



REQUEST: Amend Unified Land Development Regulations (ULDR); Adding Section 47-18.46, Medical Cannabis Dispensing Facilities and amending Sections 47-6.11, Boulevard Business (B-1) District, 47-6.12, General Business (B-2) District, 47-6.13, Heavy Commercial/Light Industrial Business (B-3) District, 47-20.2, Parking and Loading Requirements to address the use.

This amendment creates regulations to address Medical Cannabis Dispensing Facilities within the City limits.

Case Number	T17001
Applicant	City of Fort Lauderdale
ULDR Sections	47-6.11. List of Permitted and Conditional Uses, Boulevard Business (B-1) District 47-6.12. List of Permitted and Conditional Uses, General Business (B-2) District 47-6.13. List of Permitted and Conditional Uses, Heavy Commercial/Light Industrial (B-3) District 47-18.46. Medical Cannabis Dispensing Facilities (New Section) 47-20.2. Table 1, Parking and Loading Zoning Requirements
Notification Requirements	10-day legal ad
Action Required	Recommend approval or denial to City Commission
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BACKGROUND:

On November 8, 2016, Florida voters approved an amendment (Amendment 2) to Article X of the Florida Constitution excluding from criminal or civil liability or sanctions under Florida law the use of medical marijuana by a qualifying patient and certain activities of caregivers, physicians, their agents or employees.

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 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.

The proposed Ordinance is attached as Exhibit 1. A map indicating potential locations and number of Medical Cannabis Dispensing Facilities that could be established within the City is attached as Exhibit 2.

A summary of the proposed regulations is provided below:

Permitted Zoning Districts:

The proposed ordinance will permit Medical Cannabis Dispensing Facilities in the Boulevard Business (B-1), General Business (B-2) and Heavy Commercial/Light Industrial (B-3) zoning districts, subject to proposed distance separation requirements. The recommended districts are dispersed throughout the City, are located near potential medical patient populations, and 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 or uses that can be perceived as particularly sensitive, namely proximity to groups of children.

The proposed ordinance includes a one mile (5,280 foot) separation distance between medical cannabis dispensing facilities to avoid clustering the use in limited areas and avoiding the creation of what is often referred to as a "green zone" and to instead provide potential viable locations distributed throughout the City. In addition a 1,000 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.

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:

As part of the process to prepare the proposed amendments, the following outreach efforts were incorporated to date:

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.

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.

An additional public meeting is scheduled 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.

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.

PLANNING & ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed amendments are consistent with the City of Fort Lauderdale's Comprehensive Plan and whether the Planning and Zoning Board recommends approval of the proposed amendments to the City Commission.