

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendations on:

ORDINANCE 2018-75

AN ORDINANCE REGARDING MEDICAL MARIJUANA CULTIVATING, PROCESSING, AND DISPENSING FACILITIES; AMENDING SECTION 656.133 (WAIVERS FOR MINIMUM DISTANCE REQUIREMENTS FOR LIQUOR LICENSE LOCATIONS; MINIMUM STREET FRONTAGE REQUIREMENTS; SIGNS; DOWNTOWN PROPERTIES), ORDINANCE CODE, TO PROVIDE A WAIVER PROCESS FOR MINIMUM DISTANCE REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSING FACILITIES; REPEALING SUBSECTIONS 656.313(IV)(a)(25), (IV)(a)(26), (V)(a)(28), and (V)(a)(29) (COMMUNITY/GENERAL CATEGORY) RELATED TO THE PROCESSING AND/OR DISPENSING OF LOW-THC CANNABIS AS A PERMITTED USE IN THE CCG-1 AND CCG-2 ZONING DISTRICTS IN THEIR ENTIRETY; REPEALING SUBSECTIONS 656.321(I)(a)(14) and (I)(a)(15) (BUSINESS PARK CATEGORY) RELATED TO THE PROCESSING AND/OR DISPENSING OF LOW-THC CANNABIS AS A PERMITTED USE IN IBP ZONING DISTRICTS IN THEIR ENTIRETY; REPEALING SUBSECTIONS 656.322(II)(a)(22), (II)(a)(23), AND (II)(a)(24) (LIGHT INDUSTRIAL CATEGORY) RELATED TO THE CULTIVATION, PROCESSING AND/OR DISPENSING OF LOW-THC CANNABIS AS A PERMITTED USE IN IL ZONING DISTRICTS IN THEIR ENTIRETY; REPEALING SUBSECTION 656.331(I)(a)(16) (AGRICULTURE) RELATED TO CULTIVATION OF LOW-THC CANNABIS AS A PERMITTED USE IN AGR ZONING DISTRICTS IN ITS ENTIRETY; AMENDING SECTION 656.401 (PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA) TO REMOVE STANDARDS FOR THE CULTIVATION, PROCESSING, AND DISPENSING OF LOW-THC CANNABIS AND PROVIDE THE MINIMUM DISTANCE REQUIREMENTS FOR MEDICAL MARIJUANA TREATMENT CENTERS AND PARKING REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSING FACILITIES; AMENDING SECTION 656.1601 (DEFINITIONS) TO AMEND DEFINITION OF COMMERCIAL RETAIL SALES AND SERVICE ESTABLISHMENTS, REMOVE DEFINITIONS FOR LOW-THC CANNABIS FACILITIES AND RELATED TERMS, AND TO ADD DEFINITION FOR MEDICAL MARIJUANA DISPENSING FACILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

This bill amends the Zoning Code in several ways:

1. Strikes references to Low THC Cannabis
2. Establishes that Medical Marijuana Dispensing Facilities are allowed in any zoning district where a pharmacy is permitted

3. Establishes that no medical marijuana cultivation facility, processing facility, or Medical Marijuana Dispensing Facilities may be located within 500 feet of a public or private school
4. Establishes a waiver process for locating a Medical Marijuana Dispensing Facility less than 500 feet from a public or private school
5. Establishes that Medical Marijuana Dispensing Facilities are including in the definition of *commercial retail sales and service establishments*

II. EVALUATION

A. The need and justification for the change

The Florida Legislature initially enacted a medical marijuana law in 2014 to allow the operation of a limited number of dispensing organizations to cultivate, process, transport, and dispense low-THC cannabis to qualified patients and. In November 2016, the voters of the State of Florida passed an amendment that fully legalizes medical use of marijuana for qualifying patients and authorizes the cultivation, processing, distribution, and sale of marijuana by Medical Marijuana treatment Centers (MMTC). Thus, the Florida Legislature expanded the use of marijuana for debilitating medical conditions, known as the Medical Marijuana Act. This amendment provides local government a choice regarding the boundaries and restrictions on MMTC dispensing facilities. This bill is a response to the "Compassionate Medical Cannabis Act of 2014" ("the Act") passed by the Florida Legislature in order to regulate the cultivation, processing, and dispensing of Low-THC Cannabis in the City of Jacksonville.

