

ORDINANCE NO. 24-01

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.

WHEREAS, on May 25, 2010, the City Commission of the City of Cooper City adopted Ordinance No. 10-5-1, thereby establishing certain restrictions on the location of pharmacies; and

WHEREAS, Ordinance No. 10-5-1 was adopted in response to the opioid crisis and, in part, restricted the operation of pharmacies in certain locations where healthcare practitioners were licensed to prescribe controlled substances or vice versa; and

WHEREAS, the opioid crisis which prompted the need for certain provisions of Ordinance No. 10-5-1 has been abated through state and federal legislation, healthcare advances, litigation and other efforts; and

WHEREAS, the City participated in the statewide opioid litigation and has received settlement funds that are being used to address many of concerns which resulted in the adoption of Ordinance No. 10-5-1; and

WHEREAS, the City is no longer faced with the healthcare crisis which resulted in the regulation of separating proximity between medication prescribers and pharmacy locations pursuant to Ordinance No. 10-5-1; and

WHEREAS, the City Commission has held a public hearing and considered public input, as required by law; and

WHEREAS, the City Commission has determined that amending the pharmacy and medication prescriber’s location restrictions is in the best interest of the health, safety, and welfare of its citizens and residents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

SECTION 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amended. That Chapter 23, entitled “Zoning Districts,” of the City of Cooper City Code of Ordinances is hereby amended by specifically deleting Article V, Section 23-104.1, entitled “Pharmacies, medical office, or clinics, and medical or dental laboratories – Location restrictions” as follows:

~~**Sec. 23-104.1. — Pharmacies, medical offices or clinics, and medical or dental laboratories — Location restrictions.**~~

~~**(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.~~

SECTION 3. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

SECTION 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid,

such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

SECTION 5. Codification. It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention. All other Code references to Sec. 23-104.1 may be deleted.

SECTION 6. Effective Date. This Ordinance shall become effective upon passage and adoption.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2024.

PASSED AND FINAL ADOPTION on Second Reading this _____ day of _____, 2024.

MAYOR GREG ROSS

ATTEST:

TEDRA ALLEN, MMC

Approved as to Legal Form:

JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Ross _____
Commissioner Green _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____



BUSINESS IMPACT ESTIMATE

1/23/2024 Meeting Date

Ordinance Title: Ordinance 24-01

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If any of the following exceptions to the Business Impact Estimate requirements apply, check the applicable box and leave the remainder of the form blank.

- The ordinance is required for compliance with federal or state law or regulation;
 - The ordinance relates to the issuance or refinancing of debt;
 - The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
 - The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the City;
 - The ordinance is an emergency ordinance;
 - The ordinance relates to procurement; or
 - The ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. Sections 190.005 and 190.046, regarding community development districts;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.
1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare):

2. Estimate the direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

3. Estimate of direct compliance costs:

4. Any new charge or fee imposed by the proposed ordinance:

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs

6. Estimate of the number of businesses impacted by the proposed ordinance:

7. Additional Information: _____

