



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Members of the Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 20, 2016

SUBJECT: **SUPPLEMENTAL TO THE LAND USE AND DEVELOPMENT COMMITTEE MEETING AGENDA**

**4. Discussion Regarding Potential Fiscal and Review Process Impacts of Having All New Single Family Home Construction Reviewed by the Design Review Board.**

(Continued from the March 30, 2016 LUDC Meeting  
Sponsored by Commissioner Joy Malakoff  
February 10, 2016 City Commission Meeting, Item C4J)

**7. CMB Preparations for Likely Passage of State Medical Marijuana Constitutional Amendment.**

(Returning from the February 17, 2016 LUDC Meeting  
Sponsored by Commissioner Michael Grieco  
February 10, 2016 City Commission Meeting, Item R9F)

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# MIAMI BEACH

OFFICE OF THE CITY ATTORNEY  
RAUL J. AGUILA, CITY ATTORNEY

## MEMORANDUM

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**To:** Land Use & Development Committee **Date:** April 20, 2016

**From:** Raul J. Aguila  
City Attorney 

**Subject:** Draft ballot questions for exemption from the City's Code of Ethics for land use board members

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Pursuant to the request of the Land Use and Development Committee, the City Attorney's Office has drafted two alternate ballot questions to create an exemption from the prohibition on lobbying by City officials set forth in City Code Section 2-459. The exemption would be limited to land use board members who are architects or landscape architects, and would allow those members to lobby City personnel, except for members of the boards on which they serve. Since the proposed exemption would lessen the stringency of City Code Section 2-459, a referendum is required to create the exemption.

Option 1 includes members of the proposed Board of Architects. If the City Commission elects to submit Option 1 to a referendum, the City Commission will first need to create the Board of Architects, which may be created by ordinance.

### **Option 1 (including Board of Architects)**

City Code Section 2-459 prohibits City board members and their associates from lobbying City personnel and agencies. Should this section be amended to include an exception allowing land use board (Board of Adjustment, Board of Architects, and Design Review, Historic Preservation, and Planning Boards) members who are architects or landscape architects to lobby City personnel and agencies on land development applications, except for applications before the board on which they serve?

### **Option 2 (excluding Board of Architects)**

City Code Section 2-459 prohibits City board members and their associates from lobbying City personnel and agencies. Should this section be amended to include an exception allowing land use board (Board of Adjustment, and Design Review, Historic Preservation, and Planning Boards) members who are architects or landscape architects to lobby City personnel and agencies on land development applications, except for applications before the board on which they serve?

RA/NK/sc

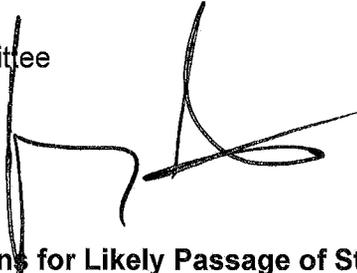
**ITEM  
SEVEN**

# MIAMI BEACH

CITY OF MIAMI BEACH, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager 

DATE: April 20, 2016

SUBJECT: **LUDC Item No. 7 CMB Preparations for Likely Passage of State Medical Marijuana Constitutional Amendment**  
(Returning from the February 17, 2016 LUDC Meeting / Sponsored by Commissioner Michael Grieco at the February 10, 2016 City Commission Meeting, Item R9F)

Commissioner John E. Alemán's office has requested Code Compliance's input on a City of Dania Beach ordinance regarding medical marijuana dispensaries for a preliminary discussion in the event a constitutional amendment is passed by the State of Florida.

Attached, please find a review of the Dania Beach ordinance by Hernan Cardeno, Director of Code Compliance.

# MIAMI BEACH

CODE COMPLIANCE DEPARTMENT 505 17 Street, Miami Beach, Florida 33139, www.miamibeachfl.gov

## MEMORANDUM

TO: Jimmy Morales, City Manager

VIA: Susanne Torriente, Asst. City Manager & CRO

FROM: Hernan Cardeno, Esq.   
Director

DATE: April 19, 2016

SUBJECT: **LUDC Item No. 7 CMB Preparations for Likely Passage of State Medical Marijuana Constitutional Amendment – Review of City of Dania Beach Ordinance**

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Sir,

I have reviewed the City of Dania Beach ordinance sec. 19-1 regarding medical marijuana dispensary/retail centers. While this ordinance provides a good framework to build upon, the following considerations are offered for discussion:

- LUDC pg. 91 (4)(a) places an affirmative duty on the Chief of Police to review an application for a permit and to conduct a background screening of the applicant—this background screening can be outsourced.
- LUDC pg. 91 (4)(e) requires the Chief of Police to cause an identification tag to be issued to each approved applicant for a permit, each owner, and each employee.
- LUDC pg. 92 (i) Violation of Regulations. The ordinance only covers code violations and does not speak to criminal violations. This subsection requires a warning and 20 days to provide a corrective action plan to cure.
- LUDC pg. 92 (k) (l)5. If the permittee fails to submit an acceptable corrective action plan within 20 days, then the permit will be revoked.
- LUDC pg. 93 (l) Revocation. The revocation *intent notice* gives an additional ten business days to comply and requires a Special Master hearing. We're now at 30 days before a revocation can take place.
- LUDC pg. 93 (m) Effect of Revocation. This section says that now that the permittee failed to comply with submitting a corrective action plan *and* the intent notice for revocation, the permittee now must be noticed of the revocation that shall take effect 15 days after the date the city mails the notice of revocation. This makes revocation the earlier of 45 days because the initial corrective action plan can go beyond the original 20 days. This long process is triggered even when the state license is revoked or expires see ((k)7.)—that in itself should trigger an

emergency business shut down and the due process hearing provisions to cure. It is akin to allowing an alcoholic beverage establishment that has its state liquor license revoked to continue operating until they are adjudicated under the city's code enforcement system.

As way of background, Code prioritizes violations at high liability businesses (tattoo parlors, massage services, adult entertainment establishments, and alcohol sales) and a dispensary would probably fall in the same category. Accordingly, any violations deemed an emergency condition that poses serious danger to public health, safety or welfare, should not require advanced notice and hearing and the city should have the authority to shut down the business immediately (as provided in CMB ordinance 102-383).

- LUDC pg. 94 (7) Maintenance of premises. (8) Garbage; LUDC pg. 95 (11) Odor and Air Quality. These three sections talk about the medical marijuana retail center removing litter, requires waste products to be "destroyed" on-site, and addresses odor elimination filters and odor intrusion into the air outside the marijuana retail center. Accordingly, consideration should be given to:
  - Requiring any disposal of waste to fall under removal of hazardous medical waste protocols;
  - More importantly, with the provisions of odor intrusion these medical marijuana retail centers should be restricted on where they can be permitted for operation (such as commercial districts and away from schools, daycare centers, and residential zones). This Dania Beach ordinance does not speak to this issue.

Finally, there is no fine schedule adopted nor a delineation of criminal and civil penalties to be enforced. Financial impact and staffing for enforcement are premature considerations as these would depend on any ordinance provisions adopted and the number of dispensaries licensed within Miami Beach. These are a few suggestions where the City of Miami Beach can improve upon in drafting our own legislation. I yield to our Police Chief, Dan Oates, who can offer additional insight as to his experience dealing with medical and, subsequently, recreational use dispensaries in the State of Colorado.