B. The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.

This bill is consistent with the spirit and intent of both the Comprehensive Plan and the Zoning Code in that it is the intent of the legislation to protect and preserve the public health, safety and welfare of the people of the City of Jacksonville by instituting and enforcing rules which reduce and minimize the impact and secondary effects of Medical Marijuana facilities.

D. Consistency with the Comprehensive Plan.

The Comprehensive Plan is silent with regard to this topic.

III. RECOMMENDATION

Should **Ordinance 2018-75** be approved, the Planning and Development Department finds that the change does not conflict with any provision of the Zoning Code or Comprehensive Plan. Noting that pharmacies are included in the umbrella of uses permitted in as neighborhood retail sales and service, staff recommends that the Part 16 Definition for *neighborhood retail sales and service* be amended as such:

Neighborhood retail sales and service means retail outlets for sale of food and drugs including pharmacies and Medical Marijuana Dispensing Facilities, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair but not pawnshops), art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shop (but not animal boarding kennels), musical instruments, television and radio (including repair incidental to sales), florist or gift shops, delicatessens, bakeshops (but not wholesale bakeries), drugs and similar products. Service establishments such as barber or beauty shops, shoe repair shops, restaurants (without drive-in or drive-thru facilities), interior decorators, self-service laundries or dry cleaners, tailors or dressmakers, laundry or dry cleaning pickup stations.

1 Introduced by Council Member Schellenberg:
2
3

4 **ORDINANCE 2018-75**

5 AN ORDINANCE REGARDING MEDICAL MARIJUANA
6 CULTIVATING, PROCESSING, AND DISPENSING
7 FACILITIES; AMENDING SECTION 656.133 (WAIVERS
8 FOR MINIMUM DISTANCE REQUIREMENTS FOR LIQUOR
9 LICENSE LOCATIONS; MINIMUM STREET FRONTAGE
10 REQUIREMENTS; SIGNS; DOWNTOWN PROPERTIES),
11 *ORDINANCE CODE*, TO PROVIDE A WAIVER PROCESS
12 FOR MINIMUM DISTANCE REQUIREMENTS FOR MEDICAL
13 MARIJUANA DISPENSING FACILITIES; REPEALING
14 SUBSECTIONS 656.313 (IV) (a) (25), (IV) (a) (26),
15 (V) (a) (28), and (V) (a) (29) (COMMUNITY/GENERAL
16 CATEGORY) RELATED TO THE PROCESSING AND/OR
17 DISPENSING OF LOW-THC CANNABIS AS A PERMITTED
18 USE IN THE CCG-1 AND CCG-2 ZONING DISTRICTS IN
19 THEIR ENTIRETY; REPEALING SUBSECTIONS
20 656.321 (I) (a) (14) and (I) (a) (15) (BUSINESS
21 PARK CATEGORY) RELATED TO THE PROCESSING
22 AND/OR DISPENSING OF LOW-THC CANNABIS AS A
23 PERMITTED USE IN IBP ZONING DISTRICTS IN THEIR
24 ENTIRETY; REPEALING SUBSECTIONS
25 656.322 (II) (a) (22), (II) (a) (23), AND
26 (II) (a) (24) (LIGHT INDUSTRIAL CATEGORY)
27 RELATED TO THE CULTIVATION, PROCESSING AND/OR
28 DISPENSING OF LOW-THC CANNABIS AS A PERMITTED
29 USE IN IL ZONING DISTRICTS IN THEIR ENTIRETY;
30 REPEALING SUBSECTION 656.331 (I) (a) (16)
31 (AGRICULTURE) RELATED TO CULTIVATION OF LOW-

