



Legislation Text

File #: 150395., **Version:** 3

DEFINING AND ALLOWING MEDICAL MARIJUANA DISPENSARIES IN CERTAIN ZONING DISTRICTS (B)

Ordinance No. 150395, Petition PB-15-80 TCH

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.

The City Commission adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance will amend the Land Development Code to define and allow "Medical Marijuana Dispensaries" in certain zoning districts. 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. 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. "Low-THC Cannabis," as defined in this ordinance in accordance with the Compassionate Medical Cannabis Act of 2014, means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight.

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. This ordinance will allow within certain zoning districts the dispensing of low-THC cannabis strictly in accordance with and as limited by the Compassionate Medical Cannabis Act of 2014.

The City Plan Board on September 24, 2015, held a public hearing and voted to recommend adoption of this ordinance.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective immediately upon adoption at second reading.