

LEGISLATIVE #

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ORDINANCE NO. 150395

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to allow Medical Marijuana Dispensaries, as defined in this ordinance, as a permitted use in certain zoning districts; by amending Section 30-23 to add definitions; by amending the following zoning districts to add Medical Marijuana Dispensaries as a permitted use by right: Office Residential District (OR), General Office District (OF), General Business District (BUS), Mixed-Use Low Intensity District (MU-1), Mixed-Use Medium Intensity District (MU-2), Urban Mixed-Use District 1 (UMU-1), Urban Mixed-Use District 2 (UMU-2), Central City District (CCD), Medical Services District (MD), and Corporate Park District (CP); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, in 2014 the Legislature of the State of Florida enacted the “Compassionate Medical Cannabis Act of 2014” (codified in Section 381.986, Florida Statutes), which authorizes physicians licensed under Chapter 458 or Chapter 459 of the Florida Statutes to order low-THC cannabis for specified patients; and

WHEREAS, amongst other restrictions, the Compassionate Medical Cannabis Act of 2014 provides that a physician may only order low-THC cannabis for a patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms and only if no other satisfactory alternative treatment options exist for that patient; and

WHEREAS, in accordance with the Compassionate Medical Cannabis Act of 2014, Florida Statutes and Chapter 64-4 of the Florida Administrative Code, the City has the authority to provide zoning regulations for the dispensing of low-THC cannabis permissible under the Act; and

1 **WHEREAS**, the City desires to allow within certain zoning districts the dispensing of
 2 low-THC cannabis strictly in accordance with and as limited by the Compassionate Medical
 3 Cannabis Act of 2014, as codified in the Florida Statutes and regulated by the Department of
 4 Health in Chapter 64-4 of the Florida Administrative Code; and

5 **WHEREAS**, notice was given as required by law that the text of the Code of Ordinances
 6 of the City of Gainesville, Florida, be amended; and

7 **WHEREAS**, on September 24, 2015, a public hearing was held by the City Plan Board,
 8 which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it
 9 voted to recommend that the City Commission adopt this ordinance; and

10 **WHEREAS**, an advertisement no less than two columns wide by 10 inches long was
 11 placed in a newspaper of general circulation and provided the public with at least seven (7) days'
 12 advance notice of this ordinance's first public hearing to be held by the City Commission in the
 13 City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and

14 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long
 15 was placed in the aforesaid newspaper and provided the public with at least five (5) days'
 16 advance notice of this ordinance's second public hearing to be held by the City Commission in
 17 the City Hall Auditorium; and

18 **WHEREAS**, public hearings were held pursuant to the notice described above at which
 19 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

20 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
 21 **CITY OF GAINESVILLE, FLORIDA:**

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1 **Section 1.** Subsection 30-23(c) of the Land Development Code is amended to add the
 2 following definitions. Except as amended herein, the remainder of Subsection 30-23(c) remains
 3 in full force in effect.

4 **Sec. 30-23(c). - Definitions.**

5 Low-THC cannabis means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8
 6 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for
 7 weight; the seeds thereof; the resin extracted from any part of such plant; or any compound,
 8 manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is
 9 dispensed only from a medical marijuana dispensary (as defined in this code).

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 11 Medical marijuana dispensary means a dispensary organization approved by the Florida
 12 Department of Health pursuant to and in accordance with to the regulations of the
 13 “Compassionate Medical Cannabis Act of 2014” (codified in Section 381.986, Florida Statutes)
 14 to cultivate, process, and dispense low-THC cannabis for medical use to Florida residents who
 15 have been added to the state compassionate use registry by a physician licensed under Chapter
 16 458 or Chapter 459, Florida Statutes, because the patient is suffering from cancer or a physical
 17 medical condition that chronically produces symptoms of seizures or severe and persistent
 18 muscle spasms with no other satisfactory alternative treatment options.

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 21 **Section 2.** Subsection 30-59(c) of the Land Development Code is amended to add
 22 Medical Marijuana Dispensaries as a permitted use. Except as amended herein, the remainder of
 23 Subsection 30-59(c) remains in full force and effect.

24 **Sec. 30-59. – Office districts (OR and OF).**

25 (c) *Permitted uses, OR district (office residential district).*

SIC	Use	Conditions
	USES BY RIGHT:	
	<u>Medical marijuana dispensaries</u>	<u>Only when accessory to and in the same building as health services or offices of physicians, dentists and other health practitioners</u>

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1 **Section 3.** Subsection 30-59(e) of the Land Development Code is amended to add
 2 Medical Marijuana Dispensaries as a permitted use. Except as amended herein, the remainder of
 3 Subsection 30-59(e) remains in full force and effect.

