District. In order
17 to provide adequate protection to the community and establish the legitimacy of the
18 business, the following regulations shall apply to the location, design, operation, and
19 maintenance of Medical Marijuana Dispensing Organizations, and shall be in addition to
20 all other requirements or limitations of this chapter:

21 (a) A certificate of use shall be obtained from the zoning official, in
22 accordance with Section 39-19, prior to the establishment of any Medical Marijuana
23 Dispensing Organization.

24
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1 (b) The application for a certificate of use for a Medical Marijuana Dispensing
2 Organization shall disclose, in detail, the owner(s) and manager(s) of the Dispensing
3 Organization, and the owner(s) of the property, if different from the Dispensing
4 Organization owner(s), and shall be updated annually at the time of renewal of the
5 business tax receipt for the business, or at any time that there is a change of owner(s).

6 (c) The applicant shall provide to the zoning official proof of approval from the
7 Florida Department of Health, pursuant to Section 381.986, Florida Statutes, prior to the
8 issuance of a certificate of use for the business. If the approval of a Medical Marijuana
9 Dispensing Organization is revoked by the Florida Department of Health, the County's
10 certificate of use shall be revoked automatically and shall not be subject to the
11 provisions of (n) below.

12 (d) The application for a certificate of use shall include an affidavit by the
13 Dispensing Organization owner(s), attesting to the fact that all owners and managers
14 have been fingerprinted and have successfully passed a level 2 background screening
15 pursuant to Section 435.04, Florida Statutes, within the calendar year prior to
16 application for a certificate of use, and that a medical director who is a physician
17 licensed pursuant to Chapter 458 or 459, Florida Statutes, has been employed to
18 supervise the activities of the Medical Marijuana Dispensing Organization.

19 (e) A Dispensing Facility's dispensing of low-THC-*Cannabis*, medical
20 *Cannabis*, or a *Cannabis* delivery device shall be limited to the hours of operation
21 between 7:00 a.m. and 9:00 p.m.

22 (f) A Medical Marijuana Dispensing Organization shall post the required
23 certificate of use in a conspicuous location at or near the entrance to the facility so that
24 it may be easily read at any time.

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1 (g) Unless it has common ownership and is located within the same building,
2 no Medical Marijuana Dispensing Organization shall be permitted to be located within
3 one thousand two hundred (1,200) feet from another Medical Marijuana Dispensing
4 Organization. No Medical Marijuana Dispensing Organization shall be permitted to be
5 located within one thousand two hundred (1,200) feet from a place of worship, child
6 care center, or school. The applicant shall furnish a certified special purpose survey to
7 the County with the application. Said survey shall be prepared by a registered land
8 surveyor in the state of Florida, indicating the distance in linear feet between the
9 proposed Medical Marijuana Dispensing Organization and any other Medical Marijuana
10 Dispensing Organization, place of worship, child care center, or school, measured from
11 the nearest property line of one facility to the nearest property line of the other facility, in
12 a straight line.

13 (h) A Dispensing Organization, and any Facilities thereof, shall be located in a
14 freestanding building.

15 (i) A Dispensing Facility shall provide a minimum of one (1) parking space
16 per ten (10) gross square feet of customer waiting area, including the lobby and seating
17 area; a minimum of one (1) parking space per two hundred (200) gross square feet of
18 the remainder of the building; and one (1) parking space for security personnel,
19 designated as such.

20 (j) Notwithstanding Section 39-293(c) and Section 39-306, a Dispensing
21 Facility is prohibited from having any outdoor seating, outdoor customer waiting areas,
22 or drive-through facilities. All activities of a Medical Marijuana Dispensing Organization
23 shall be conducted entirely within a completely enclosed building and designed so that
24 no odor is emitted from the structure and detectable off the site. The Medical Marijuana

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1 Dispensing Organization shall not direct or encourage any patient or business invitee to
2 stand, sit (including in a parked vehicle), gather, or loiter outside the building where the
3 Dispensing Facility is located and operates, including, but not limited to, sidewalks,
4 parking areas, rights-of-way, or neighboring properties, for any period of time longer
5 than that which is reasonably required to arrive and depart.

6 (k) Consumption of Low-THC or medical *Cannabis* is prohibited at the site of
7 a Medical Marijuana Dispensing Organization including, but not limited to, in the parking
8 areas, sidewalks, or rights-of-way surrounding the Dispensing Facility; provided,
9 however, that this provision shall not be construed to prohibit consumption by a
10 Qualified Patient while being instructed on the mechanism of consumption of
11 Low-THC or medical *Cannabis*, as permitted by State law or rule, by a Dispensing
12 Facility employee who has been trained by a medical professional such as a doctor,
13 nurse, pharmacist, or medical or physician's assistant, and within the building.

