



## CITY COMMISSION ORDINANCE/RESOLUTION

**TITLE:** Ordinance 24-01 (Commission)

**DATE:** January 23, 2024

**DESCRIPTION:** AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA; AMENDING CHAPTER 23 OF THE CITY'S CODE OF ORDINANCES, ENTITLED, "ZONING DISTRICTS;" BY SPECIFICALLY DELETING ARTICLE V, SECTION 23-104.1, ENTITLED "PHARMACIES, MEDICAL OFFICES OR CLINICS, AND MEDICAL OR DENTAL LABORATORIES – LOCAL RESTRICTIONS;" PROVIDING FOR ADDITIONAL LOCATIONS FOR PHARMACIES IN THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. – **Commissioner Shrouder**

**CITY MANAGER RECOMMENDATION:**

Commissioner Shrouder request approval of Ordinance 24-01 on 2nd reading amending Chapter 23 by specifically deleting Article V, Section 23-104.1 providing for additional locations for pharmacies in the City.

**BACKGROUND OF ITEM:**

At the December 12, 2023 City Commission meeting, Commission consensus was reached for the City Attorney's Office to draft an ordinance repealing location restrictions in section 23-104.1. At the January 9, 2024 City Commission meeting, the Commission passed Ordinance 24-01 on 1<sup>st</sup> reading.

Section 23-104.1 of the City's Code of Ordinances currently states:

(a)Pharmacies. ....

(1)Unless approved as a conditional use pursuant to section 23-152 of the Code of Ordinances, no pharmacy shall be permitted to locate within the same establishment, within the same shopping center, or within the same parcel of land or tract of any medical office or clinic, or any medical or dental laboratory, which is staffed by health care practitioners licensed to prescribe controlled substances identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035, or 893.0355, as may be amended from time to time. ....

(2)Outparcels. The location restriction of subsection (1) above shall not apply to a pharmacy which is located within an outparcel as defined in section 21-8 of the Code,

within the same shopping center, or within the same parcel of land or tract, as a medical office or clinic, or medical or dental laboratory, which is staffed by health care practitioners licensed to prescribe controlled substances identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035, or 893.0355, as may be amended from time to time. However, no pharmacy shall be permitted to locate within the same outparcel as any medical office or clinic, or medical or dental laboratory, which is staffed by health care practitioners licensed to prescribe controlled substances identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035, or 893.0355, as may be amended from time to time, unless approved as a conditional use. ....

(b)Medical offices or clinics, or medical or dental laboratories. ....

(1)Unless approved as a conditional use pursuant to section 23-152 of the Code of Ordinances, no medical office or clinic, or any medical or dental laboratory, which is staffed by health care practitioners licensed to prescribe controlled substances identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035, or 893.0355, as may be amended from time to time, shall be permitted to locate within the same establishment, within the same shopping center, or within the same parcel of land or tract of any pharmacy. ....

(2)Outparcels. The location restriction of subsection (1) above shall not apply to a medical office or clinic, or medical or dental laboratory, which is staffed by health care practitioners licensed to prescribe controlled substances identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035, or 893.0355, as may be amended from time to time, which is located within an outparcel as defined in section 21-8 of the Code, within the same shopping center, or within the same parcel of land or tract, as a pharmacy. However, no medical office or clinic, or medical or dental laboratory, which is staffed by health care practitioners licensed to prescribe controlled substances identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035, or 893.0355, as may be amended from time to time, shall be permitted to locate within the same outparcel as a pharmacy, unless approved as a conditional use. ....

(c)The foregoing location restrictions shall not apply to pharmacies or medical offices or clinics, or medical or dental laboratories, for which an application for a business tax receipt has been submitted prior to the date of adoption of this Ordinance. ....

(d)These supplemental regulations are not to be interpreted to limit the lawful operation of a hospital or institution or asylum separately defined and permitted in zoning districts according to separate regulations. ....

**ATTACHMENTS:**

1. Ordinance 24-01