

ORDINANCE NO. 2011-04

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ARTICLE I, IN GENERAL, SECTION 16-1; ARTICLE III, DISTRICT REGULATIONS, DIVISION 8, OFFICE PROFESSIONAL INSTITUTIONAL, SECTIONS 16-422 AND 16-424, DIVISION 9, COMMERCIAL NEIGHBORHOOD, SECTIONS 16-447 AND 16-449, DIVISION 10, COMMERCIAL GENERAL, SECTIONS 16-472 AND 16-474, DIVISION 11, COMMERCIAL INTENSIVE, SECTIONS 16-497 AND 16-499, DIVISION 14, MIXED DEVELOPMENT, SECTION 16-543, DIVISION 15, MIXED USE DEVELOPMENT-OFFICE, SECTION 16-559, AND DIVISION 16, MIXED USE DEVELOPMENT-ORIGINAL SECTION, SECTION 16-575; AND ARTICLE IV, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 11, SALE OR DISPENSING OF CONTROLLED SUBSTANCES, SECTIONS 16-763 THROUGH 16-765; TO PROVIDE DEFINITIONS FOR MEDICAL AND DENTAL OFFICES, RETAIL DRUGSTORES, AND RETAIL DRUGSTORES WITH DRIVE-THRU PHARMACIES; TO CLARIFY CERTAIN OTHER DEFINITIONS; AND TO PROVIDE REGULATIONS REGARDING THE SALE OR DISPENSING OF CONTROLLED SUBSTANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 19, 2009 the Broward County Grand Jury issued an interim report on "The Proliferation of Pain Clinics in South Florida" in which it established the following facts: (a) from August 2008 to November 2009 the number of pain clinics operating in South Florida increased at an average of 1 new clinic every 4 days; (b) from October 1, 2008 through March 31, 2009, 49 of the top 50 dispensing doctors of Oxycodone in the United States were in Florida, with 43 of those in South Florida; (c) in Florida, Palm Beach County is second only to Broward County in the number of Oxycodone units dispensed between October 2008 and March 2009 by the top 50 dispensing doctors in the United States and almost four times higher than Miami-Dade County; (d) in 2008 in Florida, prescription drugs were found at lethal levels in an

average of 10 reported deaths per day; (e) pain clinics are migrating north from Broward County to major metropolitan areas; and

WHEREAS, the Broward County Grand Jury heard testimony from law enforcement officials that criminal activity increases in areas where pain management clinics are located; and

WHEREAS, the City Council has recently been made aware by law enforcement and news reports that a pattern of illegal drug use and distribution has been associated with pain management clinics in South Florida, including within Palm Beach County and municipalities in the County, that dispense drugs on-site; and

WHEREAS, the threat of illegal activity and increased crime associated with such clinics is significant and could undermine the economic health of the City; and

WHEREAS, on March 22, 2010 the City Council adopted Ordinance 2010-06 establishing a one year moratorium on the establishment of new pain management clinics within the City of Greenacres so that the issue could be investigated and appropriate zoning regulations proposed if necessary; and

WHEREAS, at the request of the Issues Forum of the Palm Beach County Intergovernmental Program, the Intergovernmental Plan Amendment Review Committee (IPARC) formed a subcommittee consisting of the Planning Directors from Greenacres (Chair), West Palm Beach, Delray Beach, and Boynton Beach, and with a Palm Beach County representative, to analyze the effects of pain management clinics in the County, to analyze appropriate additional standards under zoning and land development regulations in connection with the issuance of approvals for the location of

pain management clinics within the cities and unincorporated areas of Palm Beach County, Florida, and to make recommendations which will better promote the health, safety, morals and general welfare of the County; and

WHEREAS, the subcommittee met during June 2010 to review the Broward County Grand Jury Report, the contents of CS/CS SB 2272 as recently adopted by the Florida Legislature, information from the Palm Beach County Sheriff's Office Multi-Agency Diversion Task Force presented by one of its members, and the recent zoning and enforcement actions undertaken by the jurisdictions represented on the subcommittee; and

WHEREAS, on July 14, 2010 the IPARC subcommittee issued a report recommending that on-site dispensing of Schedule II, III, and IV drugs as defined in F.S. 893.03, 893.035, and 893.0355 be prohibited at medical offices with the only exemptions being those provided in Florida Statutes, that restrictions be placed on pharmacies to prevent the establishment of sham pharmacies to evade the on-site dispensing restrictions, and that a consistent approach be adopted county-wide if possible; and