14 (l) Each Medical Marijuana Dispensing Organization shall provide the
15 following:

16 (1) A fully operational security alarm system that secures all entry points and
17 perimeter windows and is equipped with motion detectors, pressure
18 switches, and duress, panic, and hold-up alarms; and a video surveillance
19 system that records continuously twenty-four (24) hours each day and
20 meets the following criteria:

21 a. Cameras are fixed at every ingress and egress point of the Medical
22 Marijuana Dispensing Organization, including doors and windows,
23 loading bays, parking lots, and any other sensitive areas in the
24 interior of the site, including vaults, safes, and places where any

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1 monetary transaction shall occur, allowing for the clear
2 unobstructed front view of the head and shoulders of all individuals
3 entering and exiting the facility and activities in controlled areas of
4 the premises. Controlled areas include grow rooms, processing
5 rooms, storage rooms, disposal rooms or areas, and point-of-sale
6 rooms;

7 b. Recorded images must clearly and accurately display the time and
8 date; and

9 c. Video surveillance recordings must be retained for a minimum of
10 forty-five (45) days;

11 (2) Full-time, private, armed security personnel from a security firm licensed
12 by the Florida Department of Agriculture and Consumer Services, who
13 shall be present twenty-four (24) hours a day, seven (7) days a week,
14 including holidays;

15 (3) Fencing along property line, a minimum of six (6) feet in height, including
16 locking gate(s) at access point(s) from right-of-way; and

17 (4) Dispensing Facilities - a secure safety enclosure of transparent
18 polycarbonate or other material, with an indirect pass-through or window
19 to transact business, that meets the following standards:

20 a) A drop safe or cash management device that provides minimum
21 access to the Facility's cash receipts;

22 b) Any window signage must allow a clear and unobstructed view of
23 the cash register and sales transaction area from outside the
24 building and in the normal line of sight; and

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c) Height marks at the entrance and exit of the Facility that display height measures.

(m) Signage for Medical Marijuana Dispensing Organizations shall be in accordance with Article VI herein.

(n) The Division and the Broward Sheriff's Office shall have the right to periodically inspect the premises of a Medical Marijuana Dispensing Organization, at reasonable hours, to ensure that the Facility has a current and valid certificate of use and is operating in compliance with the terms and conditions under which the certificate of use was issued. If at any time the County determines that a Medical Marijuana Dispensing Organization is operating in any manner that is inconsistent with, or contrary to, the provisions of this chapter or any other applicable code or statute, the County may initiate enforcement proceedings including, but not limited to, pursuant to Sections 8½ and 39-19 of the Broward County Code of Ordinances to revoke the certificate of use.

Section 5. Section 39-295 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-295. Permitted uses.

...

Master Business List

P = Permitted

C = Conditional

A = Accessory use only

Use	B-1	B-2	B-3	B-4	C-1	CR	OP
...							
Marina [see Subsection 39-300(r)]			P		P	P	
<u>Medical Marijuana Dispensing Organization -</u>			<u>C</u>				
<u>Dispensing Facility [see Section 39-242]</u>							

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 ...

2 Section 6. Section 39-308 of the Broward County Code of Ordinances is
3 hereby amended to read as follows:

4 **Sec. 39-308. Permitted uses.**

5 ...

6 Master Business List

7 *P = Permitted* *C = Conditional* *A = Accessory use only*

Use	M-1	M-2	M-3 or M-4
...			
Machine shop		P	P
<u>Medical Marijuana Dispensing Organization - Cultivation, Processing, or Dispensing* Facility [*when ancillary to a Cultivation or Processing Facility] [see Section 39-242]</u>		<u>C</u>	
...			

17 Section 7. SEVERABILITY.

18 If any portion of this Ordinance is determined by any Court to be invalid, the
19 invalid portion shall be stricken, and such striking shall not affect the validity of the
20 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
21 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
22 or circumstance(s), such determination shall not affect the applicability hereof to any
23 other individual, group, entity, property, or circumstance.

24

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1 Section 8. INCLUSION IN CODE.

2 It is the intention of the Board of County Commissioners that the provisions of
3 this Ordinance shall become and be made a part of the Broward County Code; and that
4 the sections of this Ordinance may be renumbered or relettered and the word
5 "ordinance" may be changed to "section," "article," or such other appropriate word or
6 phrase in order to accomplish such intentions.

7 Section 9. EFFECTIVE DATE.

8 This Ordinance shall become effective as provided by law.

9
10 ENACTED

11 FILED WITH THE DEPARTMENT OF STATE

12 EFFECTIVE

13
14 Approved as to form and legal sufficiency:
15 Joni Armstrong Coffey, County Attorney

16 By /s/ Maite Azcoitia 02/09/17
17 Maite Azcoitia (date)
18 Deputy County Attorney

19
20
21
22
23 MA/gmb
24 02/09/17
Zoning Marijuana Dispensing Ordinance
#16-421

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscoring type are additions.

PROPOSED