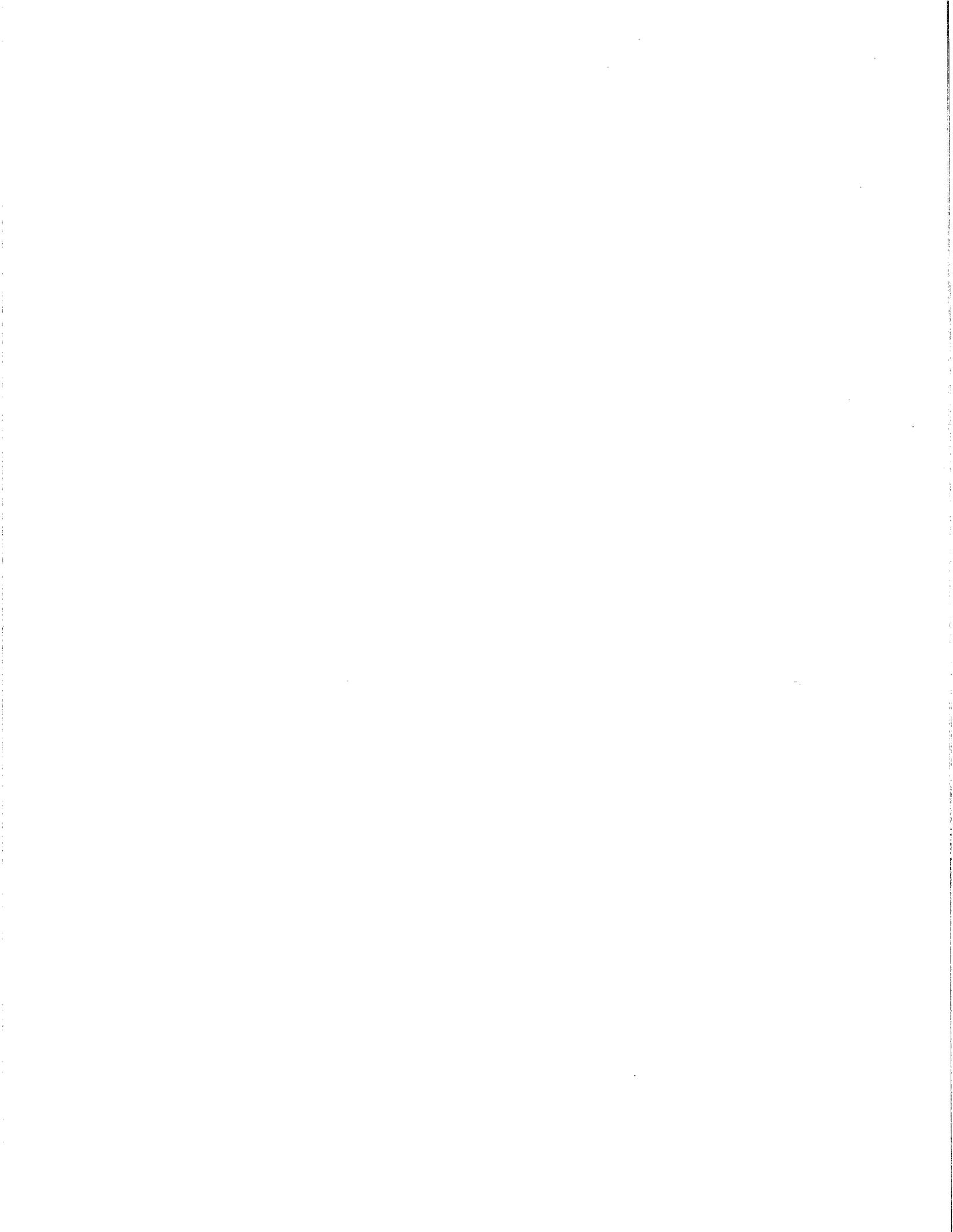
Respectfully submitted.

/HDC

C: Dan Oates, Chief of Police

**ITEM  
SEVEN**

**VERBAL REPORT**



**Cardillo, Lilia**

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**From:** Granado, Rafael  
**Sent:** Wednesday, January 20, 2016 8:25 PM  
**To:** Cardillo, Lilia  
**Subject:** Fwd: February agenda  
**Attachments:** image001.jpg; ATT00001.htm; Dania Beach, FL Code of Ordinances.pdf; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Grieco, Michael" <[MichaelGrieco@miamibeachfl.gov](mailto:MichaelGrieco@miamibeachfl.gov)>  
**Date:** January 20, 2016 at 8:22:28 PM EST  
**To:** "Granado, Rafael" <[RafaelGranado@miamibeachfl.gov](mailto:RafaelGranado@miamibeachfl.gov)>  
**Subject:** February agenda

Please place on agenda:

Discussion item and referral to Land Use Committee Regarding CMB Preparations for Likely Passage of State Medical Marijuana Constitutional Amendment

Please include this email and the attached Dania Beach Ordinance with the item

Sec. 19-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant.* An individual or business entity desiring to operate a medical marijuana retail center within the city limits.

*Business operating name.* The legal or fictitious name under which a medical marijuana retail center conducts its business with the public.

*Employee.* A person authorized to act on behalf of the medical marijuana retail center, whether that person is an employee or a contractor, and regardless of whether that person receives compensation.

*Identification tag.* A tamperproof card issued by the city to the persons involved with a medical marijuana retail center as evidence that they have passed the background checks and other requirements of this chapter and are authorized to be present on the premises.

*Marijuana.* Any strain of marijuana or cannabis, in any form, that is authorized by state law to be dispensed or sold in the State of Florida. Also referred to as "medical marijuana."

*Medical marijuana permit.* A permit issued by the city pursuant to this chapter authorizing a business to sell marijuana in the city. Also referred to as "permit."