1 THC CANNABIS AS A PERMITTED USE IN AGR ZONING
2 DISTRICTS IN ITS ENTIRETY; AMENDING SECTION
3 656.401 (PERFORMANCE STANDARDS AND DEVELOPMENT
4 CRITERIA) TO REMOVE STANDARDS FOR THE
5 CULTIVATION, PROCESSING, AND DISPENSING OF
6 LOW-THC CANNABIS AND PROVIDE THE MINIMUM
7 DISTANCE REQUIREMENTS FOR MEDICAL MARIJUANA
8 TREATMENT CENTERS AND PARKING REQUIREMENTS FOR
9 MEDICAL MARIJUANA DISPENSING FACILITIES;
10 AMENDING SECTION 656.1601 (DEFINITIONS) TO
11 AMEND DEFINITION OF COMMERCIAL RETAIL SALES
12 AND SERVICE ESTABLISHMENTS, REMOVE DEFINITIONS
13 FOR LOW-THC CANNABIS FACILITIES AND RELATED
14 TERMS, AND TO ADD DEFINITION FOR MEDICAL
15 MARIJUANA DISPENSING FACILITY; PROVIDING FOR
16 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

17
18 **WHEREAS**, in 2014, the Florida Legislature enacted a medical
19 marijuana law, entitled the "Compassionate Medical Cannabis Act of
20 2014," codified in Section 381.986, Florida Statutes, which
21 authorized a limited number of large-scale nurseries to cultivate,
22 process, transport, and dispense low-THC cannabis to qualified
23 patients and operate "dispensing organizations"; and

24 **WHEREAS**, on January 26, 2016, the City enacted Ordinance 2015-
25 782-E, which amended the Zoning Code to regulate the location and
26 performance standards and development criteria for Low-THC Cannabis
27 Facilities; and

28 **WHEREAS**, in November 2016, 71% of Florida voters passed an
29 amendment to the Florida Constitution entitled "Use of Marijuana
30 for Debilitating Medical Conditions" ("Amendment 2"); and

31 **WHEREAS**, Amendment 2 fully legalizes the medical use of

1 marijuana for qualifying patients with certain debilitating medical
2 conditions throughout the State of Florida and authorizes the
3 cultivation, processing, distribution, and sale of marijuana and
4 related activities by licensed "Medical Marijuana Treatment
5 Centers;" and

6 **WHEREAS**, on June 23, 2017, the Florida Legislature passed
7 Senate Bill 8A, known as the "Medical Marijuana Act" to implement
8 Amendment 2; and

9 **WHEREAS**, the Medical Marijuana Act amended Section 381.986,
10 Florida Statutes, to expand the use, cultivation, processing, and
11 dispensing of medical marijuana, including how local governments
12 regulate Medical Marijuana Treatment Center ("MMTC") cultivation,
13 processing, and dispensing facilities and directing the Florida
14 Department of Health to promulgate rules concerning medical
15 marijuana and MMTCs; and

16 **WHEREAS**, Section 381.986(11)(b)(1), F.S. (2017), allows a
17 local government to either (1) totally ban MMTC dispensing
18 facilities within the boundaries of that local government or (2)
19 allow a MMTC dispensing facilities within its boundaries but not
20 enact ordinances that limit the number of dispensing facilities
21 that may locate within said boundaries; and

22 **WHEREAS**, the City Council has determined it is in the best
23 interest of the City to exercise the option of allowing MMTC
24 dispensing facilities within the boundaries of the City of
25 Jacksonville; and

26 **WHEREAS**, Section 381.986(11), F.S. (2017), provides that the
27 regulation of cultivation, processing, and delivery of marijuana by
28 MMTCs is preempted to the State of Florida, with exceptions
29 allowing for the enforcement of the Florida Building Code and the
30 Florida Fire Prevention Code; and

31 **WHEREAS**, Section 381.986(11)(a), F.S. (2017), prohibits a MMTC

1 cultivating facility or processing facility from being located
2 within 500 feet of a public or private elementary, middle or
3 secondary school; and

4 **WHEREAS**, Sec. 381.986(11)(c), F.S. (2017), authorizes the City
5 to allow a MMTC dispensing facility to be located within 500 feet
6 of a public or private elementary, middle or secondary school if
7 the City determines the location promotes the public health,
8 safety, and general welfare of the community through a formal
9 proceeding open to the public; and

