

Introduced by: Council Member Chris Hoffman

1st Reading: July 15, 2019

2nd Reading: August 5, 2019

ORDINANCE NO. 2019-8123

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING ARTICLE VIII. SUPPLEMENTAL STANDARDS, DIVISION 2, SECTION 34-408 MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES, AMENDING THE PROXIMITY REQUIREMENTS TO COMPLY WITH 381.986, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR 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 Florida Legislature has preempted the regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers; and

WHEREAS, Section 381.986(11) further provides that “[a] county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality,” and that “[e]xcept as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465”; and

WHEREAS, the City wishes to comply with the requirements of Florida Statutes 381.986 and regulate medical marijuana treatment center dispensing facilities no more stringently than pharmacies; and

WHEREAS, the City finds that this Ordinance is in the interests of the public health, safety, and welfare.

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

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 Section 34-408, Division 2, of Article VIII of the City of Jacksonville Beach Code or Ordinances or Land Development Code is hereby amended, and shall read as follows¹:

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 five hundred (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 p.m. and 7:00 a.m., 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 p.m. and 7:00 a.m.

(2) [Exemption.] A pharmacy operating legally before the date of adoption is exempt from complying from the above restriction related to hours of operation.

SECTION 3. If any provision of this Ordinance or any particular application of this Ordinance shall be held invalid by any Court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases shall remain in effect.

SECTION 4. All other ordinances, parts of ordinances, or resolutions in conflict with this Ordinance are, to the extent the same may be in conflict, repealed.

SECTION 5. Codification of this Ordinance in the Code of Ordinances of the City of Jacksonville Beach is hereby authorized and directed.

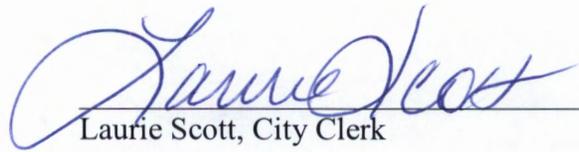
¹ (~~strikethrough~~ text indicates deletions, underline text indicates additions).

SECTION 6. This ordinance shall take effect upon its adoption by the City Council.

AUTHENTICATED THIS 5th **DAY OF** August, A.D., 2019.



William C. Latham, Mayor



Laurie Scott, City Clerk