*Medical marijuana retail center.* A retail establishment, licensed by the Florida Department of Health as a "medical marijuana treatment facility," "medical marijuana treatment center," "dispensing organization," "dispensing organization facility" or similar use, that sells and dispenses medical marijuana, but does not engage in any other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of marijuana or marijuana product, and does not allow on-site consumption of marijuana. A medical marijuana treatment center shall not be construed to be a medical marijuana retail center.

*Medical marijuana treatment center.* Any facility licensed by the Florida Department of Health to acquire, cultivate, possess, process (including but not limited to development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transport, sell, distribute, dispense, store, or administer marijuana, products containing marijuana, related supplies, or educational materials, as authorized by state law. A medical marijuana treatment center may include retail sales or dispensing of marijuana. A facility which provides only retail sales or dispensing of marijuana shall not be classified as a medical marijuana treatment center under this chapter. Also may be referred to as a "medical marijuana treatment facility" or "dispensing organization" or other similar term recognized by state law.

*Owner.* Any person, including any individual or other legal entity, with a direct or indirect ownership interest of five (5) percent or more in the applicant, which interest includes the possession of stock, equity in capital, or any interest in the profits of the applicant.

*Premises.* The building, within which a medical marijuana retail center is permitted to operate by the city, including the property on which the building is located, all parking areas on the property or that are utilized by the medical marijuana retail center and sidewalks and alleys within one hundred (100) feet of the property on which the medical marijuana retail center is located.

*Qualified registered patient/qualified patient.* A resident of the State of Florida who has been added to the state's compassionate use registry by a physician licensed under F.S. Ch. 458 or Ch. 459, to receive medical marijuana from a dispensing organization or medical marijuana treatment center or similar use as defined in Florida Statutes.

(Ord. No. 2014-015, § 3, 10-28-14)

**Sec. 19-2. - Medical marijuana permit and identification tag required.**

- (1) It shall be unlawful for any business or person to operate a medical marijuana retail center, or to otherwise offer for sale or in any way participate in the conduct of any activities upon the premises within the city without first obtaining a medical marijuana permit.
- (2) Each person employed in the conduct of such activity shall be screened and approved pursuant to this chapter and required to obtain an identification tag before the medical marijuana retail center opens for business or, for persons who become involved with the center after it is open, before having any involvement in center's activities.
- (3) No medical marijuana permit or identification tag shall be transferable; each person must obtain a medical marijuana permit or identification tag directly from the city.

(Ord. No. 2014-015, § 3, 10-28-14)

**Sec. 19-3. - Applications for permit; investigation and issuance; term.**

- (1) Applications for a medical marijuana permit shall be made by the applicant in person to the city clerk during regular business hours upon such forms and with such accompanying information as may be established by the city. Such application shall be sworn to or affirmed. Every application shall contain at least the following:
  - (a) The business operating name and all applicant and owner information. If the applicant or owner is:
    1. An individual, his or her legal name, aliases, home address and business address, date of birth, copy of driver's license or a state or federally issued identification card;
    2. A partnership, the full and complete name of the partners, dates of birth, copy of driver's license or state or federally issued identification card of all partners, and all aliases used by all of the partners, whether the partnership is general or limited, a statement as to whether or not the partnership is authorized to do business in the State of Florida and, if in existence, a copy of the partnership agreement (if the general partner is a corporation, then the applicant shall submit the required information for corporate applicant in addition to the information concerning the partnership);
    3. A corporation, the exact and complete corporate name, the date of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth, driver's license numbers or state or federally issued identification card numbers of all officers, and directors, and all aliases used, the capacity of all officers, and directors, and, if applicable, the name of the registered corporate agent, and the address of the registered office for service of process, and a statement as to whether or not each corporation is authorized to do business in the State of Florida;

