

ORDINANCE NO. 1386-17

AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA, RELATING TO PHARMACIES AND MEDICAL MARIJUANA DISPENSING FACILITIES; AMENDING THE LAKE ALFRED UNIFIED LAND DEVELOPMENT CODE, ARTICLE 2, SECTION 2.04.01, ZONING DISTRICT SUMMARY TABLES, TABLE 2.04.01(A) TO INCLUDE PHARMACIES AND MEDICAL MARIJUANA DISPENSING FACILITIES, AND ADDING SECTION 3.10.05 MEDICAL MARIJUANA DISPENSING FACILITIES; AND ARTICLE 9, DEFINITIONS, TO INCLUDE RELATED DEFINITIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 16, 2014, Governor Scott signed the “Compassionate Medical Cannabis Act of 2014” into State law, which serves as an outline for its medical marijuana industry; and

WHEREAS, on March 25, 2016, Governor Scott signed the “Compassionate Use of Low-THC and Medical Cannabis” into State law; and

WHEREAS, on November 8, 2016, Florida voters approved a ballot initiative to amend the Florida Constitution creating Article X, section 29, Medical Marijuana Production, Possession, and Use, to allow broader sale and use of marijuana to treat debilitating medical conditions for eligible patients; and

WHEREAS, on January 23, 2017, the Lake Alfred City Commission adopted Ordinance 1378-17 imposing a moratorium on the acceptance and processing of new applications for the establishment of medical marijuana dispensing facilities and medical marijuana treatment centers for a period of 180 days (July 23, 2017); and

WHEREAS, on June 9, 2017, the Florida Legislature passed a medical marijuana bill (Senate Bill 8-A) to implement Article X, section 29 of the Florida Constitution, which allows the use of marijuana by patients with debilitating medical conditions; and

WHEREAS, on June 23, 2017, the Florida Governor signed the medical marijuana bill into law. The law went into effect on July 1, 2017; and

WHEREAS, the City Commission of the City of Lake Alfred has determined that it is in the best interests of the citizenry and general public to regulate the location of medical cannabis dispensing facilities in accordance with Florida laws; and

WHEREAS, the City Commission has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the City; and

WHEREAS, the City Commission of the City of Lake Alfred has determined that it is advisable and in the public interest to set certain distance and other siting standards in regard to the location and operation of medical marijuana dispensing facilities in accordance with Florida laws; and

WHEREAS, the City Commission of the City of Lake Alfred finds that this ordinance promotes the general health, safety, and welfare of the citizens and residents of the City of Lake Alfred; and

WHEREAS, in accordance with the procedures required by Sections 166.041 (3)(c)2, Florida Statutes, and other applicable law, the regulations contained within this ordinance were considered by the City's Planning Board, sitting as the Local Planning Agency (LPA) as designated by the City, at a duly advertised public meeting, at which time interested parties and citizens had the opportunity to be heard and such regulations were recommended to the City Commission for adoption; and

WHEREAS, the City Commission, after taking into consideration the recommendations of the Planning Board and the City Staff, and the comments received during the public hearing process, finds that the proposed revisions and amendments are appropriate, desirable, and in the best interests of the City.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Lake Alfred, Florida that this Ordinance is hereby passed for the protection and welfare of the citizens of Lake Alfred, and that:

SECTION 1. RECITALS. The provisions set forth in the recitals to this Ordinance (whereas clauses) are hereby adopted by the Commission as the legislative findings and intent pertaining to this Ordinance.

SECTION 2. UNIFIED LAND DEVELOPMENT CODE. The Unified Land Development Code (ULDC) of the City of Lake Alfred is hereby amended as shown in Exhibit "A", which is attached and made a part hereof.

SECTION 3. CONFLICTS. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the City's Unified Land Development Code (ULDC), unless such repeal is explicitly set forth herein.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Lake Alfred, Florida, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. CODIFICATION. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lake Alfred; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code of Ordinances of the City of Lake Alfred is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or his or her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage after second reading/public hearing

INTRODUCED AND PASSED on first r eading at a regular meeting of the Lake Alfred City Commission held this 7th day of August, 2017.

PASSED AND FINALLY ADOPTED on second reading at the meeting of the Lake Alfred City Commission duly assembled on the 21st day August, 2017.

