



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#17-0616

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: May 16, 2017

TITLE: Ordinance Amending the Unified Land Development Regulations by Amending Sections 47-6.11 – List of Permitted and Conditional Uses, Boulevard Business (B-1), Section 47-6.12 – List of Permitted and Conditional Uses, General Business (B-2), Section 47-6.13 – List of Permitted and Conditional Uses, General Business (B-3) and Section 47-20 – Parking and Loading Requirements, and Creating Section 47-18.46 – Medical Cannabis Dispensing Facilities Providing for Definitions, Establishing Regulations, Creating Location and Operation Standards and Criteria for Approval for Medical Cannabis Dispensing Facilities/ Case T17002

Recommendation

It is recommended the City Commission adopt an ordinance amending the City of Fort Lauderdale, Florida, Unified Land Development Regulations (ULDR) to establish regulations for Medical Cannabis Dispensing Facilities within the City limits.

Background

On November 8, 2016, Florida voters approved an amendment (Amendment 2) creating Section 29 of Article X of the Florida Constitution establishing a public policy that the medical use of marijuana by qualifying patients and certain activities of caregivers, physicians, their agents or employees regarding the medical use of marijuana are not subject to criminal or civil liability or sanctions under Florida law.

On January 4, 2017, the City Commission approved a moratorium for a period of one hundred eighty (180) days while staff conducted analysis, studies and obtained input from stakeholders to determine proposed draft regulations. City staff has completed researching best practices from national organizations, professional and academic articles, and proposed and existing regulations from across the State of Florida and various municipalities throughout the United States.

The proposed ordinance was approved with changes on first reading at the regular City Commission meeting held on May 2, 2017. After public input, the City Commission requested that the separation distance from schools, child care facilities, daycares and libraries be increased from 1,000 feet to 1,500 feet and to stipulate that the applicant must

first obtain approval from the State to operate as a dispensary. The subject ordinance changes along with corrected scrivener's errors are attached as Exhibit 1 and are shown in a double strikethrough and underline format. The revised siting map with the new separation distance indicating potential locations of Medical Cannabis dispensing facilities within the City is attached as Exhibit 2.

The proposed ordinance sets forth requirements to regulate dispensing facilities for medical cannabis within the City limits. The proposed regulations focus on distance separation requirements and specific use criteria that address neighborhood compatibility aspects. A summary of the proposed regulations is provided below:

Permitted Zoning Districts:

The proposed ordinance will permit Medical Cannabis Dispensing Facilities in the following zoning districts subject to distance separation requirements:

- Boulevard Business (B-1);
- General Business (B-2), and;
- Heavy Commercial/Light Industrial (B-3)

The recommended districts are dispersed throughout the City and located near potential medical patient populations that allow for viable locations even after applying the proposed separation distance from other specific uses. These zoning districts are typically located along larger commercial corridors as well as in light industrial areas of the City.

Distance Separation Requirements:

A common measure for regulating medical cannabis uses is separation requirements from other similar uses to avoid the creation of what is commonly referred to as a "Green Zone" while supporting viable locations distributed throughout the City or uses that can be perceived as particularly sensitive, namely proximity to groups of children.

The proposed ordinance includes the following proposed separation criteria:

- One mile (5,280 foot) separation distance between medical cannabis dispensing facilities
- 1,500 foot separation between a medical cannabis dispensing facility use and schools, daycares, parks and libraries is also proposed.

Neighborhood Compatibility:

Several of the proposed zoning requirements are intended to address neighborhood compatibility aspects. These measures help establish additional requirements for the medical cannabis dispensing facility use such as hours of operation and parking requirements, as well as further clarify some prohibited activities that may be considered similar to the proposed use.

Review Process:

The ordinance establishes the review process for Medical Cannabis Dispensing Facility use through the Conditional Use Permit approval process as defined in ULDR Section 47-

24.3.A with the intent to provide criteria for the use, which because of certain characteristics as evaluated under the review criteria may not be appropriate at particular locations, but which may be desirable in other locations to ensure overall orderly development of the City and to protect public welfare. The conditional use review requires addressing neighborhood compatibility among criteria and a public hearing and approval by the Planning and Zoning Board, as well as Public Participation criteria.