10 **WHEREAS**, Sec. 381.986(11)(b), F.S. prohibits the City from
11 enacting ordinances for permitting or determining the location of
12 MMTC dispensing facilities that are more restrictive than the same
13 regulations of pharmacies licensed under Ch. 465, Florida Statutes;
14 and

15 **WHEREAS**, it is in the best interest of the City to repeal
16 those portions of the Zoning Code regulating Low-THC Cannabis
17 facilities due to the preemption to the State of Florida pursuant
18 to Section 381.986, F.S. (2017); and

19 **WHEREAS**, it is in the best interest of the City to define
20 *medical marijuana dispensing facilities*, amend the regulations
21 related to cultivation, processing, and dispensing of medical
22 marijuana in the City, and to repeal definitions and regulations
23 provided in Chapter 656, Zoning Code, *Jacksonville Code of*
24 *Ordinances* that conflict with Sec. 381.986, F.S. (2017) and
25 Amendment 2; now therefore

26 **BE IT ORDAINED** by the Council of the City of Jacksonville:

27 **Section 1. Amending Section 656.133 (Waivers for Minimum**
28 **Distance Requirements for Liquor License Locations; Minimum Street**
29 **Frontage Requirements; Signs; Downtown Properties), Ordinance Code.**
30 **Section 656.133 (Waivers for Minimum Distance Requirements for**
31 **Liquor License Locations; Minimum Street Frontage Requirements;**

1 Signs; Downtown Properties), Subpart D (Zoning Exceptions,
2 Variances and Waivers, Amendments to Final Order, Appeals of
3 Written Interpretations of the Director and Appeals of Final Orders
4 of the Commission), Part 1 (General Provisions), Chapter 656
5 (Zoning Code), Ordinance Code, is hereby amended to read as
6 follows:

7 CHAPTER 656. ZONING CODE

8 PART 1. GENERAL PROVISIONS

9 * * *

10 SUBPART D. ZONING EXCEPTIONS, VARIANCES AND WAIVERS, AMENDMENTS TO
11 FINAL ORDER, APPEALS OF WRITTEN INTERPRETATIONS OF THE DIRECTOR AND
12 APPEALS OF FINAL ORDERS OF THE COMMISSION.

13 * * *

14 Sec. 656.133. -Waivers for Minimum Distance Requirements for
15 Liquor License Locations; Minimum Street Frontage Requirements;
16 Signs; Minimum Distance Requirements for Medical Marijuana
17 Dispensing Facilities; Downtown Properties.

18 * * *

19 (b) Minimum street frontage requirement, and sign, and Medical
20 Marijuana Dispensing Facilities minimum distance waivers.
21 Applications for minimum street frontage requirement, and sign, and
22 Medical Marijuana Dispensing Facilities minimum distance
23 requirement waivers shall be considered by the Council in
24 accordance with the notice and public hearing requirements for
25 rezonings set forth in Section 656.124. Applications for these
26 waivers shall be in writing on the form prescribed by the Council
27 and filed with the Department, together with the required number of
28 copies and all required attachments. Where the waiver is for an
29 existing sign, a photograph or photographs of the sign structure
30 sufficient to show the nonconforming nature of the sign and any
31 physical impediments to bringing the sign into compliance. Upon

1 receipt of the application, the Zoning Administrator shall
2 determine whether the application is complete within five working
3 days. If it is determined that the application is not complete,
4 written notice shall be provided specifying the deficiencies. The
5 Zoning Administrator shall take no further action on the
6 application until the deficiencies are remedied. When the
7 application is determined to be complete, all fees must be paid as
8 specified in Section 656.147.

9 * * *

10 (e) Medical Marijuana Dispensing Facility minimum distance
11 requirement waiver criteria. The Council, in considering a proposed
12 minimum distance requirement waiver for a Medical Marijuana
13 Dispensing Facility, as defined in Sec. 656.1601, Ordinance Code,
14 shall make the determination that the proposed location of the
15 Medical Marijuana Dispensing Facility promotes the health, safety,
16 and welfare of the community.