WHEREAS, in the absence of regulations identifying where controlled substances may be dispensed, the City's residents, visitors, and businesses are more vulnerable to criminal actions, despite the provision of law enforcement services; and

WHEREAS, the City Council finds that the fraudulent sale, use, and delivery of controlled substances and the negative off-site impacts of such activity are a threat to the health, safety, and welfare of the residents of the City; and

WHEREAS, it is not the intent of this Ordinance to interfere with the legitimate medical use of controlled substances, but rather to deter the illegal distribution of such drugs by restricting on-site sale and/or dispensing; and

WHEREAS, the Planning and Engineering Department has submitted a request for a zoning text amendment to revise Chapter 16, Articles I, III, and IV, In General, District Regulations, and Supplemental District Regulations; and

WHEREAS, it has been determined, in accordance with the Land Development Staff Report and Recommendation, "Exhibit A" dated January 28, 2011 (attached), that certain amendments to the City's zoning regulations are appropriate; and

WHEREAS, the Planning Commission on February 2, 2011, held a duly advertised public hearing and recommended approval of ZTA-10-02 and adoption of Ordinance 2011-04 as presented by staff; and

WHEREAS, the City Council of Greenacres has held two (2) duly advertised public hearings to review this request; and

WHEREAS, the City Council of Greenacres finds that it is in the best interests of the citizens of the City of Greenacres that the provisions of Chapter 16, Articles I, III, and IV of the City's Zoning Code be amended; and

WHEREAS, the City Council of Greenacres finds that the amendments contained within this ordinance will promote the health, safety and welfare of the citizens of Greenacres.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. Chapter 16, Article I is hereby amended as follows:

* * * * *

Sec. 16-1. Definitions.

[The following definition is to be deleted. All other text to remain as-is and is omitted for brevity.]

~~*Clinic* shall mean an establishment where patients, who are not lodged overnight, are admitted for examination and treatment, by one (1) person or group of persons licensed by the state as a physician, dentist, chiropractor, therapist or other similar health related profession.~~

[The following definition is to be added between "Mean" and "Metes and Bounds". All other text to remain as-is and is omitted for brevity.]

Medical and dental office shall mean a facility providing services to the public by physicians, dentists, surgeons, chiropractors, osteopaths, physical therapists, nurses, acupuncturists, podiatrists, optometrists, psychiatrists (who are also known as health care practitioners), or others who are duly licensed to practice their respective health care professions in the State of Florida, as well as others, including but not limited to, technicians and assistants who are acting under the supervision and control of a licensed healthcare practitioner.

[The following definitions are to be modified as shown. All other text to remain as-is and is omitted for brevity.]

Nursing and convalescent facilities shall mean a building, or a group of buildings where for compensation pursuant to the previous arrangement, on site in-patient overnight care is offered or provided for three (3) or more persons suffering from illness, other than a contagious disease, or sociopathic or psychopathic behavior, which is not of sufficient severity to require hospital attention, or for three (3) or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital.

Personal services shall mean establishments primarily engaged in providing services involving the care of a person or his apparel. Such services may include but not limited to beauty parlors, shops or salons, barber shops, massage; or any similar use not involving the sale of any retail product. This definition does not include a Medical or Dental Office.

Professional office shall mean the office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural in which a

professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon. This definition does not include a Medical or Dental Office.

Professional services shall mean the conduct of business in any of the following related categories: architectural, engineering, planning, law, ~~medicine~~, music, art, interior design, ~~dentistry~~, accounting, insurance, real estate, finance and securities investment and any similar type profession. This definition does not include a Medical or Dental Office.

[The following definitions are to be added between "Retail" and "Retail Services". All other text to remain as-is and is omitted for brevity.]

Retail drugstore shall mean a retail establishment primarily offering goods for retail sale, such as medical supplies, personal hygiene items, beverages, pre-packaged foods, books, magazines, toys, cards, beauty products, tobacco products, and alcoholic beverages and including a pharmacy offering on-site dispensing of prescription and nonprescription drugs. Accessory services such as photo processing, eyeglass care, and basic health assessment (vaccinations, minor examinations, etc.) may also be offered.