4. The addresses required by this section shall be physical locations, and not post office boxes. The name, home address, and business address of the applicant and the name and an address of all owner(s), if any, other than the applicant. The addresses required by this section shall be physical locations, and not post office boxes.
  - (b) A complete copy of the business' application to the State of Florida and all related exhibits, appendices, and back up materials for approval and licensure as a medical marijuana treatment center.
  - (c) A statement as to whether the applicant or any owner or employee has previously received a medical marijuana permit or identification tag from the city.
  - (d) A statement as to whether the applicant or any owner holds other permits or licenses under this Code and, if so, the names and locations of such other permitted or licensed establishments.
  - (e) A statement as to whether the applicant or any owner has been a partner in a partnership or an officer or director of a corporation whose permit or license issued under this Code has previously been suspended or revoked, including the name and location of the establishment for which the permit or license was suspended or revoked, as well as the date of the suspension or revocation.
  - (f) A statement as to whether or not the applicant or any owner has lost any privilege or had any permit or license to do business revoked by any local, state or federal government and, if so, the nature of such privilege, permit or license and the reason for such revocation.
  - (g) A statement as to whether or not the applicant or any owner has lost any privilege or had any permit or license to do business suspended by any local, state or federal government and, if so, the nature of such privilege, permit or license and the reason for such suspension.
  - (h) A statement as to whether or not the applicant or any owner or employee has been found guilty of or has pleaded guilty or nolo contendere to a felony relating to any business in this state or in any other state or federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases.
  - (i) A statement as to whether or not the applicant or any owner or employee has been found guilty of, or have pleaded guilty or nolo contendere to, a felony relating to a battery or a physical violence on any person in this state or in any other state or federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases.
  - (j) A statement as to whether or not the applicant or any owner has filed a petition to have their respective debts discharged by a bankruptcy court having jurisdiction of such cases.
  - (k) Written documentation that the applicant, every owner, and each employee has successfully completed level 2 background screening within the year.
  - (l) A passport photograph of the applicant, every owner, and each employee.
  - (m) A notarized, signed, and sworn statement that the information within the application is truthful, independently verifiable, and complete and that the photocopies of the attached driver's licenses or state or federally issued identification cards are true and correct copies of the originals.
- (2) *Rejection of application.* In the event the city determines that the applicant has not satisfied the application requirements for a proposed medical marijuana retail center, the applicant shall be notified of such fact; and the application shall be denied.
- (3) *Fees.* In addition to demonstrating compliance with this article, the applicant shall pay a nonrefundable application fee in an amount established by resolution of the city commission for each applicant, each owner, and each employee to cover its administrative costs and expenses incurred in reviewing and

administering the permit and identification tag program, irrespective of the issuance or denial of the application. Each applicant shall also pay an annual nonrefundable, nonproratable permit fee in an amount established by resolution of the city commission before receiving a medical marijuana permit.

(4) *Application review.*

- (a) *Investigation.* The city shall refer the application to the chief of police, who shall review the application and documentation provided, and conduct a background screening of the applicant, each owner and employee. Upon receipt of the appropriate documentation, the chief of police shall forward the information and application to the city manager, together with any recommendations and other relevant information from the files regarding the applicant.
- (b) *City manager determination.* Upon receipt of such material from the chief of police, the city manager shall, within thirty (30) days, either:
  - 1. Notify the applicant that the permit has been denied and the reason for such denial; or
  - 2. Issue a permit, with or without conditions.
- (c) *Duration.* Permits shall be issued for a one-year period for a term commencing October 1 or the date of issuance, and ending the following September 30.
- (d) *Denial.* The city shall deny an applicant's application for a medical marijuana permit if:
  - 1. The applicable permit or licensing fees have not been paid in full;
  - 2. The application violates or fails to meet the provisions of this Code, any building, fire or zoning code, statute, ordinance, or regulation;
  - 3. The application contains material false information, or information material to the decision was omitted; failure to list an individual required to be listed, and whose listing would result in a denial, is presumed to be material false information for purposes of denial of the application; the certification that the applicant owns, possesses, operates and exercises control over the proposed or existing medical marijuana retail center is a material representation for purposes of this section;
  - 4. The applicant or any owner has a permit or license under this Code, or has had a permit or license under this Code, which has been suspended or revoked;
  - 5. The granting of the application would violate a statute or ordinance, or an order from a court of law that prohibits effectively the applicant from obtaining a medical marijuana permit;
  - 6. The applicant, an employee, or any owner has been convicted of fraud or felony by any state or federal court within the past five (5) years or less than five (5) years has elapsed since the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense; or
  - 7. The applicant, an employee, or any owner has obtained any governmental permit by fraud or deceit.
- (e) *Background checks, photograph and identification tag.* In connection with the issuance of a medical marijuana permit by the city, the chief of police shall, upon verification of successful level 2 background screening, cause an identification tag to be issued to each approved applicant for a permit as well as for each owner and each employee. on the face of each identification tag, there shall be placed the following:
  - 1. A photograph of the applicant/owner/employee;
  - 2. The permit number;
  - 3. The permit holder's name and address;