4 **Sec. 30-59. – Office districts (OR and OF).**

5 (e) *Permitted uses, OF (general office district).*

SIC	Use	Conditions
	USES BY RIGHT:	
	<u>Medical marijuana dispensaries</u>	<u>Only when accessory to and in the same building as health services or offices of physicians, dentists and other health practitioners</u>

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 7 **Section 4.** Subsection 30-61(c) of the Land Development Code is amended to add
 8 Medical Marijuana Dispensaries as a permitted use. Except as amended herein, the remainder of
 9 Subsection 30-61(c) remains in full force and effect.

10 **Sec. 30-61. – General business district (BUS).**

11 (c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<u>Medical marijuana dispensaries</u>	

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1 **Section 5.** Subsection 30-64(g) of the Land Development Code is amended to add
 2 Medical Marijuana Dispensaries as a permitted use. Except as amended herein, the remainder of
 3 Subsection 30-64(g) remains in full force and effect.

4 **Sec. 30-64. – Mixed use low intensity district (MU-1).**

5 (g) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<u>Medical marijuana dispensaries</u>	

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 7 **Section 6.** Subsection 30-65(e) of the Land Development Code is amended to add
 8 Medical Marijuana Dispensaries as a permitted use. Except as amended herein, the remainder of
 9 Subsection 30-65(e) remains in full force and effect.

10 **Sec. 30-65. – Mixed use medium intensity district (MU-2).**

11 (e) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<u>Medical marijuana dispensaries</u>	

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 13 **Section 7.** Subsection 30-65.1(c) of the Land Development Code is amended to add
 14 Medical Marijuana Dispensaries as a permitted use. Except as amended herein, the remainder of
 15 Subsection 30-65.1(c) remains in full force and effect.

16 **Sec. 30-65.1. – Urban mixed-use district 1 (UMU-1).**

1 (c) *Permitted uses.*

SIC	Uses	Conditions
	<u>Medical marijuana dispensaries</u>	

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3 **Section 8.** Subsection 30-65.2(c) of the Land Development Code is amended to add
4 Medical Marijuana Dispensaries as a permitted use. Except as amended herein, the remainder of
5 Subsection 30-65.2(c) remains in full force and effect.

6 **Sec. 30-65.2. – Urban mixed-use district 2 (UMU-2).**

7 (c) *Uses.*

8 (1) Permitted uses by right are as follows:

SIC	Uses	Conditions
	<u>Medical marijuana dispensaries</u>	

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11 **Section 9.** Subsection 30-66(c) of the Land Development Code is amended to add
12 Medical Marijuana Dispensaries as a permitted use. Except as amended herein, the remainder of
13 Subsection 30-66(c) remains in full force and effect.

14 **Sec. 30-66. – Central city district (CCD).**

15 (c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<u>Medical marijuana dispensaries</u>	

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1 **Section 10.** Subsection 30-74(c) of the Land Development Code is amended to add
 2 Medical Marijuana Dispensaries as a permitted use. Except as amended herein, the remainder of
 3 Subsection 30-74(c) remains in full force and effect.

4 **Sec. 30-74. – Medical services district (MD).**

5 (c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<u>Medical marijuana dispensaries</u>	

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8 **Section 11.** Subsection 30-78(c)(1) of the Land Development Code is amended to add
 9 Medical Marijuana Dispensaries as a permitted use. Except as amended herein, the remainder of
 10 Subsection 30-78(c)(1) remains in full force and effect.

11 **Sec. 30-78. – Corporate park district (CP).**

12 (c) *Permitted uses.*

13 (1) *Uses by right:*

SIC	Uses	Conditions
	<u>Medical marijuana dispensaries</u>	<u>Accessory to and in the same building as health services and comprising less than 25 percent of the gross floor area of the building</u>

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16 **Section 12.** It is the intent of the City Commission that the provisions of Sections 1
 17 through 11 of this ordinance shall become and be made a part of the Code of Ordinances of the
 18 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be
 19 renumbered or relettered in order to accomplish such intent.

1 **Section 13.** If any word, phrase, clause, paragraph, section or provision of this ordinance
 2 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
 3 finding shall not affect the other provisions or applications of this ordinance that can be given
 4 effect without the invalid or unconstitutional provision or application, and to this end the
 5 provisions of this ordinance are declared severable.

6 **Section 14.** All ordinances or parts of ordinances in conflict herewith are to the extent of
 7 such conflict hereby repealed.

8 **Section 15.** This ordinance shall become effective immediately upon adoption.

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10 **PASSED AND ADOPTED** this _____ day of _____, 2015.

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 EDWARD B. BRADDY
 MAYOR

Attest:

Approved as to form and legality:

 KURT M. LANNON
 CLERK OF THE COMMISSION

 NICOLLE M. SHALLEY
 CITY ATTORNEY

25 This ordinance passed on first reading this ____ day of _____, 2015.

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27 This ordinance passed on second reading this ____ day of _____, 2015.