**CITY OF LAKE ALFRED
CITY COMMISSION**

By: 
Charles O. Lake, Mayor

ATTEST:

By: 
Ameen Bailey-Speck, City Clerk

APPROVED AS TO FORM:

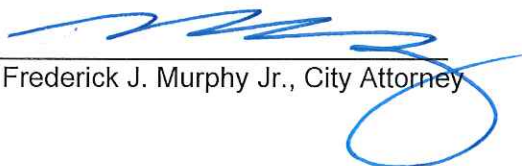
By: 
Frederick J. Murphy Jr., City Attorney

Exhibit "A"
Ordinance No. 1386-17
Amendments to the Unified Land Development Code

Language stricken is shown in ~~strikethrough~~ format; language added is shown in underlined format.

ARTICLE 3: DEVELOPMENT DESIGN AND IMPROVEMENTS STANDARDS

3.10.00 DEVELOPMENT STANDARDS FOR CONDITIONAL USES

3.10.05 Medical Marijuana Dispensing Facilities

As required through Florida Statute 381.986, medical marijuana dispensing facilities must meet the following requirements:

- A. A medical marijuana dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless approved by the City Commission at a public hearing at which the City determines that the location promotes the public health, safety, and general welfare of the community.
- B. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; and
- C. Maintain a video surveillance system that records continuously twenty-four (24) hours a day and meets the following criteria:
 - 1. Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms.
 - 2. Cameras are fixed in entrances and exits to the premises, which shall record from both indoor and outdoor, or ingress and egress, vantage points.
 - 3. Recorded images must clearly and accurately display the time and date.
 - 4. Retain video surveillance recordings for at least forty-five (45) days or longer upon the request of a law enforcement agency.
- D. Ensure that the medical marijuana dispensing facilities outdoor premises have sufficient lighting from dusk until dawn.
- E. Not dispense from its premises marijuana or a marijuana delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.
- F. Store marijuana in a secured, locked room or a vault.
- G. Require at least two (2) of its employees, or two (2) employees of a security agency with whom it contracts, to be on the premises at all times where cultivation, processing, or storing of marijuana occurs.
- H. All employees must be twenty-one (21) years of age or older and have passed a background screening.

2.04.01 Zoning District Summary Tables

TABLE OF LAND USES, TABLE 2.04.01(A)

Category/Use	RR	RE	R-1 AAA **	R-1 AA- B	R-1 AA**	R-1 A**	R-1B	R-1 **	R-2 **	C-1	C-2	C-3	C-4	M-1	I-1	I-2	PB	PR	CN
** Uses also apply to districts with C (cluster subdivision) suffix																			
Office/ Financial/ Medical Services																			
Bank										P	P	P	C	P	P	P			
Clinic										P	P	P		D	D	D	P		
Hospital										P	P	P		D	D	D	P		
Medical laboratory											P	P		D	P	P	P		
Office Park														D	D	D			
<u>Pharmacies</u>										<u>C</u>	<u>C</u>	<u>C</u>							
Professional office										P	P	P	C	D	D	D			
Real estate/business office										P	P	P	C		D	D			
Nonretail Service Commercial																			
Boat repair, no sales												P		P	P	P			
Contractor storage yard														P	D	P			
Equipment Repair Major																P			
Kennels, outdoor												P		P	P	P			
Sales/repair of heavy equipment												P		P		P			
Veterinary clinics										P	P	P		P	P	P			
Warehouse												P		P	P	P	P		
Wholesale distributor												P		P	D	P			

ARTICLE 9: DEFINITIONS

Medical Marijuana Dispensing Facilities: The following definitions relate to medical marijuana and medical marijuana dispensing facilities.

Low-THC Cannabis: A plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only by a Medical Marijuana Treatment Center from a dispensing organization as authorized by State law.

Marijuana: All parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient as defined by Florida Statute 381.986.

Medical Marijuana Delivery Device: An object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing marijuana into the human body, and which is dispensed from a Medical Marijuana Treatment Center for medical use by a qualified patient.

Medical Cannabis: All parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use as authorized by State law.

Medical Marijuana Dispensing Facility: Any property where medical cannabis or low-THC cannabis or Marijuana Delivery Devices are sold, purchased, delivered, or dispensed for medical use by a Medical Marijuana Treatment Center as defined by Section 29, Article X of the State Constitution and as authorized by State law.

Medical Marijuana Treatment Center (MMTC): An entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department. (Term as defined by Section 29, Article X of the State Constitution.)

Medical Use: The acquisition, possession, use, delivery, transfer, or administration of an amount of marijuana not in conflict with Department rules, or of related supplies by a qualifying patient or caregiver for use by the caregiver's designated qualifying patient for the treatment of a debilitating medical condition.

Pharmacy: A place where drugs and medicines are prepared and dispensed. Pharmacies include medical marijuana dispensing facilities.