

ORDINANCE NO. 25O-02-107

AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING ARTICLE III, ENTITLED "ZONING DISTRICTS," SECTION 5.30A ENTITLED "PHARMACY" BY MODIFYING STANDARDS; AMENDING SECTION 5.50, ENTITLED "MEDICAL MARIJUANA HEALTH CARE ESTABLISHMENT" AND RENAMING IT "MEDICAL MARIJUANA ESTABLISHMENTS" AND ESTABLISHING STANDARDS FOR MEDICAL MARIJUANA DISPENSING CENTERS; AMENDING SCHEDULE A, ENTITLED "LAND USE CLASSIFICATIONS" BY CLARIFYING DEFINITIONS FOR MEDICAL MARIJUANA ESTABLISHMENTS AND DISPENSING CENTERS; AMENDING SCHEDULE B, ENTITLED "ALLOWABLE USES," SCHEDULE B-2, ENTITLED "USES IN NON-RESIDENTIAL DISTRICTS" TO PROVIDE ZONING DISTRICT REGULATIONS FOR MEDICAL MARIJUANA DISPENSING CENTERS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City received a request to change the provisions of the Land Development Regulations pertaining to Medical Marijuana Dispensing Centers to make them an allowable use in certain zoning district and subject to supplemental regulations; and

WHEREAS, the Planning and Zoning Board, at a duly noticed meeting and public hearing held on January 28, 2025, reviewed the request and recommended approval of the amendments to City Commission; and

WHEREAS, the Planning and Zoning Department recommends approval of the Land Development Regulation amendments as set forth herein; and

WHEREAS, the City Commission, having reviewed the proposed amendments, hereby finds that modifying the medical marijuana regulations to be in the best interest of the City.

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

SECTION 1. That Article III, entitled "Zoning Districts" Section 5.30A entitled "Pharmacy" of the Land Development Regulations, be amended as follows (underline is added; ~~strike through~~ is deleted):

Sec. 5.30.A. - Pharmacy.

As used herein, a pharmacy includes a drive-through pharmacy.

- A. *Separation standard.* This term shall be interpreted and applied as is provided for in LDR Article I, Section 1.5.
1. There shall be a one-half (½) mile separation between each pharmacy and any pain management clinic regardless of City jurisdictional boundaries.
 2. There shall be a one-half (½) mile separation between each pharmacy regardless of City jurisdictional boundaries.
 3. A certified survey from a land surveyor registered in the State of Florida displaying the distance in linear feet between a pharmacy and a pain management clinic or between pharmacies shall be submitted with a ~~certificate of use application~~ zoning verification request and fee in order to establish compliance with this section.
- B. *Structure and lot requirement.* A pharmacy shall be exempted from the separation standard if ~~it is~~:
1. It is located in a freestanding building with a single tenant on a separately platted lot or lots; and
 2. The building has a minimum floor area of 2,500 square feet.
- C. *Vested use.* Any existing pharmacy that is not in compliance with the separation standard shall be considered a legal, nonconforming use.

SECTION 2. That Article III, entitled “Zoning Districts” Section 5.50 entitled “Medical Marijuana Health Care Establishment” of the Land Development Regulations, be amended as follows (underline is added; ~~strike through~~ is deleted):

Sec. 5.50. – Medical marijuana ~~health care~~ establishments.

A. Medical Marijuana Health Care Establishment.

A medical marijuana health care establishment shall comply with the following standards:

- ~~A.~~ 1. Medical marijuana health care establishment shall comply with all of the use specific standards for a medical office listed in Section 5.28.1, Offices, Medical.
- ~~B.~~ 2. On-site dispensing of medical marijuana is prohibited.

B. Medical Marijuana Dispensing Center.

A medical marijuana dispensing center shall comply with the following standards where permitted:

1. Dispensing of medical marijuana shall only be permitted in accordance with the requirements of this article and the applicable zoning district. Dispensing of medical marijuana shall be permitted in the CG, Commercial General and CC Community Commercial, zoning districts.
2. Separation standard. This term shall be interpreted and applied as is provided for in LDR Article I, Section 1.5.

