

**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 \_\_\_\_\_