

ORDINANCE 2017 \_\_\_\_\_

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADDING DEFINITIONS OF MEDICAL MARIJUANA TREATMENT CENTER AND MEDICAL MARIJUANA DISPENSING ORGANIZATION, AND ENACTING A ONE YEAR MORATORIUM UPON THE ACCEPTANCE OF ZONING APPLICATIONS AND ALL APPLICABLE REQUESTS FOR ZONING APPROVALS FOR MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA DISPENSING ORGANIZATIONS WITHIN UNINCORPORATED PALM BEACH COUNTY, BY AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS**; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 4 – USE REGULATIONS**; CHAPTER B, USE CLASSIFICATION; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

**WHEREAS**, on November 8, 2016, Florida voters approved an amendment to the Florida Constitution entitled “Use of Marijuana for Debilitating Medical Conditions” (“Amendment 2”); and

**WHEREAS**, Amendment 2 legalizes the medically certified use of marijuana throughout the State of Florida and authorizes the cultivation, processing, distribution, and sale of marijuana, and related activities, by licensed “Medical Marijuana Treatment Centers;” and

**WHEREAS**, in 2014, the Florida Legislature enacted a separate but significantly more narrow medical marijuana law, the “Compassionate Medical Cannabis Act of 2014,” codified in Section 381.986, *Florida Statutes*, which authorizes a limited number of nurseries to cultivate, process, and dispense low-THC cannabis to qualified patients and operate as “dispensing organizations;” and

**WHEREAS**, Chapter 64-4 “Compassionate Use” of the Florida Administrative Code has been enacted by the Florida Department of Health with regard to the requirements for dispensing organizations, including procedures for application, review, approval, inspection, and authorization of dispensing organizations; and

**WHEREAS**, due to the historical prohibition of marijuana, Palm Beach County 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 not permissible within the unincorporated area; and

**WHEREAS**, in order to promote effective development regulation pursuant to Amendment 2, or if a dispensing organization, as authorized under the Compassionate Medical Cannabis Act of 2014, should seek to operate within the unincorporated area of Palm Beach County, the Board of County Commissioners (BCC) wishes to preserve the status quo while researching, studying, and analyzing the potential impact of Medical

1 Marijuana Treatment Centers and dispensing organizations upon adjacent uses and the  
2 surrounding area, the effect of Medical Marijuana Treatment Centers and dispensing  
3 organizations on traffic, congestion, surrounding property values, demand for county  
4 services, and other aspects of the general welfare; and

5 **WHEREAS**, the BCC finds that a temporary moratorium on the operation of Medical  
6 Marijuana Treatment Centers and dispensing organizations will allow Palm Beach County a  
7 sufficient period of time to determine what uses are best-suited to particular zoning  
8 categories and how best to formulate land development regulations that appropriately govern  
9 the use of real property for purposes of cultivating, processing, distributing, or selling  
10 marijuana, or related activities; and

11 **WHEREAS**, it is in the best interests of the citizens of Palm Beach County that the  
12 County consider administrative rules implementing the constitutional amendment that  
13 Amendment 2 directs be prepared by the Florida Department of Health and legislation that  
14 may be approved by the Florida Legislature during the 2017 legislative session regulating  
15 medical marijuana before adopting local development regulations; and

16 **WHEREAS**, the BCC hereby elects to conduct its public hearings on this Ordinance  
17 at 9:30 a.m.; and

18 **WHEREAS**, the BCC has conducted public hearings to consider these amendments  
19 to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida  
20 Statutes; and

21

22 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS**  
23 **OF PALM BEACH COUNTY, FLORIDA, as follows:**

24 **Section 1. Adoption**

25 The amendments set forth in Exhibit A, attached hereto and made a part hereof, are  
26 hereby adopted.

27 **Section 2. Interpretation of Captions**

28 All headings of articles, sections, paragraphs, and sub-paragraphs used in this  
29 Ordinance are intended for the convenience of usage only and have no effect on  
30 interpretation.

