

ATTACHMENT A

ZONING IN PROGRESS
DISPENSING AND PHARMACIES (GENERAL RETAIL SALES)
(Updated 3/23/11)

Part 1. ULDC Art. 1.1.2, Definitions (page 80 of 114), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] 1) Add the term pharmacy and define it as the primary use that provides for the retail sale/dispensing of prescription and non-prescription drugs; 2) Clarify that pharmacies fall under the use of General Retail Sales.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

P. Terms defined herein or referenced in this Article shall have the following meanings:

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44. Pharmacy – shall mean an establishment offering goods for retail sale or on-site dispensing of prescription drugs, non-prescription drugs or both.

[Renumber accordingly.]

P. Terms defined herein or referenced in this Article shall have the following meanings:

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41. Retail Sales, General - for the purposes of Art. 4, an establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery stores (excluding convenience stores), window tinting, and marine supply sales (excluding boat sales), and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services.

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Part 2. ULDC Art. 4.B.1.A.83, Medical or Dental Office (page 65 of 166), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] Clarify F.S. provisions for standards and limitations for the dispensing of Schedule II, III and IV controlled substances by physicians.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

83. Medical or Dental Office

An establishment where patients, who are not lodged overnight, are admitted for examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. A pain management clinic shall not be considered a medical or dental office. [Ord. 2005 – 002] [Ord. 2010-009]

....

c. Sale or Dispensing of Controlled Substances

On-site dispensing of controlled substances that are identified in Schedule II, III or IV in F.S. § 893.03, and as further amended by F.S. § 893.035, 893.0355, or 893.0356, is prohibited, unless otherwise expressly permitted by statutory or general law.

Part 3. ULDC Art. 4.B.1.A.98, Personal Services (page 72 of 166), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] Add reference to clarify that the sale or dispensing of controlled substances is not considered an accessory use to any Personal Services use.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

98. Personal Services

Notes:

Underlined indicates new text. If being relocated destination is noted in bolded brackets [Relocated to: ]

Stricken indicates text to be deleted.

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.... A series of four bolded ellipses indicates language omitted to save space.

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An establishment engaged in the provision of frequently or recurrently services of a personal nature; or the provision of informational, instructional, personal improvement or similar professional services which may involve limited accessory retail sale of products. Typical uses include art and music schools, beauty and barbershops, driving schools, licensed therapeutic massage studios, photography studios, and tanning salons.

b. Sale or Dispensing of Controlled Substances

The limited accessory retail sale of products does not include the sale or dispensing of controlled substances, unless in compliance with the requirements for Medical or Dental Office, or General Retail Sales.

Part 4. ULDC Art. 4.B.1.A.114, General Retail Sales (page 85 of 166), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] Establish standards that limit the dispensing of Schedule II drugs to no more than 15 percent of overall prescriptions filled within a 30 day period.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

114.Retail Sales, General

An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery stores (excluding convenience stores), window tinting, and marine supply sales (excluding boat sales), and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services.

g. Sale or Dispensing of Controlled Substances

A pharmacy shall be subject to the following:

- 1) No more than 15 percent 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 accordance with F.S. § 893.03, and as further amended by F.S. § 893.035, 893.0355, or 893.0356, 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.

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