17 ~~(e)~~(f) The violation of the terms of an order granting a waiver,
18 including conditions and safeguards which may be made a part
19 thereof, shall be deemed a violation of the Zoning Code and
20 punishable as provided in the Zoning Code.

21 ~~(f)~~(g) Downtown properties. For purposes of this section, for
22 waivers for properties located within the Downtown Overlay Zone, as
23 defined in Section 656.361.1, all references to "Zoning
24 Administrator" shall mean a designated staff member of the Downtown
25 Investment Authority, all references to "Commission" shall mean the
26 Downtown Development Review Board. Requests for sign waivers for
27 properties located within the Downtown Overlay Zone, as defined in
28 Section 656.361.2 shall be processed as special sign exceptions
29 pursuant to Section 656.1333(j).

30 Section 2. Repealing Subsections 656.313(IV)(a)(25)
31 and(26) and (V)(a)(28) and (29) (Community/General Category),

1 **Ordinance Code.** Subsections 656.313(IV) (a) (25), 656.313(IV) (a) (26),
2 656.313(V) (a) (28), and 656.313(V) (a) (29), (Community/General
3 Commercial Category), Subpart C (Commercial Use Categories and
4 Zoning Districts), Part 3 (Schedule of District Regulations),
5 Chapter 656 (Zoning Code), Ordinance Code are hereby repealed:

6 **CHAPTER 656. ZONING CODE**

7 * * *

8 **PART 3. SCHEDULE OF DISTRICT REGULATIONS**

9 * * *

10 **SUBPART C. COMMERCIAL USE CATEGORIES AND ZONING DISTRICTS**

11 * * *

12 **Sec. 656.313. Community/General Commercial Category.**

13 * * *

14 **IV. Commercial Community/General-1 (CCG-1) District.**

15 **(a) Permitted uses and structures.**

16 * * *

17 ~~(25) The processing of Low THC Cannabis for medicinal use~~
18 ~~by a State authorized Processing Facility, pursuant~~
19 ~~to 381.496, F.S., and Ch. 64-4, F.A.C., and meeting~~
20 ~~the performance standards and development criteria~~
21 ~~set forth in Part 4.~~

22 ~~(26) The dispensing of Low THC Cannabis for medicinal use~~
23 ~~by a State authorized Dispensing Facility, pursuant~~
24 ~~to 381.496, F.S., and Ch. 64-4, F.A.C., and meeting~~
25 ~~the performance standards and development criteria~~
26 ~~set forth in Part 4.~~

27 * * *

28 **V. Commercial Community/General-2 (CCG-2) District.**

29 **(a) Permitted uses and structures.**

30 * * *

1 ~~(28) The processing of Low THC Cannabis for medicinal use~~
2 ~~by a State authorized Processing Facility, pursuant~~
3 ~~to 381.496, F.S., and Ch. 64-4, F.A.C., and meeting~~
4 ~~the performance standards and development criteria~~
5 ~~set forth in Part 4.~~

6 ~~(29) The dispensing of Low THC Cannabis for medicinal use~~
7 ~~by a State authorized Dispensing Facility, pursuant~~
8 ~~to 381.496, F.S., and Ch. 64-4, F.A.C., and meeting~~
9 ~~the performance standards and development criteria~~
10 ~~set forth in Part 4.~~

11 **Section 3. Repealing Subsections 656.321(I)(a)(14) and**
12 **(15) (Business Park Category), Ordinance Code.** Subsections
13 656.321(I)(a)(14) and 656.321(I)(a)(15) (Business Park Category),
14 Subpart D (Industrial Use Categories and Zoning Districts), Part 3
15 (Schedule of District Regulations), Chapter 656 (Zoning Code),
16 Ordinance Code, are hereby repealed:

