NCSPHS AMENDMENT

The Neighborhoods, Community Services, Public Health and Safety Committee offers the following first Amendment to File No. 2018-75:

1. On **page 1, line 18,** after “EXCEPTION IN THE CRO ZONING DISTRICT” **insert “**AND AUTHORIZING PHARMACIES CURRENTLY IN EXISTENCE WITH A VALID EXCEPTION TO REMAIN PERMITTED USES”
2. On **page 1, line 22,** after “COMMERCIAL CATEGORY” **insert** “AND AUTHORIZING PHARMACIES CURRENTLY IN EXISTENCE TO REMAIN PERMITTED USES”
3. On **page 4, line 24,** **strike** “City determines” and **insert** “Applicant proves,”
4. On **page 4, line 26 ½, insert** a new WHEREAS clause that reads as follows:

“**WHEREAS**, a new process is necessary for minimum distance requirement waivers for MMTC dispensing facilities that places the burden on the applicant to prove the proposed location promotes the public health, safety, and general welfare of the community, requires the Planning and Development Department to notify the Duval County School Board of all waiver of minimum distance requirement for MMTC dispensing facility applications, and requires the Council to consider these applications; and”

1. On **page 6, line 20**, after “into compliance.” **insert** “Where the waiver is for a Medical Marijuana Dispensing Facility, a survey, signed and sealed by a licensed surveyor within the last 5 years or as required by the Current Planning Division, shall depict the distance from the Medical Marijuana Dispensing Facility to the boundary line of all real property containing a public or private elementary, middle or secondary school within 500 feet.”
2. On **page 6, line 31,** after “*waiver criteria*.” **strike** “The Council, in considering a proposed minimum distance requirement waiver for a Medical Marijuana Dispensing Facility, as defined in Sec. 656.1601, *Ordinance Code*, shall make the determination that the proposed location of the Medical Marijuana Dispensing Facility promotes the health, safety, and welfare of the community.” and **insert** the following:

“Notwithstanding the requirements set forth in subsection (b), above, the waiver application and proceedings for the minimum distance requirement of a Medical Marijuana Dispensing Facility from a public or private elementary, middle, or secondary school shall comply with the following requirements:

(1) The Applicant shall have the burden to prove the proposed location of the Medical Marijuana Dispensing Facility, as defined in Sec. 656.1601, *Ordinance Code*, promotes the public health, safety, and general welfare of the community.

(2) Waiver applications for Medical Marijuana Dispensing Facilities shall be considered by the Council.

(3) Within five (5) working days of an application for a waiver for a Medical Marijuana Dispensing Facility determined to be complete pursuant to subsection (b), the Current Planning Division shall electronically transmit a copy of the Application to the current School District Representative for the Planning Commission. The Duval County School Board shall have fourteen (14) days from the date of transmission to provide comments to the Current Planning Division.

(4) Any and all comments from the Duval County School Board shall be provided to the Council, or incorporated into the Staff Report, prior to the public hearing held by the Council.”

1. On **page 8, line 27 ½**, **insert** a new subsection 16 to read as follows:

“(16) Pharmacies in existence with a valid exception as of the effective date of Ordinance 2018-75-E shall continue to be legally permitted uses and shall not be deemed legal nonconforming uses.”

1. On **page 9, line 21 ½**, after “**\* \* \*”, insert** the following:

“II. Commercial Neighborhood (CN) District.

 (a) Permitted uses and structures.

**\* \* \***

(15) Pharmacies in existence as of the effective date of Ordinance 2018-75-E shall be legally permitted uses and shall not be deemed legal nonconforming uses.”

1. On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

 /s/ Sondra R. Fetner\_\_\_\_\_

Office of General Counsel

Legislation Prepared By: Sondra R. Fetner

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