

ORDINANCE NO. 2016-47

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE SUBMITTAL, PROCESSING, AND ISSUANCE OF LOCAL BUSINESS TAX RECEIPTS AND/OR LAND USE APPROVALS FOR MARIJUANA DISPENSING ORGANIZATIONS/MEDICAL MARIJUANA TREATMENT CENTERS FOR A PERIOD OF NINETY (90) DAYS FROM THE DATE OF ADOPTION OF THIS ORDINANCE; PROVIDING FOR THE GEOGRAPHICAL AREA COVERED; PROVIDING FOR THE DURATION OF MORATORIUM; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2014, the Florida Legislature enacted a medical marijuana law, the “Compassionate Medical Cannabis Act of 2014” (codified as Section 381.986, Florida Statutes), which authorizes a very limited number of large nurseries to cultivate, process, and dispense non-euphoric, low-THC cannabis and operate as “Dispensing Organizations” for individuals with certain specified serious ailments; and

WHEREAS, the Florida Legislature in its 2016 Session amended the Compassionate Medical Cannabis Act (Section 381.986, Florida Statutes) to include the use of “medical marijuana” for eligible patients with terminal conditions; and

WHEREAS, the 2016 Amendment to Section 381.986, Florida Statutes, expanded the type of marijuana available to eligible patients beyond low-THC cannabis to include all types of marijuana, and the statutory amendment has already been codified and has become effective in the State of Florida; and

WHEREAS, on November 8, 2016, Florida’s voters will vote on an amendment to the Florida Constitution, titled “Use of Marijuana for Debilitating Medical Conditions” (“Amendment 2”); and

WHEREAS, Amendment 2 would fully legalize the medical use of marijuana throughout the State of Florida for those individuals with specified “debilitating” conditions, and would authorize the cultivation, processing, distribution, and sale of marijuana and related activities by licensed “Medical Marijuana Treatment Centers;” and

WHEREAS, due to the historical prohibition of marijuana, the City of Coconut Creek does not currently have any land development regulations governing the use of real property for the purposes of cultivating, processing, distributing or selling marijuana or related activities, and such uses are neither lawfully existing nor permissible within the City; and

WHEREAS, in order to promote effective land use planning if a dispensing organization should seek to operate within the City, the City Commission wishes to preserve the status quo while researching, studying, and analyzing the potential impact of Medical Marijuana Dispensing Organizations and Medical Marijuana Treatment Centers upon nearby properties; and

WHEREAS, the City Commission finds that a temporary moratorium on the submittal, processing, and issuance of local business tax receipts and/or land use approvals for marijuana dispensing organizations/medical marijuana treatment centers to allow City staff sufficient time to determine what uses are best suited to particular zoning categories and how to best formulate land development regulations that appropriately govern the use of real property for purposes of cultivating, processing, distributing or selling marijuana or related activities is in the best interests of the residents of Coconut Creek.

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

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 a temporary moratorium is hereby imposed on the establishment and operation of Medical Marijuana Dispensing Organizations and Medical Marijuana Treatment Centers (as referenced in Section 381.986, Florida Statutes and Constitutional Amendment 2, respectively) within the corporate limits of the City of Coconut Creek. While the temporary moratorium is in effect, the City shall not accept, process or approve any application relating to the establishment or operation of a Medical Marijuana Dispensing Organization or Medical Marijuana Treatment Center. Nothing in this temporary moratorium shall be construed to prohibit the medical use of marijuana or low-THC cannabis by a qualifying or eligible patient, as determined by a licensed Florida physician, pursuant to Amendment 2, Section 381.986, Florida Statutes or other Florida law, as applicable.

Section 3: That for the purposes of the temporary moratorium, a “Medical Marijuana Treatment Center” means 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 Florida Department of Health. “Dispensing organization” means an organization approved by the Florida Department of Health to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to Section 381.986, Florida Statutes.

Section 4: Duration of moratorium/extension.

(a) The temporary moratorium set forth in this Ordinance shall take effect immediately upon the effective date of this Ordinance and shall terminate ninety (90) days after the said effective date. The City will accept no applications which are subject to the moratorium until the moratorium has expired.

(b) The City Commission may extend the temporary moratorium established in this Ordinance by enactment of an ordinance two (2) times for a period not to exceed ninety (90) days upon a finding by the City Commission set forth in the ordinance that the problems giving rise to the need for the temporary moratorium established herein continue to exist.

Section 5: That the City Commission directs the City Manager to have Sustainable Development staff and the City Attorney’s Office initiate a zoning review of Medical Marijuana dispensing organizations and Medical Marijuana Treatment Center facilities within the City of Coconut Creek to prepare a staff report containing recommendations as to the appropriate zone district(s) in which such facilities should be located and whether such facilities should be permitted within such district(s) as principal permitted uses or by conditional use permit; and to present such report to the Planning and Zoning Board for its consideration and recommendation(s) to the City Commission.

Section 6: Geographic area covered. That the temporary moratorium established in this Ordinance shall be effective in the corporate and municipal boundaries of the City of Coconut Creek.

Section 7: 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 8: 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 9: Effective Date. That this Ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 10th DAY OF NOVEMBER , 2016.

PASSED SECOND READING THIS 8th DAY OF DECEMBER , 2016.

Mikkie Belvedere, Mayor

Attest:

Leslie Wallace May, City Clerk

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