

Introduced by: Council Member Wilson

1st Reading: February 5, 2018

2nd Reading: February 19, 2018

ORDINANCE NO. 2018-8104

AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE IV. DEFINITIONS TO ADD DEFINITIONS FOR “MEDICAL MARIJUANA TREATMENT CENTER”, “MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY” AND “PHARMACY”, BY AMENDING ARTICLE VIII, SECTION 34-343 TO ADD “MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY” AND “PHARMACY” TO THE LIST OF PERMITTED USES IN THE COMMERCIAL GENERAL: C-2 ZONING DISTRICT, BY AMENDING SECTIONS 34-342 AND 34-345 TO ADD “MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY” AND “PHARMACY” TO THE LIST OF CONDITIONAL USES IN COMMERCIAL LIMITED: C-1 AND CENTRAL BUSINESS DISTRICT: CBD ZONING DISTRICTS, BY AMENDING ARTICLE VIII SUPPLEMENTAL STANDARDS, DIVISION 2, TO CREATE A NEW SECTION 34-408 MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES FOR THE INCORPORATED AREA OF THE CITY, AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE:

WHEREAS, the City of Jacksonville Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 & 166, Florida Statutes; and Section 381.986, Florida Statutes; and

WHEREAS, the voters of Florida and the City of Jacksonville Beach approved Amendment 2 titled “Use of Marijuana for Debilitating Medical Conditions” in November 2016, authorizing the use of medical marijuana in the State of Florida; and

WHEREAS, the Florida legislature passed Senate Bill 8-A in reponse to Amendment 2, which governs the licensure and application process for the growth, processing, administering and dispensing of qualifying medical marijuana products in the State of Florida; and

WHEREAS, the State has provided local jurisdictions with the option to allow medical marijuana treatment center dispensing facilities within their jurisdictional boundaries regulated no more stringently than pharmacies, or to ban them altogether; and

WHEREAS, the City has conducted public meetings regarding Medical Marijuana Treatment Center Dispensing Facilities before the Planning Commission and the City Council where residents and interested persons were given an opportunity to be heard; and

WHEREAS, the City recognizes the desire of its voters to have access to medical marijuana to treat debilitating medical conditions; and

WHEREAS, the Jacksonville Beach Planning Commission, after notice and public hearing, has considered the ordinance permitting the operation of Medical Marijuana Treatment Center Dispensing Facilities and has presented its recommendation to the City Council;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. Recitals. The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted as legislative findings.

SECTION 2. Amendment of City Code. That Article IV. Definitions is hereby amended to add definitions, in proper alphabetical order, new definitions for *Medical Marijuana Treatment Center* and *Medical Marijuana Treatment Center Dispensing Facility*, and *Pharmacy* as follows¹:

Section 34-41. General

Medical Marijuana Treatment Center means a facility licensed by the Florida Department of Health that can cultivate, process, transport, or dispense marijuana or marijuana related products.

Medical Marijuana Treatment Center Dispensing Facility means a facility or business operated by a Medical Marijuana Treatment Center (MMTC), or other organization or business holding all necessary state licenses and permits and where marijuana and products derived therefrom are dispensed at retail in accordance with all other applicable local, state and federal laws.

Pharmacy means a retail store where prescription and other medicines and related products are dispensed and sold retail as the principal use, and where the retail sale of other miscellaneous goods may also be permitted.

SECTION 3. That Article VII, Section 34-342 of the City of Jacksonville Beach Code of Ordinances or Land Development Code is hereby amended to add the following provisions:

Section 34-342. Commercial Limited: C-1.

(b) Permitted uses.

(6) Retail trade establishments as follows: Building materials, hardware and garden supplies; general merchandise; food; apparel and accessories; home furniture, furnishing and equipment stores; non-prescription drugs; used merchandise; miscellaneous shopping

¹ (~~strike through~~ text indicates deletions, underline text indicates additions).

goods; fuel dealers; florists; tobacco and newsstands; optical goods; and miscellaneous retail goods.

(d) Conditional uses.

(22) Pharmacy

(23) Medical Marijuana Treatment Center Dispensing Facilities

SECTION 4. That Article VII, Section 34-343 of the City of Jacksonville Beach Code of Ordinances or Land Development Code is hereby amended to add the following provisions:

Section 34-343 Commercial General: C-2.

(b) Permitted uses.

(10) Retail trade establishments as follows: Building materials, hardware and garden supplies; general merchandise; food; motor vehicle dealers, new and/or used; auto and home supply stores; gasoline service stations; and boat, recreational vehicle and motorcycle dealers; apparel and accessories; home furniture, furnishing and equipment stores; non-prescription drugs; used merchandise; miscellaneous shopping goods; fuel dealers; florists; tobacco and newsstands; optical goods; and miscellaneous retail goods.

(31) Pharmacy

(32) Medical Marijuana Treatment Center Dispensing Facilities

SECTION 5. That Article VII Section 34-345 of the City of Jacksonville Beach Code of Ordinances or Land Development Code is hereby amended to add the following provisions:

Section 34-345 Central business district: CBD.

(b) Permitted uses.

(4) Retail trade establishments as follows: Building materials, hardware and garden supplies; general merchandise stores; apparel and accessory stores; home furniture, furnishing and equipment stores; restaurants; non-prescription drugs stores; florists; tobacco stands and newsstands; optical goods stores; and miscellaneous retail goods.

(d) Conditional uses.

(10) Pharmacy

(11) Medical Marijuana Treatment Center Dispensing Facilities

SECTION 6. That Article VIII, Section 34-408 is hereby added to the City of Jacksonville Beach Code of Ordinances or Land Development Code and is hereby amended to add the following new provisions:

Section 34-408 – Medical Marijuana Treatment Center Dispensing Facilities and Pharmacies.

a) Medical Marijuana Treatment Center Dispensing Facilities

- 1) Proximity. A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises another medical marijuana treatment center dispensing facility, or a public or private elementary school, middle school, or secondary school, pursuant to Florida Statutes 381.986 (11)(c).
- 2) Hours of Operation. A medical marijuana treatment center dispensing facility may not operate between the hours of 9:00 pm and 7:00 am, as set forth in Florida Statute 381.986 (8)(f)(4)

b) Pharmacies

- 1) Hours of Operation. A pharmacy may not operate between the hours of 9:00 pm and 7:00 am.
- 2) A pharmacy operating legally before the date of adoption is exempt from complying from the above restriction related to hours of operation.

SECTION 7. That this ordinance shall take effect upon its adoption by the City Council.

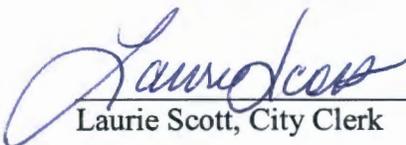
SECTION 8. That if any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 9. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered into by the City or any of its officials and that are in conflict with this ordinance are repealed to the extent inconsistent herewith.

AUTHENTICATED THIS 19th **DAY OF** February, A.D., 2018.



William C. Latham, Mayor



Laurie Scott, City Clerk