17 **CHAPTER 656. ZONING CODE**

18 * * *

19 **PART 3. SCHEDULE OF DISTRICT REGULATIONS**

20 * * *

21 **SUBPART D. INDUSTRIAL USE CATEGORIES AND ZONING DISTRICTS**

22 * * *

23 **Sec. 656.321. Business Park Category.**

24 * * *

25 **I. Industrial Business Park (IBP) District.**

26 **(a) Permitted uses and structures.**

27 * * *

28 ~~(14) The processing of Low THC Cannabis for medicinal use~~
29 ~~by a State authorized Processing Facility, pursuant~~
30 ~~to 381.496, F.S., and Ch. 64-4, F.A.C., and meeting~~
31 ~~the performance standards and development criteria~~

1 ~~set forth in Part 4.~~

2 ~~(15) The dispensing of Low THC Cannabis in conjunction~~
3 ~~with the processing of Low THC Cannabis, for~~
4 ~~medicinal use by a State authorized Dispensing~~
5 ~~Facility, pursuant to 381.496, F.S., and Ch. 64 4,~~
6 ~~F.A.C., and meeting the performance standards and~~
7 ~~development criteria set forth in Part 4.~~

8 Section 4. Repealing Subsections 656.322(II) (a) (22), (23), and
9 (24) (Light Industrial Category), Ordinance Code. Subsections
10 656.322(II) (a) (22), 656.322(II) (a) (23), and 656.322(II) (a) (24)
11 (Light Industrial Category), Subpart D (Industrial Use Categories
12 and Zoning Districts), Part 3 (Schedule of District Regulations),
13 Chapter 656 (Zoning Code), Ordinance Code, are hereby repealed:

14 CHAPTER 656. ZONING CODE

15 * * *

16 PART 3. SCHEDULE OF DISTRICT REGULATIONS

17 * * *

18 SUBPART D. INDUSTRIAL USE CATEGORIES AND ZONING DISTRICTS

19 * * *

20 Sec. 656.322. Light Industrial Category.

21 * * *

22 II. Industrial Light (IL) District.

23 (a) Permitted uses and structures.

24 ~~(22) The cultivation of Low THC Cannabis for medicinal~~
25 ~~use by a State authorized Cultivation Facility,~~
26 ~~pursuant to 381.496, F.S., and Ch. 64 4, F.A.C., and~~
27 ~~meeting the performance standards and development~~
28 ~~criteria set forth in Part 4.~~

29 ~~(23) The processing of Low THC Cannabis for medicinal use~~
30 ~~by a State authorized Processing Facility, pursuant~~
31 ~~to 381.496, F.S., and Ch. 64 4, F.A.C., and meeting~~

1 the performance standards and development criteria
2 set forth in Part 4.

3 ~~(24) The dispensing of Low THC Cannabis in conjunction~~
4 ~~with the processing of Low THC Cannabis, for~~
5 ~~medicinal use by a State authorized Dispensing~~
6 ~~Facility, pursuant to 381.496, F.S., and Ch. 64-4,~~
7 ~~F.A.C., and meeting the performance standards and~~
8 ~~development criteria set forth in Part 4.~~

9 Section 5. Repealing Subsection 656.331(I)(a)(16)
10 (Agriculture), Ordinance Code. Subsection 656.331(I)(a)(16)
11 (Agriculture), Subpart E (Miscellaneous Categories and Zoning
12 Districts), Part 3 (Schedule of District Regulations), Chapter 656
13 (Zoning Code), Ordinance Code, is hereby repealed:

14 **CHAPTER 656. ZONING CODE**

15 * * *

16 **PART 3. SCHEDULE OF DISTRICT REGULATIONS**

17 * * *

18 **SUBPART D. MISCELLANEOUS CATEGORIES AND ZONING DISTRICTS**

19 * * *

20 **Sec. 656.331. Agriculture.**

21 * * *

22 I. Agriculture (AGR) District.

23 (a) Permitted uses and structures.

