



MICANOPY, SEMINOLE CHIEF

TOWN OF MICANOPY, FLORIDA

ORDINANCE 2018-01

BEFORE THE TOWN COMMISSION

AN ORDINANCE OF THE TOWN OF MICANOPY, FLORIDA IMPOSING A TEMPORARY MORATORIUM OR ABATEMENT UPON THE ACCEPTANCE AND/OR PROCESSING OF APPLICATIONS FOR ZONING AND PERMITTING FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSING FACILITIES FOR A PERIOD OF 365 DAYS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Florida Legislature has authorized the dispensing of low-tetrahydrocannabinol (THC) and medical marijuana for medical use to qualified patients throughout the State of Florida;

WHEREAS, medical marijuana dispensing facilities are a new and unique use that is not currently addressed in the Town of Micanopy Code of Ordinances or Land Development Code; and

WHEREAS, Section 381.986(8)(b), Florida Statute, permits a municipality to “determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries;” and

WHEREAS, on November 8, 2017, the Florida voters approved Amendment 2, “Use of Marijuana for Debilitating Medical Conditions” to the Florida Constitution, which allows medical use of marijuana for individuals with debilitating medical conditions as determined by a licensed Florida physician; and

WHEREAS, Town staff intend to study the impacts of locating medical marijuana in the Town, and evaluate potential regulations to address any potential adverse effects of the siting of such facilities on the Town; and

WHEREAS, after due consideration by the Town Commission of the Town of Micanopy, the Town Commission has determined it is appropriate and in the best interest of the citizens of Micanopy to protect the general public health, safety, and welfare by studying and planning for externalities that may result from the location of medical marijuana dispensing facilities that could potentially impact the quality of life for the surrounding community.

BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF MICANOPY, FLORIDA as follows:

Section One: The above recitals are true and correct.

Section Two: The purpose of this Ordinance is to preserve the status quo and enable sufficient time to review, study, hold public hearings, and prepare and adopt an amendment or amendments to the Town of Micanopy Code of Ordinances or Land Development Code, relating to the location and siting of medical marijuana dispensing facilities, if any.

Section Three:

- (a) The Town hereby adopts a moratorium upon the acceptance of applications for, the processing of, and the issuance of development permits, development orders or any other official action of the Town of Micanopy permitting or having the effect of permitting the location and siting of Medical Marijuana Dispensing Facilities from the effective date of this Ordinance, remaining in effect for three hundred and sixty (365) days, the estimated time to study Medical Marijuana Dispensing Facilities, study any possible changes to Florida law that may result from either the Department of Health or the Florida Legislature, and enact necessary regulatory or non-regulatory measures in order to implement the findings of such studies.
- (b) The Town will not take any action on any application for development permit or issue any development order to take other official action which would have the effect of allowing or permitting the development of medical marijuana dispensing facilities, except as provided in this Ordinance. It is not the purpose of this Ordinance to permanently deny development orders and permits for other uses that are permitted by right or special use permit and that otherwise comply with all applicable codes, ordinances, regulations and policies.

Section Four: The Town staff will study the operation and requirements of medical marijuana dispensing facilities and determine what regulations, if any, should be adopted into the Town's Code of Ordinances. All affected property and business owners are placed on notice with respect to these pending regulations and the action being taken by the appropriate departments within the Town.

Section Five: The following definition applies to the term used in this Ordinance:

- (a) Medical Marijuana Dispensing Facility means any establishment where low-THC or medical cannabis is permitted to be dispensed by an approved dispensing organization pursuant to Section 381.986, Florida Statutes, and Florida Department of Health Rules.

Section Six: Beginning upon the effective date of this Ordinance, an applicant for any development permit, development order or any other official Town action which would facilitate the establishment of Medical Marijuana Dispensing Facility shall be required to disclose its intention to establish a Medical Marijuana Dispensing Facility in connection with its application

for a permit. In the event that it is determined by the Town that an applicant for a permit has failed to disclose its intent to establish a Medical Marijuana Dispensing Facility, the Town shall be authorized to:

- (a) Revoke or suspend any development permits, development orders, certificates of occupancy or licenses granted after the date of this Ordinance as necessary;
- (b) Cease taking any action on any application for development permit, development order or other official action which would have the effect of allowing or permitting the development of medical marijuana dispensing facilities; and
- (c) Take any and all such further action necessary to enforce this Ordinance.

Section Seven: The proper officers and employees of the Town are hereby authorized to do all things necessary and proper to carry out the provisions of this Ordinance.

Section Eight: Effective Date: This Ordinance shall take effect upon its passage.

Section Nine: All Ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section Ten: It is the intention of the Town Commission of the Town of Micanopy, Florida, and it hereby provided that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the Town of Micanopy, Florida; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word “ordinance” maybe changed to “section,” “article,” or other appropriate designated. The correction of typographical errors which do not affect the intent of the Ordinance may be authorized by the Town Administrator or designee without public hearing, by filing a corrected or re-codified copy of the same with the Town.

Section Eleven: If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

On first reading passed by a vote of ____ to ____ on the 13th day of February, 2018.

On second reading passed by a vote of ____ to ____ on the 13th day of March, 2018.

TOWN OF MICANOPY

Virginia L. Mance, Mayor

ATTEST:

Debbie Gonano, Town Clerk

Approved as to legal form and content:

S. Scott Walker, Town Attorney