Retail drugstore with drive-thru pharmacy shall mean a Retail Drugstore in which a drive-thru window, or windows, is provided for customers to drop off and pick up prescriptions while remaining in their automobiles.

[The following definitions are to be modified as shown. All other text to remain as-is and is omitted for brevity.]

Retail services shall mean establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, financial institutions, real estate and insurance brokers, personal services, motion pictures, amusement and recreation services, educational and social services. This definition does not include Medical and Dental Office or Retail Drugstore.

Therapeutic adult day care center shall mean an establishment ~~demonstrating similar characteristics as a "medical office or clinic"~~. for the care and therapeutic treatment of adults who need a protective setting during the day. Services may include social activities, self-care training, nutritional meals, a place to rest, and respite care. This definition does not include Medical or Dental Office. Such an establishment shall meet the following criteria:

- (1) A registered nurse or physician shall be on duty supervising therapy sessions.
- (2) A clinical staff trained in therapy shall be on duty.

- (3) There shall be daily structured therapeutic activities for all patients.
- (4) All patients shall have an individualized care plan.
- (5) A regular physician shall have on hand a report detailing the patient's condition.
- (6) A current, valid license from the Agency for Health Care Administration or successor agency as an "Adult Day Care Center" shall be obtained.
- (7) Hours of operation shall be 8:00 am to 6:00 pm.
- (8) There shall be no overnight accommodation of patients (no sleeping quarters).

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Section 2. Chapter 16, Article III, Divisions 8, 9, 10, 11, 14, 15, and 16 are

hereby amended as follows:

* * * * *

[Section 16-421 to remain unchanged and is omitted for brevity]

Sec. 16-422. Permitted principal uses.

The permitted principal uses and structures in the office, professional and institutional (OPI) district shall be:

- (1) Professional offices and services.
- (2) Business offices and services.
- (3) Medical and dental offices, subject to the requirements Section 16-764.
- ~~(4) Medical and dental offices and clinics.~~
- ~~(4 5)~~ Financial, insurance and real estate offices.
- ~~(5 6)~~ Travel agencies.
- ~~(6 7)~~ Banks and financial institutions without drive-in facilities.
- ~~(7 8)~~ Funeral homes without cremation services.
- ~~(8 9)~~ Vocational, trade and business schools, provided all activities are conducted in a completely enclosed building.
- ~~(9 10)~~ Libraries.
- ~~(10 11)~~ Broadcast studios and communications activities.

[Section 16-423 to remain unchanged and is omitted for brevity]

Section 16-424. Special Exceptions.

The following are special exceptions, subject to the provisions of section 16-171 et seq., in the office, professional and institutional (OPI) district:

[(1-6) and (8-9) Omitted for Brevity]

- (7) *Nursing and convalescent facilities, subject to the requirements of Section 16-764.*

[a through e Omitted for Brevity]

[Sections 16-425 through 16-446 to remain unchanged and are omitted for brevity]

Sec. 16-447. Permitted principal uses.

The permitted principal uses and structures in the commercial neighborhood (CN) district shall be:

- (1) Service establishments including barber shops, beauty shops, shoe repair, laundromats, and dry cleaning pick-up stations.
- (2) Retail drugstores, subject to the requirements of Section 16-764.
- (3) Retail outlets including bookstores, card and gift shops, hardware stores, arts and craft stores, television and radio (including repair incident to sales), jewelry stores (including watch repair but not pawn shop), clothing stores, shoe stores and camera shops and supplies (including repair incident to sales).
- (4) Retail variety store.
- (5) Retail food markets and supermarkets.
- (6) Food services including restaurants and carry-out-restaurant (but not drive-in or fast food restaurants), delicatessen, ice cream parlors and similar food establishments.
- (7) Professional offices and services.
- (8) Business offices and services.
- (9) Medical and dental offices, subject to the requirements of Section 16-764.
- ~~(10) Medical and dental offices and clinics.~~
- ~~(1011)~~ Financial, insurance and real estate offices.
- ~~(1112)~~ Travel agencies.
- ~~(1213)~~ Banks and financial institutions without drive-in facilities.
- ~~(1314)~~ Retail newsstands.
- ~~(1415)~~ Retail video and video accessories.
- ~~(1516)~~ Copy centers.
 - a. Hours of operation. The hours of operation shall be limited to between 8:00 a.m. and 10:00 p.m. daily.