4. The name and address of the medical marijuana retail center that the applicant/owner/employee represents or is employed by; and
  5. The expiration date of the permit.
- (f) *Reapplication.* If a person applies for a medical marijuana permit at a particular location within a period of one (1) year from the date of denial of a previous application for a medical marijuana permit at the location, and there has not been an intervening change in the circumstances material to the decision regarding the former reason(s) for denial, the application shall not be accepted for consideration.
- (g) *Renewal.* Medical marijuana permits shall be entitled to renewal annually subject to the provisions of this chapter. Before the October 1 expiration date, the annual medical marijuana permit may be renewed by presenting the permit for the previous year, and:
1. Paying the appropriate permit fee;
  2. Updating the information supplied with the latest application or certifying that the information supplied previously remains unchanged; and
  3. Providing proof of continued compliance with all state and city licenses, operational and zoning requirements.
- (h) *Permit transferability.*
1. The medical marijuana permit is specific to the applicant and the location and shall not be transferred.
  2. An attempted transfer of a medical marijuana permit either directly or indirectly in violation of this section is hereby declared void, and in that event the medical marijuana permit shall be deemed abandoned, and the medical marijuana permit shall be forfeited.
- (i) *Violation of regulations.* In the event of a Code violation, violation of the conditions of the medical marijuana permit or special exception approval, or other violation of the laws applicable to the medical marijuana retail center, the city shall issue a warning notice and the applicant shall, no later than twenty (20) business days after receipt of the notice, provide a copy of a corrective action plan and timeframes and completion date to address the identified issues to the city.
- (j) *Illegal transfer.* If a medical marijuana permit is transferred contrary to this chapter, the city shall suspend the medical marijuana permit and notify the permittee of the suspension. The suspension shall remain in effect until all of the requirements of this chapter have been satisfied and a new medical marijuana permit has been issued by the city.
- (k) *Grounds for revocation.* Any medical marijuana permit issued under this article shall be revoked if any one or more of the following occurs:
1. The applicant provides false or misleading information to the city;
  2. Anyone on the premises knowingly dispenses, delivers, or otherwise transfers any marijuana or marijuana product to an individual or entity not authorized by state law to receive such substance or product;
  3. The applicant, an owner or a manager is convicted of a felony offense;
  4. Any applicant, owner, manager or employee is convicted of any drug-related crime under Florida Statutes;
  5. The applicant fails to correct any City Code violation or to otherwise provide an action plan to remedy the violation acceptable to the city manager within twenty (20) days of citation;
  - 6.

The applicant fails to correct any state law violation or address any warning in accordance with any corrective action plan required by the state within the timeframes and completion date the applicant provided to the city;

7. The applicant's state license or approval authorizing the dispensing of medical marijuana expires or is revoked; or
  8. Any special exception approval granted by the city for the use of a medical marijuana retail center at a particular location expires or is revoked.
- (l) *Revocation.* In the event the city determines there are grounds for revocation as provided in this chapter, the city shall notify the permittee of the intent to revoke the medical marijuana permit and the grounds upon which such revocation is proposed. The permittee shall have ten business days in which to provide evidence of compliance with this chapter. If the permittee fails to show compliance with this chapter within ten (10) business days, the city shall schedule a hearing before the special magistrate. If the special magistrate determines that a permitted medical marijuana retail center is not in compliance with this chapter the city shall revoke the medical marijuana permit and shall notify the permittee of the revocation. nothing in this section shall take away other enforcement powers of the special magistrate or any other agency provided by the Code or statute.
- (m) *Effect of revocation.*
1. If a medical marijuana permit is revoked, the permittee shall not be allowed to obtain another medical marijuana permit for a period of two (2) years, and no medical marijuana permit shall be issued during that time period to another applicant for the location and premises upon which the medical marijuana retail center was situated.
  2. The revocation shall take effect fifteen (15) days, including Saturdays, Sundays, and holidays, after the date the city mails the notice of revocation to the permittee or on the date the permittee surrenders his or her medical marijuana permit to the city, whichever occurs first.

(Ord. No. 2014-015, § 3, 10-28-14)

**Sec. 19-4. - General requirements.**

Each medical marijuana retail center shall observe the following general requirements:

- (1) Conform to all applicable building statutes, codes, ordinances, and regulations, whether federal, state, or local;
- (2) Conform to all applicable fire statutes, codes, ordinances, and regulations, whether federal, state, or local;
- (3) Conform to all applicable health statutes, codes, ordinances, and regulations, whether federal, state, or local;
- (4) Conform to all applicable zoning regulations and land use laws, whether state or local, including but not limited to the City Land Development Code;
- (5) Keep the original of the medical marijuana permit posted in a conspicuous place at the premises at all times, which medical marijuana permit shall be available for inspection upon request at all times by the public.

