

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 16-468

DATE: October 11, 2016

TO: Dennis W. Beach, City Attorney

VIA: Robin M. Bird, Director of Development Services *RB*
Jennifer Gomez, Assistant Director of Development Services *JG*

FROM: Karen Friedman, Principal Planner *KBF*

RE: Requested Extension to the Medical Cannabis Moratorium
October 25, 2016 City Commission Hearing

On June 28, 2016, via Ordinance 2016-66, the City Commission adopted a six month moratorium on all uses related to medical cannabis (aka medical marijuana). **A copy of Ordinance 2016-66 is attached.**

In the interim Staff prepared the initial report and recommendations.

On September 6, 2016 a copy of the report and recommendations was sent to the City's Redevelopment Agency for their review. On September 14, 2016 the Development Services Department received a memo from the CRA with their comments, including a request for additional time to review the report and a follow-up meeting to discuss their concerns about the potential impacts of this use on the City's redevelopment areas. **A copy of the CRA Memo is attached.**

On September 26, 2016 Staff presented the report and recommendations to the City's Economic Development Council. The EDC requested the item be tabled until after the statewide election for Amendment #2, as they were concerned staff's recommendations may need to be revised if the item passes. Staff will attend the EDC's December 2016 meeting to re-present this item. **A copy of the draft meeting minutes are attached.**

Based on the above Staff is requesting a 180-day extension to the temporary moratorium. The moratorium will automatically expire at the end of the 180-day period, or at the time that the resulting text amendments addressing medical cannabis (aka medical marijuana) are adopted.

0.5.14

ORDINANCE NO. 2016- 66

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR IMPOSITION OF A MORATORIUM ON ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS AND ON THE PROCESSING OF APPLICATIONS INVOLVING USES RELATED TO MEDICAL CANNABIS; PROVIDING FOR A SIX MONTH TERM TO BE EXTENDED IF NECESSARY; PROVIDING FOR EARLY TERMINATION UPON PASSAGE OF ORDINANCES REGULATING MEDICAL CANNABIS USES IN THE CITY PRIOR TO EXPIRATION OF THE MORATORIUM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission and the city's Planning and Zoning Board/Local Planning Agency have previously undertaken the necessary studies and adopted a Comprehensive Plan to guide and control growth in the city; and

WHEREAS, the goals, objectives and policies contained within the city's adopted Comprehensive Plan require that the city periodically review and update new regulations and procedures as a result of amendments and additions to federal, state and county laws and regulations to ensure that all land uses within the city are consistent with the city's character and Future Land Use Plan, encourage the adoption of innovative land development regulations, and protect the health, welfare and safety of the city's residents; and

WHEREAS, in 2014, the Florida Legislature enacted the Compassionate Medical Cannabis Act, creating Section 381.986, Florida Statutes, which authorized dispensing organizations authorized by the Department of Health to manufacture, possess, sell, and dispense low-THC cannabis for patients suffering from specified medical conditions; and

WHEREAS, in the recently concluded 2016 session, the Florida House of Representatives passed HB307 and HB 133 on March 3, 2016, which passed the Florida Senate on March 7, 2016, and which was approved by the Governor on March 25, 2016, and became effective on that date. Said Bill amended numerous provisions of Section 381.986, Florida Statutes and provided additional regulation of the Department of Health with regard to medical cannabis; and

WHEREAS, Chapter 64-4, "Compassionate Use," of the Florida Administrative Code, has been enacted to regulate the Department of Health with regard to requirements for dispensing organizations, including procedures for application, review, approval, inspection and authorization of dispensing organizations, and the Department of Health has commenced its application and review process, including approval of these organizations; and

WHEREAS, the city's Development Services staff requires time to review the recently enacted legislation and to research issues related to the processing, dispensing, and testing of medical cannabis as well as issues related to the safety, security, hours of operation, noise, traffic, parking and odor, in order to effectively and properly enact zoning and any other necessary ordinances to fairly regulate the distribution and other related uses to medical cannabis in the city in order to best serve the city's residents and to ensure compliance with the city's Comprehensive Plan and a moratorium would serve to provide the necessary time; and

WHEREAS, in accordance with Florida Statutes, Section 166.041(3)(c)2, advertisements in accordance with said statute have been published in a newspaper of general paid circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed ordinance; and

WHEREAS, two public hearings have been held pursuant to said published hearings and all persons so desiring had the opportunity to be, and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. Moratorium Imposed; Applicability.

During the time this moratorium shall be in effect as specified herein, there shall be a moratorium upon the acceptance of applications and the issuance of zoning use certificates, business tax receipts and of all development orders and permits, as defined in Section 163.3164, Florida Statutes, (collectively Development Orders) approving any and all uses related to medical cannabis in the city.