[Section 16-448 to remain unchanged and is omitted for brevity]

Sec. 16-449. Special exceptions.

The following are special exceptions, subject to the provisions of section 16-171 et seq., in the commercial neighborhood (CN) district:

[(1-7) Omitted for Brevity]

- (8) Retail drugstore with drive-thru pharmacy, subject to the requirements of Section 16-764.
- a. Each drive-thru queuing area must be clearly defined and designed so as not to conflict or interfere with other traffic utilizing the site.
 - b. A by-pass lane shall be provided.

[Sections 16-450 through 16-471 to remain unchanged and are omitted for brevity]

Sec. 16-472. Permitted principal uses.

The permitted principal uses and structures in the commercial general (CG) district shall be:

[(1) and (3-12) Omitted for Brevity]

- (2) Retail drugstores, subject to the requirements of Section 16-764.
- (13) Medical and dental offices, subject to the requirements of Section 16-764.
- ~~(14) Medical and dental offices and clinics.~~
- ~~(1415) Travel agencies.~~
- ~~(1516) Banks and financial institutions without drive-in facilities.~~
- ~~(1617) Service establishments for repair of small items including but not limited to apparel, small business machines, furniture, household appliances and similar uses. The establishment as a whole shall not occupy more than one thousand five hundred (1,500) square feet of gross floor area.~~
- ~~(1718) Florists.~~
- ~~(1819) Retail newsstands.~~
- ~~(1920) Golf car dealerships (excluding maintenance or repair done on the site).~~
- ~~(2021) Retail automotive parts stores (no manufacturing or refurbishment and excluding the occurrence of on-site automotive maintenance, repairs, and changing or replacement of automotive parts). All property owners, their lessees, sublessees, agents or assigns shall enforce the exclusion noted above and shall have signage placed on the property which sets forth the above exclusions. Said signage shall be of the size and type as authorized by applicable zoning regulations.~~
- ~~(2122) Retail furniture, appliances, and furnishings stores, with no repairs or manufacturing.~~
- ~~(2223) Copy centers.~~
- ~~(2324) Therapeutic adult day care center, subject to the requirements of Section 16-764.~~

[Section 16-473 to remain unchanged and is omitted for brevity]

Sec. 16-474. Special exceptions.

The following are special exceptions, subject to the provisions of section 16-171 et seq., in the commercial general (CG) district:

[(1-3) and (5-16) Omitted for Brevity]

- (4) Nursing and convalescent facilities, subject to the requirements of Section 16-764:

[a through e Omitted for Brevity]

- (17) Retail drugstore with drive-thru pharmacy, subject to the requirements of Section 16-764.

- a. Each drive-thru queuing area must be clearly defined and designed so as not to conflict or interfere with other traffic utilizing the site.
b. A by-pass lane shall be provided.

[Sections 16-475 through 16-496 to remain unchanged and are omitted for brevity]

Sec. 16-497. Permitted principal uses.

The permitted principal uses and structures in the commercial intensive (CI) district shall be:

[(1) and (3-12) Omitted for Brevity]

- (2) Retail drugstore, subject to the requirements of Section 16-764.

- (13) Medical and dental offices, subject to the requirements of Section 16-764.

~~(14) Medical and dental offices and services.~~

~~(1415) Travel agencies.~~

~~(1516) Banks and financial institutes with or without drive-in facilities. For banks with drive-in facilities:~~

- a. ~~Each drive-in queuing area must be clearly defined and designed so as not to conflict or interfere with other traffic utilizing the site.~~
b. ~~A by-pass lane shall be provided if one-way traffic flow pattern is utilized in the parking lot.~~

~~(1617) Service establishments for repair of small items including but not limited to apparel, small business machines, furniture, household appliances and similar uses. The establishment as a whole shall not occupy more than one thousand five hundred (1,500) square feet of gross floor area.~~

- (~~17~~18) Service establishments, such as funeral home (without crematory service), interior decorator, printing establishments, and similar uses.
- (~~18~~19) Veterinary hospital in completely enclosed structure.
- (~~19~~20) Retail building supply outlet.
- (~~20~~21) Retail establishments manufacturing goods for sale only at retail on the premises.
- (~~21~~22) Broadcasting studios and communications activities.
- (~~22~~23) Vocational, trade and business schools, provided all activities are conducted in completely enclosed buildings.
- (~~23~~24) Florists.
- (~~24~~25) Retail newsstands.
- (~~25~~26) Libraries.
- (~~26~~27) Botanical gardens.
- (~~27~~28) Government services and accessory buildings and structures.
- (~~28~~29) Golf car dealerships (excluding maintenance or repair done on the site).
- (~~29~~30) Copy centers.
- (~~30~~31) Therapeutic adult day care center, subject to the requirements of Section 16-764.