24 ~~(16) The cultivation Low THC Cannabis for medicinal use~~
25 ~~by a State authorized Processing Facility, pursuant~~
26 ~~to 381.986496, F.S., and Ch. 64-4, F.A.C., and~~
27 ~~meeting the performance standards and development~~
28 ~~criteria set forth in Part 4.~~

29 Section 6. Amending Section 656.401 (Performance Standards and
30 Development Criteria). Section 656.401 (Performance Standards and
31 Development Criteria), Subpart A Performance Standards and

1 Development Criteria), Part 4 (Supplementary Regulations), Chapter
2 656 (Zoning Code), Ordinance Code, is hereby amended to read as
3 follows:

4 CHAPTER 656. ZONING CODE

5 * * *

6 PART 4. SUPPLEMENTARY REGULATIONS

7 * * *

8 SUBPART A. PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA

9 * * *

10 Sec. 656.401. Performance standards and development
11 criteria.

12 * * *

13 (11) Cultivation, Processing, and Dispensing of ~~Low-THC~~
14 Cannabis Marijuana by a Medical Marijuana Treatment
15 Center.

16 (a) No cultivation facility or processing facility
17 operated by a Medical Marijuana Treatment Center (as
18 defined by Article X, Section 29, of the Florida
19 Constitution and regulated by the Florida Department
20 of Health) shall be located within 500 feet of the
21 real property that comprises a public or private
22 elementary school, middle school, or secondary
23 school. ~~Within IL Zoning Districts, all cultivation~~
24 ~~shall occur wholly within the principal structure,~~
25 ~~which shall be a commercial warehouse and inside a~~
26 ~~designated area with no windows or glass doorways,~~
27 ~~of which a Low-THC Cannabis Facility is located.~~

28 (b) No Medical Marijuana Dispensing Facility shall be
29 located within 500 feet of the real property that
30 comprises a public or private elementary school,
31 middle school, or secondary school, unless a waiver

1 is granted pursuant to Sec. 656.133(e), Code of
2 Ordinances. Within ~~CCG 1, CCG 2, IL, and IBP Zoning~~
3 ~~Districts, all processing and/or dispensing shall~~
4 ~~occur wholly within the principal structure of which~~
5 ~~a Low THC Cannabis Facility is located.~~

6 (c) The location of a Medical Marijuana Dispensing
7 Facility shall be allowed in any zoning district
8 that a pharmacy licensed under Chapter 465, Florida
9 Statutes, is allowed to be located. ~~Before operations~~
10 ~~begin, the Dispensing Organization shall obtain the~~
11 ~~appropriate approval from the Florida Department of~~
12 ~~Health, in accordance with Chapter 64-4, F.A.C. and~~
13 ~~shall provide proof of approval to the Department.~~

14 ~~(d) There shall be a limit of only one Dispensing~~
15 ~~Facility within each Planning District.~~

16 ~~(e) No Dispensing Facility shall be within 1 mile of any~~
17 ~~other Dispensing Facility, as determined by the~~
18 ~~Department. At the request of the Department, the~~
19 ~~applicant shall provide proof of such distance at~~
20 ~~the applicant's sole cost and expense.~~

21 ~~(f) The Dispensing Facility shall provide sufficient~~
22 ~~space within the structure for customers to queue.~~
23 ~~At no time shall customers, caregivers, or other~~
24 ~~visitors to the Dispensing Facility wait outside of~~
25 ~~the structure.~~

26 (gd) All Medical Marijuana Dispensing Facilities and
27 Processing Facilities shall be required to provide
28 off-street parking spaces in accordance with the
29 requirements for business, commercial or personal
30 service establishments ~~Research Laboratories~~, as
31 found in Sec. 656.604(e)(2)(f)(1), Ordinance Code.

1 ~~(h) No Low THC Cannabis Facility shall not create~~
2 ~~excessive traffic, noise, lights, vibration, fumes,~~
3 ~~odors, dust, physical activities or other~~
4 ~~detrimental effects or nuisances to surrounding~~
5 ~~properties.~~

6 ~~(i) The Low THC Cannabis Facility shall operate at all~~
7 ~~times in compliance with all City, state permits,~~
8 ~~laws, ordinances, and rules and regulations,~~
9 ~~including but not limited to Section 381.986, F.S.~~
10 ~~and Chapter 64 4. F.A.C.~~

