

ORDINANCE NO. 190-08-114

AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR) ARTICLE III., ZONING DISTRICTS, PART 1.0 GENERALLY, SECTION 6.5, OFF-STREET PARKING STANDARDS AND REQUIREMENTS, SUBSECTION 6.5.3; AMENDING ARTICLE IV, DEVELOPMENT REVIEW REQUIREMENTS, SECTION 4.10, CONVEYANCES OF USES THAT ARE SUBJECT TO SPECIAL EXCEPTION APPROVAL; AMENDING SCHEDULE A, LAND USE CLASSIFICATIONS; AMENDING SCHEDULE B, ALLOWABLE USES, B-2, USES ALLOWED IN NON-RESIDENTIAL DISTRICTS; AMENDING ALL TO DELETE OR MODIFY THE PROVISIONS RELATING TO MEDICAL MARIJUANA DISPENSING FACILITIES TO PROHIBIT THE USE; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. Land Development Regulations (LDR), Article III, Zoning Districts, Part 1, Generally, Section 6.5 Off-Street Parking Standards and Requirements, Subsection 6.5.3, is hereby amended to read as follows:

**Article III, Zoning Districts. Part 1. Generally.**  
**Sec. 6.5. - Off-street parking standards and requirements.**

\* \* \*

6.5.3. *Amount of off-street parking.* The off-street parking required by this section shall be provided and maintained on the basis of the following minimum requirements:

\* \* \*

JJ. *Consignment shop.* The parking ratio for a consignment shop located on an arterial road, in a freestanding two-story building, and fully occupied by a consignment shop is one (1) parking space per each five hundred (500) square feet. Otherwise, the ratio shall be one (1) parking space per three hundred (300) square feet or fraction thereof.

~~KK. *Medical marijuana dispensing center:* one (1) parking space for each one hundred fifty (150) square feet of gross floor area~~

6.5.4. *Combined off-street parking.* Nothing in this section shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operations; provided, that the total of such parking spaces,

when combined or used together, shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this section. The owners of both properties must enter into a written agreement with the City which shall provide for the mutual use of the parking facilities. Said agreement shall be recorded at the expense of the property owners, and may not be canceled without the prior consent of the City Commission.

\* \* \*

**SECTION 2.** Land Development Regulations (LDR), Article IV, Development Review Requirements, Section 4.10 Conveyance of uses that are subject to exception approval, is hereby amended to read as follows:

**Article IV, Development Review Requirements,  
Sec. 4.10. - Conveyance of uses that are subject to special exception approval.**

Any use within a zoning district that is classified or categorized in these Land Development Regulations as a special exception use may be conveyed without further special exception use approval, except for the following:

4.10.1. [Repealed];

4.10.2. Day care centers, nursery schools, primary and secondary schools, and similar uses involving the care or education of minors, the elderly and the disabled;

4.10.3. Special Residential Facility Use, Category 3;

4.10.4. Pawn shops;

4.10.5. Service stations and convenience stores;

4.10.6. Vehicular sales, display, storage, or repair, including repair garages, new and used car agencies or lots, and car washes;

4.10.7. Any use subject to Section 4.8 of this part;

4.10.8. Bars, lounges, pubs and taverns, and package stores but excluding restaurant bars; and

~~4.10.9. Medical marijuana dispensing centers.~~

**SECTION 3. Land Development Regulations (LDR), Schedule A, Land Use Classifications, is hereby amended to read as follows:**

**SCHEDULE A. - LAND USE CLASSIFICATIONS**

\*\*\*

**MEDICAL MARIJUANA DISPENSING CENTER:** A use involving acquiring, possessing, transferring, transporting, selling, distributing, delivering, or dispensing of marijuana, products containing marijuana, related supplies, or educational materials. **Medical Marijuana Dispensing Centers are not allowed to operate in the City of Lauderhill**

**MEDICAL MARIJUANA DISPENSING CENTERS,** as defined herein, is the building or structure where medical cannabis, as well as cannabis delivery devices is dispensed. **are only permitted by Special Exception Use in the General Commercial (CG) zoning district, Light Industrial (IL) zoning district and the Commercial Warehouse (CW) zoning district.**

**MEDICAL MARIJUANA ESTABLISHMENTS:** Medical marijuana establishments are regulated under state law (F.S. Ch. 381.986). Medical marijuana related businesses that involve growing, processing or dispensing medical marijuana must be associated with a state licensed medical marijuana treatment center (MMTC). The state licensed MMTC will not be allowed to operate in the City of Lauderhill excluding the operation of medical marijuana health care establishments **and medical marijuana dispensing centers.**