SECTION 2. Term.

The moratorium imposed by this ordinance is temporary and, unless dissolved earlier by the city, shall automatically dissolve in one hundred eighty (180) days from the effective date of this ordinance unless extended in accordance with applicable law. This moratorium may be reasonably extended, if necessary, by ordinance of the City Commission.

SECTION 3. Early Termination.

The moratorium imposed by this ordinance may terminate prior to its one hundred eighty (180) day period upon the passage of ordinances regulating uses related to medical cannabis in the city, provided:

1. specific language terminating the moratorium is contained within said enacted ordinance; or by
2. passage of another ordinance providing for termination by the City Commission.

SECTION 4. All ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

SECTION 5 If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of

this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 6. This ordinance shall become effective upon passage.

PASSED FIRST READING this 14th day of June, 2016.

PASSED SECOND READING this 28th day of June, 2016.



LAMAR FISHER, MAYOR

ATTEST:



ASCELETA HAMMOND, CITY CLERK

MEB/jrm
5/16/16
l:ord/2016-205



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MEMORANDUM

DATE: September 14, 2016

TO: Robin Bird, Director of Development Services
Jennifer Gomez, Assistant Director of Development Services

FROM: Natasha Alfonso-Ahmed, RMA Urban Design Director
Max Wemyss, CRA/RMA Planning and Urban Design Assistant

THRU: Kim Briesemeister, CRA Executive Director
Chris Brown, CRA Executive Director

RE: **Memo 16-409 –**
Land Usage Code Amendment Coordination
Proposed Revisions to Zoning Code regarding Medical Marijuana

Background/CRA Comments:

The CRA received the memo September 8 and was requested to provide comment by September 14. At this time the CRA has reviewed the material provided within the memo and has not had an adequate amount of time to fully realize the impacts on the city's redevelopment areas.

Due to the number of zoning designations and areas that could potentially permit the medical marijuana uses, the CRA will require more time to evaluate the impact of the proposed amendments to the redevelopment objectives. The amendments as proposed could potentially allow these uses onto most commercial corridors where new Planned Commercial Developments are approved. We are requesting 60 days. The CRA would like to request a meeting to review and discuss the contents of the memo and the recommended amendment with staff. The CRA will work with staff to obtain input throughout the process at our regularly scheduled meetings.

Proposed Action:

The CRA recommends extending the moratorium on the acceptance of applications and the issuance of zoning use certificates, business tax receipts and of all development orders and permits, approving any and all uses related to medical cannabis.

cc: CRA Attorney
City Attorney

Pompano Beach Economic Development Council

Commission Chambers Conference Room
September 26th, 2016
5:15 p.m.

MINUTES

A. **Call to Order** by Chairman of the Council, Tom DiGiorgio, Jr. at 5:11 PM.

B. **Roll Call**

Tom DiGiorgio, Jr.	Jack Rogerson	Absent
Ted Perrella	Elaine Fitzgerald	
Ric Green	Whitney Metevia	
Al Siefert	Roy Rogers	
Frank H. Furman, Jr.	Rob Wyre	
Joe Usman	Desie Frazier	
Whitney Rawls	Paul Webb	
Chris Metzger	Dodie Keith-Lazowick	
Jay Ghanem		

Others Present

- Chris Clemens, Economic Development Manager
- Karen Friedman, Principal Planner
- Gisla Bush, Zoning Technician
- Horacio Danovich, CIP Manager
- Patrick Jovanov, resident

C. **Presentation – Karen Friedman, Principal Planner – Medical Marijuana regulations**

Ms. Friedman presented a PowerPoint presentation.

Mr. Rogers asked about the qualifications from becoming a dispensing organization. Ms. Friedman said that the state had specific standards including they had to be a farm for at least 50 years.

Ms. Friedman said that other cities that have adopted standards... all of these cities have only addressed the retail standards. For the staff report they looked at many studies and came up with the major concerns. Retail uses have the most concerns, including crime.

Mr. Metzger said that all of these warehouses are used by medical marijuana growers and it drives out all of the employers...

Mr. Rogers said that he is suggesting that they parse out the medical uses

Ms. Friedman then presented the specific use recommendations.

Mr. Perrella asked what is the difference between medical cannabis and the medical marijuana. Ms. Friedman said that it is the same.

Mr. Webb asked why all of the uses not require special exception.

Mr. Siefert asked about pharmacies role. Ms. Friedman said that it cannot be dispensed through the pharmacy

Mr. Rawls said that they need further discussion of this topic.

Mr. Clemens asked what is the thought process behind the extra parking requirements. Ms. Friedman said that parking is much greater than the typical use

Ms. Metevia said that they will table this till after the election in November.