11 ~~(j) Unless it meets the Definitions provided in this~~
12 ~~Chapter, the cultivation and/or dispensing of Low~~
13 ~~THC Cannabis for medicinal purposes is not permitted~~
14 ~~in any zoning district in the City.~~

15 ~~(k) Nothing herein shall preclude a licensed health care~~
16 ~~practitioner from prescribing Cannabis to a patient~~
17 ~~as part of a complementary and alternative health~~
18 ~~care modality, pursuant to the Florida Health~~
19 ~~Freedom Law currently codified in Sec. 381.026,~~
20 ~~Florida Statutes.~~

21 **Section 7. Amending Section 656.1601 (Definitions).**
22 Section 656.1601 (Definitions), Part 16 (Definitions), Chapter 656
23 (Zoning Code), Ordinance Code, is hereby amended to read as
24 follows:

25 **CHAPTER 656. ZONING CODE**

26 * * *

27 **PART 16. DEFINITIONS**

28 * * *

29 **Sec. 656.1601. Definitions.**

30 * * *

31 *Commercial retail sales and service establishments means*

1 the sale of food and drugs, including pharmacies and Medical
2 Marijuana Dispensing Facilities, new wearing apparel, toys,
3 sundries and notions, books and stationery, leather goods and
4 luggage, jewelry (including watch repair), art, cameras or
5 photographic supplies (including camera repair), sporting
6 goods, hobby shops and pet shops, musical instruments, florist
7 or gift shops, delicatessens, bakeries, home furnishing and
8 appliances (including repair incidental to sales), office
9 equipment or furniture antiques, hardware, new automobile
10 parts and accessories (including rebuilt parts). Service
11 establishments such as Barber or beauty salon, shoe repair,
12 restaurants, interior decorators, athletic clubs, fitness
13 centers, laundromat or dry cleaners, tailors or dressmakers,
14 broadcasting offices and studios, funeral homes, marinas,
15 blueprinting, radio and television repair shops, travel
16 agencies, employment offices but not day labor pools, home
17 equipment rental and similar uses.

18 * * *

19 ~~Low THC Cannabis Derivative Product means forms of Low~~
20 ~~THC Cannabis suitable for routes of administration, as defined~~
21 ~~by Ch. 64 4.001, Florida Administrative Code.~~

22 ~~Low THC Cannabis Dispensing Organization ("Dispensing~~
23 ~~Organization") means a nursery that meets the requirements of~~
24 ~~Section 381.986(5)(b)(1), F.S. and Chapter 64 4. F.A.C.,~~
25 ~~including its contractual agents, which has applied to the~~
26 ~~Florida Department of Health and has been authorized by the~~
27 ~~Florida Department of Health to cultivate, process, and~~
28 ~~dispense Low THC Cannabis.~~

29 ~~Low THC Cannabis Facility means any of the following~~
30 ~~facilities as authorized by the Florida Department of Health~~
31 ~~for a Dispensing Organization:~~

1 Medical Marijuana Dispensing Facility or Medical
2 Marijuana Treatment Center Dispensing Facility means a
3 facility, operated by a Medical Marijuana Treatment Center
4 (MMTC) as defined in Article X, Section 29 of the Florida
5 Constitution, and licensed and regulated by the Florida
6 Department of Health, that dispenses, sells or otherwise makes
7 medical marijuana available at retail to qualified patients or
8 caregiver.

9 **Section 8. Severability.** The provisions of this Ordinance
10 are intended to be severable and if any provision is declared
11 invalid or unenforceable by a court of competent jurisdiction, such
12 provision shall be severed and the remainder shall continue in full
13 force and effect with the Ordinance being deemed amended to the
14 least degree legally permissible.

15 **Section 9. Effective Date.** This ordinance shall become
16 effective upon signature by the Mayor or upon becoming effective
17 without the Mayor's signature.

18
19 Form Approved:

20
21 /s/ Sondra R. Fetner

22 Office of General Counsel

23 Legislation Prepared By: Sondra R. Fetner

24 GC-#1160751-VIA-Medical_Marijuana_Amendments.doc