[Section 16-498 to remain unchanged and is omitted for brevity]

Sec. 16-499. Special exceptions.

The following are special exceptions, subject to the provisions of section 16-171 et seq., in the commercial intensive (CI) district:

[(1-12) and (14-30) Omitted for Brevity]

- (13) Nursing and convalescent facilities, subject to the requirements of Section 16-764:

[a through e Omitted for Brevity]

- (31) Retail drugstore with drive-thru pharmacy, subject to the requirements of Section 16-764.
 - a. Each drive-in queuing area must be clearly defined and designed so as not to conflict or interfere with other traffic utilizing the site.
 - b. A by-pass lane shall be provided.

[Sections 16-500 through 16-542 to remain unchanged and are omitted for brevity]

Sec. 16-543. Permitted principal uses and structures.

[(a)(1-4) and (b)(1-3), (5-10), and (12-20) Omitted for Brevity]

- (4) Retail drugstores, subject to the requirements of Section 16.764.
- (11) Medical and dental offices, subject to the requirements of Section 16-764.

[Sections 16-544 through Section 16-558 to remain unchanged and are omitted for brevity]

Sec. 16-559. Permitted principal uses and structures.

The permitted principal uses and structures in the mixed development district MXD-O are as follows:

[(1-8) and (10-14) Omitted for Brevity]

- (9) Medical and dental offices ~~and clinics~~, subject to the requirements of Section 16-764.

[Sections 16-560 through 16-574 to remain unchanged and are omitted for brevity]

Sec. 16-575. Permitted principal uses.

The permitted uses, and special exception uses subject to the provisions of section 16-171 et. seq., for the commercial and transitional zones within the mixed use development-original section (MXD-OS) zoning district shall be as follows (see section 16-588 regarding nonconforming uses):

<i>Uses:</i>	<i>Commercial Zone:</i>	<i>Transitional Zone:</i>	<i>Notes:</i>
Bakeries and confectioneries, retail	Permitted	Not Allowed	
Banks & financial institutions	Permitted	Not Allowed	5
Botanical gardens	Permitted	Not Allowed	
Business offices and services	Permitted	Permitted	
Child care center/preschool facilities	Special Exception	Not Allowed	8
Convenience stores	Special Exception	Not Allowed	11
Copy centers	Permitted	Permitted	9
Department store, retail	Permitted	Not Allowed	
Drugstore, retail	Permitted	Not Allowed	<u>13</u>
Financial, insurance and real	Permitted	Permitted	

estate offices			
Florists	Permitted	Not Allowed	
Food markets and supermarkets, retail	Permitted	Not Allowed	
Food services	Permitted	Not Allowed	4
House of worship	Special Exception	Special Exception	
Laboratories (clinical and testing)	Special Exception	Not Allowed	
Libraries	Permitted	Not Allowed	
Medical and dental offices and clinics	Permitted	Permitted	<u>14</u>
Newsstands, retail	Permitted	Not Allowed	
Nursing and convalescent facilities	Special Exception	Not Allowed	10
Off-street parking lot	Special Exception	Not Allowed	12
Outlets, retail	Permitted	Not Allowed	3
Plant nursery and accessory sales, retail	Special Exception	Not Allowed	
Private clubs	Special Exception	Not Allowed	7
Professional offices and services	Permitted	Permitted	
Service establishments	Permitted	Not Allowed	2
Residential dwelling units	Permitted	Permitted	1
Travel agencies	Permitted	Permitted	
Variety store, retail	Permitted	Not Allowed	
Vocational, trade and business schools	Permitted	Not Allowed	6

[(1-9) and (11-12) Omitted for Brevity]

10. Nursing and convalescent facilities, subject to the requirements of Section 16-764:

[A through E Omitted for Brevity]

13. Retail drugstores are subject to the requirements of Section 16-764.

14. Medical and dental offices are subject to the requirements of Section 16-764.

[Sections 16-576 through 16-588 to remain unchanged and are omitted for brevity]

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Section 3. Chapter 16, Article IV, Division 11 is hereby created as follows:

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Secs. 16-761, 16-762. Reserved.