(Ord. No. 2014-015, § 3, 10-28-14)

**Sec. 19-5. - Medical marijuana permit operation requirements.**

Any business operating under a medical marijuana permit shall comply with the following operational guidelines.

- (1) *Hours of operation.*
  - a. Operation is permitted only between the hours of [8:00 a.m. and 5:00 p.m. Monday through Saturday].
  - b. No operation is permitted on Sundays or state or federal holidays.
- (2) *On-site consumption of marijuana.* No medical marijuana retail center shall allow any marijuana to be smoked, ingested or otherwise consumed on the premises. The medical marijuana retail center shall take all necessary and immediate steps to ensure compliance with this paragraph. No person shall smoke, ingest or otherwise consume marijuana on the premises.
- (3) *Alcohol prohibited.* No medical marijuana retail center shall allow the sale, service, or consumption of any type of alcoholic beverages on the premises including in the surrounding rights-of-way. The medical marijuana retail center shall take all necessary and immediate steps to ensure compliance with this paragraph. No person shall consume an alcoholic beverage on the premises, including the surrounding rights-of-way.
- (4) *Outdoor activity.* There shall be no outdoor displays, sales, promotions, or activities of any kind permitted on the premises, including the surrounding rights-of-way. All activities and business shall be conducted within the confines of the permanent building containing the medical marijuana retail center.
- (5) *On-site storage.* There shall be no on-site storage of any form of marijuana or marijuana product, except as reasonably necessary for the conduct of the medical marijuana retail center's on-site business.
- (6) *Live plant materials.* No living marijuana plants are permitted on the site of a medical marijuana retail center.
- (7) *Maintenance of premises.* A medical marijuana retail center shall actively remove litter at least twice each day of operation on the premises, from the premises, the area in front of the premises, from any parking lot used by its patrons, and, if necessary, from public sidewalks or rights-of-way within one hundred (100) feet of the outer edge of the premises used by its patrons.
- (8) *Garbage.* Refuse or waste products incident to the distribution of marijuana shall be destroyed on-site at least once every twenty-four (24) hours.
- (9) *Delivery.* All deliveries to the medical marijuana retail center shall be made during regular operating hours while on-site security personnel are present.
- (10) *Security.* With the application, the applicant shall submit a security plan demonstrating compliance with F.S. § 381.986, and all other applicable statutes and State administrative rules.
  - a. In addition to proving compliance with all state requirements, the security plan shall, at a minimum, provide the following:
    1. Fully operational lighting and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft, both in the premises and in the surrounding rights-of-way, including:
      - a. A silent security alarm that notifies the police department or a private security agency that a crime is taking place;
      - b. A vault, drop safe or cash management device that provides minimum access to the cash receipts; and

- c. A security camera system capable of recording and retrieving an image which shall be operational at all times during and after business hours. The security cameras shall be located:
      - (i) At every ingress and egress to the dispensary, including doors and windows;
      - (ii) On the interior where any monetary transaction shall occur; and
      - (iii) At the ingress and egress to any area where medical marijuana is stored;
    - 2. Traffic management and loitering controls;
    - 3. Cash and inventory controls for all stages of operation on the premises, and during transitions and delivery.
    - 4. On-site armed security personnel during business hours.
  - b. The chief of police shall review the applicant's operational and security plan using Crime Prevention Through Environmental Design (CPTED) principles. The chief may impose site and operational revisions as are deemed reasonably necessary for the health, safety and general welfare of the applicant, owner(s), employees, customers, adjacent property owners and residents, which may include items such as methods and security of display and storage of marijuana and cash, limitations on window and glass door signage, illumination standards, revisions to landscaping, and any other requirement designed to enhance the safety and security of the premises.
  - (c) Any instance of breaking and entering at a medical marijuana retail center, regardless of whether marijuana or marijuana-based products are stolen, shall constitute a violation of this chapter if the security alarm fails to activate simultaneous with the breaking and entering.
- (11) *Odor and air quality.* A complete air filtration and odor elimination filter and scrubber system shall be provided ensuring the use will not cause or result in dissemination of dust, smoke, or odors beyond the confines of the building, or in the case of a tenant in a multi-tenant building, beyond the confines of the occupied space. A double door system shall be provided at all entrances to mitigate odor intrusion into the air outside the medical marijuana retail center.
- (12) *Delivery vehicle identification.* For security purposes, no vehicle used in the operation of or for the business purposes of a medical marijuana retail center shall be marked in such a manner as to permit identification with the medical marijuana retail center.
- (13) *Signage.* Notwithstanding other provisions of the Code, signage for a medical marijuana retail center shall be limited as follows:
  - a. Graphics, logos and symbols shall be prohibited;
  - b. Neon shall be prohibited;
  - c. Signs shall not be internally illuminated;
  - d. Signs may be externally illuminated consistent with the requirements of section 505-30, only during hours of operation;
  - e. A medical marijuana retail center shall post, at each entrance to the medical marijuana retail center the following language:  
 ONLY INDIVIDUALS WITH LEGALLY RECOGNIZED MARIJUANA OR CANNABIS QUALIFYING PATIENT OR CAREGIVER IDENTIFICATION CARDS OR A QUALIFYING PATIENT'S LEGAL GUARDIAN MAY OBTAIN MARIJUANA FROM A MEDICAL MARIJUANA RETAIL CENTER.

