

ORDINANCE 2017-09

AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, ARTICLE 7, LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS, TO INCLUDE MEDICAL MARIJUANA TREATMENT CENTERS AS A PERMITTED USE IN C-1 ZONING DISTRICTS, AND TO CREATE IN ITS ENTIRETY A NEW CHAPTER 13.5 OF THE CODE OF ORDINANCES TO ESTABLISH SUPPLEMENTAL STANDARDS FOR MEDICAL MARIJUANA TREATMENT CENTERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to section 166.021(3), Florida Statutes, the City of Mary Esther, Florida has the power to enact legislation concerning subject matter upon which the state legislature may act, except when expressly prohibited by law; and

WHEREAS, the City Council of Mary Esther determines that it is in the best interest of its residents, businesses and visitors to enact sufficient zoning regulations to ensure their health, safety, and welfare; and

WHEREAS, on June 23, 2017, the state legislature passed new legislation amending Section 381.986, Florida Statutes which affects the medical use of marijuana in the State, including the regulation of dispensaries, and cultivation and processing facilities; and

WHEREAS, the City of Mary Esther, Florida finds it necessary to create rules and regulations related to the medical use of marijuana and location of medical marijuana dispensaries within the City, to reasonably balance the needs of patients seeking medical products with the legitimate public interests in mitigating the potential negative secondary land use effects of medical marijuana dispensaries.

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

Section 1. Authority and Intent

The authority for enactment of this ordinance is contained in Chapter 166.021, 163.3202, and other provisions of the Florida Statutes and Section 1.02 of the City Charter.

Section 2. Amendment of Land Development Code, Section 7.13.03 - Commercial Activities.

Section 7.13.03 - Commercial Activities is hereby amended as follows:

K. Medical Services: The provision of therapeutic, preventive or corrective personal treatment services by physicians, dentists, and other licensed medical practitioners, as well as the provision of medical testing and analysis services, medical marijuana treatment centers. These services are provided to patients who are admitted for examination and treatment by a physician.

Section 3. Amendment of Land Development Code Section 7.15.03 – Limited Commercial (C-1).

Section 7.15.03 – Limited Commercial (C-1) is hereby amended as follows:

B. Permitted Uses:

(20) Medical Marijuana Treatment Centers.

Section 4. Creation of an entirely new Chapter 13.5 - Medical Marijuana Treatment Centers in the Code of Ordinances.

Chapter 13.5 of the Code of Ordinances for the City of Mary Esther is hereby created as follows:

Chapter 13.5 – Medical Marijuana Treatment Centers.

Section 13.5.1 – Description.

Medical Marijuana Treatment Center. An establishment, licensed by the Florida Department of Health, to cultivate, process, transport and dispense low-THC cannabis, medical marijuana/cannabis and marijuana/cannabis delivery devices.

Section 13.5.2 – Distance from schools restricted.

A medical marijuana treatment centers may be located in the zoning district subject to the following:

1. Not located within 500 feet of real property that comprises a public or private elementary school, middle school, or secondary school.

Section 13.5.3 - Definitions.

For the purposes of this Section, the following words, terms and phrases (and their derivations) have the meanings provided hereinafter, except where the context clearly requires otherwise.

Low-THC cannabis has the same meaning provided at section 381.986(1)(e), Florida Statutes.

Marijuana has the same meaning provided at section 381.986(1)(f), Florida Statutes.

Marijuana delivery device has the same meaning provided at section 381.986(1)(g), Florida Statutes.

Medical use has the same meaning provided at section 381.986(1)(j), Florida Statutes.

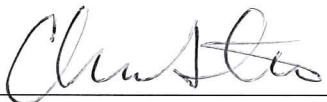
Section 5. Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

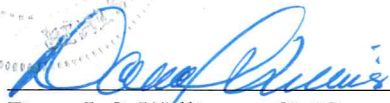
Section 6. Effective Date

This Ordinance shall take effect immediately upon approval on second reading by City Council and signature of the Mayor.

SO DONE THIS 4th DAY OF DECEMBER 2017.

By: 
Chris Stein, Mayor

ATTEST:


Dana L.S. Williams, CMC
City Clerk

First reading: 11/6/17
Published: 11/24/17
Second reading: 12/4/17