

Legislation Text

File #: 18-129, **Version:** 2

P.H. 2018-24: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 115, "MISCELLANEOUS BUSINESSES," BY CREATING SECTION 115.28, "MEDICAL MARIJUANA DISPENSARIES," TO BAN DISPENSING OF MEDICAL MARIJUANA WITHIN THE CITY; BY AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING ARTICLE 4, "USE STANDARDS," BY AMENDING PART 7, "MEDICAL MARIJUANA ESTABLISHMENTS," TO DELETE THE USE STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA RETAIL ESTABLISHMENTS; BY AMENDING THE DEFINITION AND STANDARDS OF MEDICAL MARIJUANA HEALTH CARE ESTABLISHMENTS AND BY AMENDING THE STANDARDS FOR MEDICAL MARIJUANA INDUSTRIAL ESTABLISHMENT; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," BY DELETING REFERENCE TO MEDICAL MARIJUANA RETAIL ESTABLISHMENT; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY AMENDING DEFINITIONS AND DELETING REFERENCE TO MEDICAL MARIJUANA RETAIL ESTABLISHMENT; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO DELETE REFERENCE TO MEDICAL MARIJUANA RETAIL ESTABLISHMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 12, 2017

(Staff Contact: David Recor/Jean E. Dolan)

Summary Explanation/Background:

On April 25, 2017, the City Commission approved Ordinance 2017-42 on second reading. This ordinance regulates medical marijuana. Senate Bill 8-A was approved by the State Legislature and was signed by the Governor into law on June 23, 2017. This legislation amended Section 381.986 Florida Statutes. The State legislation preempts the City's ability to regulate the location of medical marijuana related facilities and provides cities and counties two options in regard to medical marijuana dispensing facilities: to ban medical marijuana dispensing outright; or to regulate dispensing facilities the same way pharmacies are regulated. The City Commission reviewed the options related to medical marijuana regulations on July 11, 2017 and on July 25, 2017, and voted to establish a 6-month moratorium to give staff more time to study the issues and make sure the State law was being interpreted correctly. The 6-month moratorium ends on January 25, 2017. The City Attorney has determined that the State law is prospective not retrospective so Staff is moving forward with the necessary code amendments to ban medical marijuana dispensing but continue to allow and regulate other medical marijuana related businesses as defined in State law and the City's Ordinance 2017-42, as proposed for amendment. The Planning and Zoning Board considered this amendment on November 15, 2017 and recommended denial of these amendments with a 2/4 vote. The reason for the denial was (1) not inclined to ban dispensing and (2) the preference to keep our current ordinance intact. Please refer to the P&Z November 15th minutes (attached) for additional details.

Origin of request for this action: Department of Development Services
Fiscal impact and source of funding: N/A