The required text shall be in letters one-half inch in height.

- (14) *On-site community relations contact.* The medical marijuana retail center shall provide the city manager, and all property owners and tenants located within one hundred (100) feet of the entrance to its premises, with the name, phone number, and e-mail or facsimile number of an on-site community relations staff person to whom they can provide notice during business hours and after business hours to report operating problems. The medical marijuana retail center shall make every good faith effort to encourage neighbors to call this person to try to solve operating problems, if any, before any calls or complaints are made to the police department or other city officials.
- (15) *Employment restrictions.* It shall be unlawful for any medical marijuana retail center to employ any person who:
- a. Is not at least twenty-one (21) years of age; and
  - b. Has not passed a level 2 background screening.
- (16) *Persons allowed to enter the premises.*
- a. *Underage entry.* It shall be unlawful for any medical marijuana retail center to allow any person who is not at least eighteen (18) years of age on the premises during hours of operation, unless that person is authorized by state law to purchase medical marijuana, whether as a qualified patient with a valid identification card or primary caregiver or legal guardian of a qualified patient with a valid identification card.
  - b. *Entry by persons authorized by state law.* It shall be unlawful for any medical marijuana retail center to allow any person on the premises during the hours of operation if that person is not authorized by state law to be there. Authorized persons, such as owners, managers, employees and qualified registered patients, their legal guardians, qualified registered caregivers must wear an identification tag, and authorized inspectors and authorized visitors must wear a visitor identifying badge and be escorted and monitored at all times by a person who wears his or her identification tag.
- (17) *Product visibility.* No marijuana or product of any kind may be visible from any window or exterior glass door.
- (18) *Sole business.* No business other than the dispensing of medical marijuana shall be permitted to be conducted from the premises.
- (19) *Loitering.*
- a. A medical marijuana retail centers shall provide adequate indoor seating for its customers, clients, patients and business invitees.
  - b. Customers, clients, patients or business invitees shall not be directed, encouraged or allowed to stand, sit (including in a parked car for any period of time longer than reasonably required for a person's passenger to conduct their official business and depart), or gather or loiter outside of the building where the center is operating, including in any parking areas, sidewalks, rights-of-way, or neighboring properties.
  - c. Pedestrian queuing or loitering at any time, including prior to business hours, outside of the center's building is prohibited.
- (20) *Compliance with state regulations and licensure requirements.* A medical marijuana retail center must comply with all federal and state laws, licensing and regulatory requirements.
- a. A medical marijuana retail center shall notify the city within five (5) business days of receipt of any notice of violation or warning from the state or of any changes to its state licensing approvals.
  - b.

If a medical marijuana retail center receives a notice of violation or warning from the state, it shall, no later than twenty (20) business days after receipt of the notice, provide a copy of the corrective action plan and timeframes and completion date to address the identified issues to the city.

- (21) *Prohibited activities.* A medical marijuana retail center shall not engage in any activity other than those activities specifically defined herein as an authorized part of the use. The preparation, wholesale storage, cultivation, or processing of any form of marijuana or marijuana product, and on-site consumption of any marijuana or marijuana product is specifically prohibited at a medical marijuana retail center. On-site storage of any form of marijuana or marijuana product is prohibited, except to the extent reasonably necessary for the conduct of the on-site retail business.

(Ord. No. 2014-015, § 3, 10-28-14)