31 **Section 3. Providing for Repeal of Laws in Conflict**

32 All local laws and ordinances in conflict with any provisions of this Ordinance are  
33 hereby repealed to the extent of such conflict.

1           **Section 4. Severability**

2           If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other  
3 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,  
4 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this  
5 Ordinance.

6           **Section 5. Providing for a Savings Clause**

7           All development orders, permits, enforcement orders, ongoing enforcement actions,  
8 and all other actions of the Board of County Commissioners, the Zoning Commission, the  
9 Development Review Officer, Enforcement Boards, all other County decision-making and  
10 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued  
11 pursuant to the regulations and procedures established prior to the effective date of this  
12 Ordinance shall remain in full force and effect.

13           **Section 6. Inclusion in the Unified Land Development Code**

14           The provisions of this Ordinance shall be codified in the Unified Land Development  
15 Code and may be reorganized, renumbered or re-lettered to effectuate the codification of this  
16 Ordinance.

17           **Section 7. Providing for an Effective Date**

18           The provisions of this Ordinance shall become effective upon filing with the  
19 Department of State.

20  
21           **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach  
22 County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

23  
SHARON R. BOCK, CLERK &  
COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY  
ITS BOARD OF COUNTY  
COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Paulette Burdick, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

24  
25           **EFFECTIVE DATE:** Filed with the Department of State on the \_\_\_\_\_ day of  
26 \_\_\_\_\_, 20\_\_\_\_.  
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# EXHIBIT A

## MEDICAL MARIJUANA SUMMARY OF AMENDMENTS (Updated 12/16/16)

1  
2 Part 1. ULDC, Articles 1.I.2.M.32 [Related to Definitions] (pages 76 of 110), is hereby amended  
3 as follows:  
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### 5 CHAPTER I DEFINITIONS & ACRONYMS

#### 6 Section 2 Definitions

7 M. Terms defined herein or referenced in this Article shall have the following meanings:  
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10 ~~....~~  
11 32. Medical Marijuana Treatment Center – means an entity that acquires, cultivates,  
12 possesses, processes (including development of related products such as food, tinctures,  
13 aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers  
14 marijuana, products containing marijuana, related supplies, or educational materials to  
15 qualifying patients or their professional caregivers, and is registered by the Florida  
16 Department of Health.

17 33. Medical Marijuana Dispensing Organization – means an organization approved by the  
18 Florida Department of Health to cultivate, process, and dispense low-THC cannabis or  
19 medical cannabis pursuant to Fla. Stat. § 381.986.

20 [Renumber Accordingly]

21  
22 Part 2. New ULDC Article 4.B.2.D, Medical Marijuana Moratorium, is hereby established as  
23 follows:  
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### 25 CHAPTER B USE CLASSIFICATION

#### 26 Section 2 Commercial Uses

#### 27 D. Medical Marijuana Moratorium

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29 1. The Board of County Commissioners of Palm Beach County does hereby impose a  
30 moratorium beginning on the effective date of this ordinance, upon the acceptance of zoning  
31 applications and all applicable requests for zoning approval for Medical Marijuana Treatment  
32 Centers and Medical Marijuana Dispensing Organizations in unincorporated Palm Beach  
33 County. While the moratorium is in effect the County shall not accept, process or approve any  
34 application relating to the zoning approval of a Medical Marijuana Treatment Center or  
35 Medical Marijuana Dispensing Organization. This moratorium does not prohibit the medical  
36 use of marijuana, low THC cannabis or medical cannabis by a qualifying patient as  
37 determined by a licensed Florida physician, pursuant to Amendment 2, Sec. 381.986, Fla.  
38 Stat., or other Florida law.

39 2. This Ordinance shall expire upon the earlier of the following: one year from the effective date  
40 of this ordinance or upon the effective date of Unified Land Development Code amendments  
41 dealing with Medical Marijuana Treatment Centers and Medical Marijuana Dispensing  
42 Organizations.  
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#### Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to: ].

*Italicized* indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ].

.... A series of four bolded ellipses indicates language omitted to save space.