DIVISION 11. SALE OR DISPENSING OF CONTROLLED SUBSTANCES.

Sec 16-763. Purpose and Intent.

These regulations are in conjunction with efforts within the County and State to discourage the misuse and abuse of narcotics and other controlled substances such as pain medications, and reduce the impacts of land uses that are associated with businesses that would operate principally to dispense pain medications for chronic pain but without the services of typical medical offices that provide thorough on-site examinations, medical treatments or procedures, and continued medical oversight. Such businesses have been determined to be associated with the excessive use of, addictions to, and illegal sales and/or diversion and distribution of controlled substances.

Sec. 16-764. Requirements for Specific Uses.

- (1) Medical and Dental Offices. On-site dispensing of controlled substances that are identified in Schedule II, III or IV in Section 893.03, and as further amended by Sections 893.035, 893.0355, or 893.0356, Florida Statutes, is prohibited, unless otherwise expressly permitted by statutory or general law. The following are exempt from this prohibition:
 - a. A healthcare practitioner when administering a controlled substance directly to a patient if the amount of the controlled substance is adequate to treat the patient during that particular treatment session.
 - b. A pharmacist or healthcare practitioner when administering a controlled substance to a patient or resident receiving care as a patient at a hospital, nursing home, ambulatory surgical center, hospice, or intermediate care facility for the developmentally disabled which is licensed in this state.
 - c. A healthcare practitioner when administering a controlled substance in the emergency room of a licensed hospital.
 - d. A healthcare practitioner when administering or dispensing a controlled substance to a person under the age of 16.
 - e. A healthcare practitioner when dispensing a one-time, 72-hour emergency resupply of a controlled substance to a patient.

- (2) Nursing and Convalescent Facilities. On-site dispensing of controlled substances that are identified in Schedule II, III, or IV in Section 893.03, and as further amended by Sections 893.035, 893.0355, or 893.0356, Florida Statutes, shall be limited to that administered directly to a patient in an amount adequate to treat the patient during that particular treatment session.
- (3) Retail Drugstores and Retail Drugstores with Drive-Thru Pharmacies:
 - (a) No more than 15% of the total number of prescriptions filled within a thirty (30) day period can be derived from the sale of controlled substances that are identified in Schedule II in Section 893.03, and as further amended by Sections 893.035, 893.0355, or 893.0356, Florida Statutes, as determined by audits or information provided through the Florida Department of Health or any other government agency having the legal right to view such records.
 - (b) All retail drugstores and retail drugstores with drive-thru pharmacies shall be staffed by a state licensed pharmacist who shall be present during all hours the pharmacy function of the retail drugstore is open for business.
- (4) Therapeutic Adult Day Care Center. On-site dispensing of controlled substances that are identified in Schedule II, III, or IV in Section 893.03, and as further amended by Sections 893.035, 893.0355, or 893.0356, Florida Statutes, shall be limited to that administered directly to a patient in an amount adequate to treat the patient during that particular treatment session.

Section 16-765. Prohibited.

Other than those listed in Section 16-764, no use, occupancy, or business, however named or defined, shall sell, dispense, or otherwise provide controlled substances that are identified in Schedule II, III, or IV in Section 893.03, and as further amended by Sections 893.035, 893.0355 or 893.0356, Florida Statutes.

Secs. 16-766, 16-767. Reserved.

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Section 4. Chapter 16, Article V, Division 1 is hereby amended as follows:

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Secs. 16-761-16-770 16-768-16-770. Reserved.

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Section 5. Repeal of Conflicting Ordinances.

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 7. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

Section 8. Effective Date.

The provisions of this Ordinance shall become effective five (5) days after it is adopted.

Passed on the first reading this 7th day of February, 2011.

PASSED AND ADOPTED on the second reading this 7th day of
March, 2011.

Voted

Samuel J. Ferreri
Mayor

Richard C. Radcliffe
Deputy Mayor

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Attest:

Denise McGrew
City Clerk

Peter A. Noble
Councilman, District II

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Rochelle Gaenger
Councilwoman, District III

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Jonathan Pearce
Councilman, District IV

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Norman W. Rose
Councilman, District V

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Approved as to Form and Legal Sufficiency:

Pamela S. Terranova
City Attorney