

**ORDINANCE NO. 2018-004**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 8, "MASTER BUSINESS LIST," SECTIONS 13-621, "MASTER BUSINESS LIST – B-2, B-3, AND B-4," 13-623, "MASTER BUSINESS LIST – O-2, O-3," AND 13-625, "MASTER BUSINESS LIST – MSOA," TO PROVIDE FOR "MEDICAL MARIJUANA DISPENSARY" USES AS A SPECIAL LAND USE AMONG THE USES LISTED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature enacted Section 381.986, Florida Statutes, entitled the "Compassionate Medical Cannabis Act of 2014" (the "Act"), authorizing licensed physicians to order low-THC Cannabis for medicinal purposes ("Low-THC Cannabis") to qualified patients under specific conditions; and

**WHEREAS**, the Act was amended by Chapter 2016-123, Laws of Florida, to include medical Cannabis and designate the Florida Department of Health as the regulatory body to manage and implement the cultivation, processing, transportation, and dispensing of Low-THC Cannabis and medical Cannabis among authorized organizations and facilities; and

**WHEREAS**, the Florida Department of Health promulgated and adopted Chapter 64-4, Florida Administrative Code, to implement Section 381.986, Florida Statutes; and

**WHEREAS**, on November 8, 2016, Florida voters approved Article X, Section 29 of the Florida Constitution, which expanded the types of medical conditions for which licensed physicians may order medical marijuana as a medical treatment; and

**WHEREAS**, significant safety issues exist for any establishment involved in the cultivation, processing or distribution of marijuana, as they maintain large drug inventories and are forced to deal in cash because their activities have not yet been sanctioned by federal law; and

**WHEREAS**, such businesses are inherently attractive targets for criminals, and it is therefore essential that the City limit the permissible scope of such uses and regulate them to ensure their compatibility with surrounding businesses and the community, and to protect and advance the public health, safety and welfare; and

**WHEREAS**, other attributes of land uses dealing with marijuana, such as odors, must be regulated to minimize the impact on surrounding properties and uses and prevent the creation of attractive nuisances; and

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate, and propriety powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and

**WHEREAS**, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” reinforces the authority granted under the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law, and to enact ordinances in furtherance thereof; and

**WHEREAS**, the City Commission has determined that it is advisable and in the public interest to allow Medical Marijuana Dispensaries as a special land use subject to the City’s Code of Ordinances Sections 13-35, “Special Land Use,” and 13-321, “Medical Marijuana Treatment Centers and Medical Marijuana Dispensaries;” and

**WHEREAS**, the City has the authority, pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Section 166.021, Florida Statutes, to adopt such provisions in

order to protect the health, safety, and welfare of its residents; and

**WHEREAS**, Chapter 2017-232 Senate Bill No. 8-A, which passed into law on June 23, 2017, provided that Medical Marijuana Dispensaries must be treated the same as pharmacies; and

**WHEREAS**, the City of Coconut Creek requires all pharmacies to obtain special land use approval and is proposing the same for Medical Marijuana Dispensaries.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA AS FOLLOWS:**

**Section 1: Ratification.** That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

**Section 2:** That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 13, “Land Development Code,” Article III, “Zoning Regulations,” Division 8, “Master Business List,” Sections 13-621, “Master business list – B-2, B-3, and B-4,” 13-623, “Master business list – O-2, O-3,” and 13-625, “Master business list – MSOA” to read as follows:

**Sec. 13-621. – Master business list – B-2, B-3, and B-4.**

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Laboratory		S	S
<u>Medical Marijuana Dispensary</u>	<u>S</u>	<u>S</u>	<u>S</u>
Medical Office	P	P	P

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**Sec. 13-623. – Master business list – O-2, O-3.**

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Laboratory		S
<u>Medical Marijuana Dispensary</u>	<u>S</u>	<u>S</u>
Medical Research and Development		S

**Sec. 13-625. - Master business list—MSOA.**

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Medical Office		P
<u>Medical Marijuana Dispensary</u>		<u>S</u>
Medical Marijuana Treatment Center		S

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**Section 3: Conflicts.** That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 4: Severability.** That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

**Section 5: Codification.** That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

**Section 6: Effective Date.** That this Ordinance shall become effective upon its passage on second and final reading.

**PASSED FIRST READING THIS 11<sup>TH</sup> DAY OF JANUARY, 2018.**

**PASSED SECOND READING THIS 25<sup>TH</sup> DAY OF JANUARY, 2018.**

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Rebecca A. Tooley, Mayor

Attest:

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Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u> __	<u>Aye</u>
Rydell	<u>Aye</u> __	<u>Aye</u>
Sarbone	<u>Aye</u> __	<u>Absent</u>
Belvedere	<u>Aye</u> __	<u>Aye</u>
Welch	<u>Aye</u> __	<u>Aye</u>

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CODING: Words in ~~strike through~~ type are deletions from existing text.  
Words in underline type are additions to existing text.  
Asterisks (\*\*\*) indicate existing text not shown.