- a. There shall be a one-half (½) mile separation between each medical marijuana dispensing facility and any pain management clinic regardless of City jurisdictional boundaries.
 - b. There shall be a one-half (½) mile separation between each medical marijuana dispensing center regardless of City jurisdictional boundaries.
 - c. No medical marijuana dispensing facility shall be located within a five-hundred (500) foot radius of a public or private elementary school, middle school, or secondary school, except under the process set forth in state law.
 - d. A certified survey from a land surveyor registered in the State of Florida displaying the distance in linear feet between a medical marijuana dispensing center and a pain management clinic or between medical marijuana dispensing centers shall be submitted with a Zoning Verification Request and fee in order to establish compliance with this section.
3. Structure and lot requirement. A medical marijuana dispensing center shall be exempted from the separation standard if:
 - a. It is located in a freestanding building with a single tenant on a separately platted lot or lots; and
 - b. The building has a minimum floor area of 2,500 square feet.
4. Dispensing of, payment for, and receipt of medical marijuana is prohibited anywhere outside of the dispensing center, including, but not limited to, on sidewalks, in parking areas, or in the rights-of-way surrounding the dispensing center; provided, however, this provision shall not be construed to prohibit delivery of medical marijuana to an eligible patient, as permitted by state law or rule.
5. Consumption of medical marijuana is prohibited onsite at the dispensing center, including, but not limited to, in the parking areas, sidewalks, or rights-of-way surrounding the dispensing center.
6. Centers dispensing medical marijuana shall only be allowed to operate between the hours of 7:00 a.m. and 9:00 p.m. daily, as provided by Section 381.986, Florida Statutes.
7. No certificate of use, license, or building or other permit shall be issued for a medical marijuana dispensing center where the proposed place of business does not conform to the requirements of this subsection.
8. Medical Marijuana Dispensing Center Uses must comply with the provisions of section 381.986, Florida Statutes.

SECTION 3. That Schedule A, entitled “Land Use Classifications” of the Land Development Regulations, be amended as follows (underline is added; ~~strike through~~ is deleted):

SCHEDULE A. - LAND USE CLASSIFICATIONS

MEDICAL MARIJUANA DISPENSING CENTER: A use or a structure occupied by a use involving acquiring, possessing, transferring, transporting, selling, distributing, delivering, or dispensing of medical 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.~~

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 dispensary centers in accordance to Section 5.50.

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, unless in accordance with the medical marijuana dispensing center standards listed in Section 5.50(B).

MEDICIAL 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.

SECTION 4. That Schedule B, entitled “Allowable Uses” of the Land Development Regulations, be amended as follows (underline is added; ~~strike through~~ is deleted):

SCHEDULE B. – ALLOWABLE USES

B-1. Uses Allowed in Residential Districts.

Land Use Category	C O	C N	CG	CC	CW	CE	IL	PO	PL	PR	CR	S- 1	C F	U T	
Medical Marijuana Treatment Center															
Medical Marijuana Health Care Establishment	SE		SE	SE	SE		SE								
Medical Marijuana Dispensing Center ¹															
• <u>Walk-up</u>			<u>P</u>	<u>P</u>											
• <u>Drive-through</u>			<u>SE</u>	<u>SE</u>											
Mental health facility ¹	P		P	P											
Minor food outlet															
Mixed use (with residential use) ¹	SE		SE	SE	P	P									

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Pharmacy ¹															
• Walk-up			P	P											
• Drive-through			SE	SE											
Public parks administration	P		P	P	P		A		P	P	P	P	P		

SECTION 5. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 6. Severability. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction

to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 7. Codification. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lauderhill, Florida, and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "section", "article" or such other word or phrase in order to accomplish such intentions.

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

PASSED on first reading this _____ day of _____ 2025.

PASSED and ADOPTED on second reading this _____ day of _____, 2025.

DENISE D. GRANT, MAYOR
PRESIDING OFFICER

ATTEST:

ANDREA M. ANDERSON, MMC
CITY CLERK

Approved as to Form

Hans Ottinot, City Attorney

	First Reading	Second Reading
MOTION	_____	_____
SECOND	_____	_____
R. CAMPBELL	_____	_____
M. DUNN	_____	_____
D. GRANT	_____	_____
J. HODGSON	_____	_____
S. MARTIN	_____	_____