The criteria for a Medical Cannabis Dispensing Facility also specifies that the applicant provide a certified survey to confirm the proposed location meets the separation distance requirement as well as a security plan, that shall be reviewed by the City's Police Department and commented on as part of the site plan approval process. The components of the security plan specific specifics that are addressed in the regulations established by the State.

Lastly, in instances where multiple dispensing facilities seek to operate at or near the same location, the ordinance establishes a process for selecting which facility would be permitted based on the timeframes of when an application is deemed complete, as well as the date of approval of the conditional use permit.

Public Outreach and Prior Reviews:

As part of the process to prepare the proposed amendments, the following outreach efforts were incorporated to date along with the Planning and Zoning Board public hearing:

- February 13, 2017

A meeting was held on February 13th at the Department of Sustainable Development with identified industry stakeholders representing approved and potential dispensing organizations and those individuals who indicated an interest in the regulation of Medical Cannabis within the City. There was also representation from the Council of Fort Lauderdale Civic Associations and the Greater Fort Lauderdale Chamber of Commerce. The general feedback received indicated that the majority of the participants would like to see reduced standards from those proposed at the meeting.

- March 14, 2017

Staff also presented the proposed regulations at the Council of Fort Lauderdale Civic Associations meeting on March 14th, 2017. The comments and feedback from the members ranged from those who were very supportive and were in favor of maximizing the opportunities for these facilities to operate, similar to views expressed at the stakeholder meeting, to those members who advocated for a more cautious approach to allowing for the facilities within the City.

- April 18, 2017

The Planning and Zoning Board (PZB) recommended approval of the ordinance to the City Commission by a vote of 5-0 on April 18, 2017. The PZB staff report is provided as Exhibit 3. The presentation presented to the PZB is provided as Exhibit 4. The PZB minutes are attached as Exhibit 5.

The Planning and Zoning Board recommended an amendment to the proposed ordinance that would allow a reduction in the one mile distance separation when approved by PZB in conjunction with specific criteria as further determined by staff. Staff has taken this recommendation under consideration and has determined this type of amendment could result in a greater concentration of medical cannabis dispensing facilities in certain areas rather than a more uniform distribution of facilities across the City. As a result the staff recommendation remains unchanged.

- April 24, 2017

An additional public meeting took place on April 24th from 4 PM to 6 PM at the Department of Sustainable Development to inform the public about the proposed regulations, as well as discuss comments and recommendations made during the Planning and Zoning Board meeting. The attendance was well represented by neighbors and industry representatives who were divided between a desire for intensifying or relaxing the zoning requirements along those lines based on their affiliation.

Comprehensive Plan Consistency:

The proposed amendments are consistent with the City’s Comprehensive Plan. Specific goals, objectives and policies are addressed as follows:

ELEMENT: Future Land Use Element
GOAL: Goal 1
OBJECTIVE: Objective 1.19: Neighborhood Compatibility
POLICY: Policy 1.19.5: Limit intensity of commercial development adjacent to residential neighborhoods through ULDR controls including height and floor area ratio limitations and buffering requirements.

ELEMENT: Future Land Use Element
GOAL: Goal 1
OBJECTIVE: Objective 1.37: Development Review and Crime Prevention
POLICY: Policy 1.37.1: The City shall utilize standards addressing CPTED principles, such as lighting, street design, natural surveillance, natural access control and territorial reinforcement in its development review process.

This ULDR amendment is part of the *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included in the *Neighborhood Enhancement* Cylinder of Excellence, specifically advancing:

Goal 6: Be an inclusive community made up of distinct, complementary, and diverse neighborhoods.

Objective 1: Evolve and update the land development code to balance neighborhood quality, character, and livability through sustainable development.

Attachments

Exhibit 1 – Proposed Amendment

Exhibit 2 – Siting Map

Exhibit 3 – PZB Staff Report – April 18, 2017

Exhibit 4 – PZB Presentation Material

Exhibit 5 – PZB Minutes – April 18, 2017

Exhibit 6 – Proposed Ordinance

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