**MEDICAL MARIJUANA HEALTH CARE ESTABLISHMENT:** A physician's office where the primary medical services offered is the processing of physician certifications to qualify patients for the use of medical marijuana, patient care, and ordering of medical marijuana for qualified patients. Exterior advertising or signage or documentation from the Florida Department of Health may be used in determining if a physician's office will be classified as a medical marijuana health care establishment. The State of Florida defines qualified physicians as those that hold an active, unrestricted license as an allopathic physician under Chapter 458 or as an osteopathic physician under Chapter 459 and is in compliance with the physician's education requirements of SB 8-A (2017) and is not employed by or associated with a licensed MMTC.

A medical marijuana health care establishment is a physician's office where the primary medical services offered is diagnosis of a qualifying medical condition and the processing of physician certifications, (which means a qualified physician's authorization for a qualified patient to receive marijuana and related devices); patient care; and ordering of medical marijuana for qualified patients. Medical marijuana health care establishment, as defined herein, are only permitted by special exception as an accessory use for a hospital licensed by the Agency for Health Care Administration (ACHA) and licensed medical offices

that provides care and treatment for debilitating medical conditions as determined by a licensed Florida physician as defined in the Florida Constitution, for the treatment of a debilitating medical condition such as cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient. A personal caregiver may acquire, transport, and administer marijuana to a qualified patient, and a qualified patient as defined in the Florida Constitution may possess and consume medical marijuana. Retail sales of medical marijuana are prohibited;

**MEDICAL MARIJUANA TREATMENT CENTER: (MMTC)** per F.S. Ch. 381.986. An establishment licensed by the State of Florida Department of Health to engage in the cultivation, preparation, wholesale storage, distribution, transfer, processing and dispensing of medical marijuana and medical marijuana products and related supplies and which does not allow on-site consumption of marijuana or marijuana products. The state licensed MMTC will not be allowed to operate in the City of Lauderhill.

**MENTAL HEALTH FACILITY:** A community facility and medical facility use where the primary emphasis is on outpatient services for the care, treatment, habilitation, or rehabilitation of the mentally ill, the developmentally disabled, or substance abusers, including any area facility, licensable facility, private facility, residential facility, state facility, 24-hour facility, and Veteran's Administration facility, and where the use and its professional employees are legally operating with a license, permit or other written authority issued by the appropriate government entity.

\*\*\*

SECTION 4. Land Development Regulations (LDR), Schedule B, Allowable Uses, Schedule B-2, Uses Allowed in Non-residential Districts, is hereby amended to read as follows:

**Schedule B. - Allowable Uses.**

\*\*\*

**B-2. Uses Allowed in Non-residential Districts.**

Land Use Category	CO	CN	CG	CC	CW	CE	IL	PO	PL	PR	CR	S-1	CF	UT
***														

Medical Marijuana Treatment Center																			
Medical Marijuana Health Care Establishment	SE		SE	SE	SE		SE												
Medical Marijuana Dispensing Center			SE		SE		SE												
Mental health facility <sup>1</sup>	P		P	P															
Minor food outlet																			
Mixed use (with residential use) <sup>1</sup>	SE		SE	SE			SE												
Newspaper publishing and printing							P		P										
Offices <sup>1</sup>																			
• Business and professional	P	P	P	P	P	P	P												
• Government	SE	SE	SE	SE	SE		P <sub>2</sub>											P	P

\*\*\*

**SECTION 5. Findings and Conclusions.** The Planning and Zoning Division is in favor of this amendment to the Land Development Regulations.

**SECTION 6. Conflict.** All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

**SECTION 7. Codification.** The provisions of this Ordinance shall become and be made a part of the City of Lauderhill, Florida Land Development Regulations; sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and the word "ordinance" may be changed to "article," "part," "section," or other appropriate word.

**SECTION 8. Effective Date.** This Ordinance shall take effect immediately upon its adoption.

DATE this \_\_\_\_\_ day of \_\_\_\_\_, 2019

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
PRESIDING OFFICER

ATTEST:

\_\_\_\_\_  
CITY CLERK

FIRST READING

SECOND READING

MOTION  
SECOND

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

M. BATES  
H. BERGER  
R. CAMPBELL  
D. GRANT  
K. THURSTON

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_