

1 **ORDINANCE 2017** _____

2 AN ORDINANCE OF THE BOARD OF COUNTY
3 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,
4 ADDING DEFINITIONS OF MEDICAL MARIJUANA TREATMENT
5 CENTER AND MEDICAL MARIJUANA DISPENSING
6 ORGANIZATION, AND ENACTING A ONE YEAR MORATORIUM
7 UPON THE ACCEPTANCE OF ZONING APPLICATIONS AND
8 ALL APPLICABLE REQUESTS FOR ZONING APPROVALS FOR
9 MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL
10 MARIJUANA DISPENSING ORGANIZATIONS WITHIN
11 UNINCORPORATED PALM BEACH COUNTY, BY AMENDING
12 THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-
13 067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL**
14 **PROVISIONS**; CHAPTER I, DEFINITIONS AND ACRONYMS;
15 **ARTICLE 4 – USE REGULATIONS**; CHAPTER B, USE
16 CLASSIFICATION; PROVIDING FOR: INTERPRETATION OF
17 CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A
18 SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND
19 DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

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

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

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

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

36 **WHEREAS**, due to the historical prohibition of marijuana, Palm Beach County does
37 not currently have any land development regulations governing the use of real property for
38 the purposes of cultivating, processing, distributing, or selling marijuana, or related activities,
39 and such uses are not permissible within the unincorporated area; and

40 **WHEREAS**, in order to promote effective development regulation pursuant to
41 Amendment 2, or if a dispensing organization, as authorized under the Compassionate
42 Medical Cannabis Act of 2014, should seek to operate within the unincorporated area of
43 Palm Beach County, the Board of County Commissioners (BCC) wishes to preserve the
44 status quo while researching, studying, and analyzing the potential impact of Medical
45 Marijuana Treatment Centers and dispensing organizations upon adjacent uses and the
46 surrounding area, the effect of Medical Marijuana Treatment Centers and dispensing
47 organizations on traffic, congestion, surrounding property values, demand for county
48 services, and other aspects of the general welfare; and

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

55 **WHEREAS**, it is in the best interests of the citizens of Palm Beach County that the
56 County consider administrative rules implementing the constitutional amendment that
57 Amendment 2 directs be prepared by the Florida Department of Health and legislation that

1 may be approved by the Florida Legislature during the 2017 legislative session regulating
2 medical marijuana before adopting local development regulations; and

3 **WHEREAS**, the BCC hereby elects to conduct its public hearings on this Ordinance at
4 9:30 a.m.; and

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

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

10 **Section 1. Adoption**

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

13 **Section 2. Interpretation of Captions**

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

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

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

20 **Section 4. Severability**

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

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

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

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

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

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

37 The provisions of this Ordinance shall become effective upon filing with the
38 Department of State.

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1 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
2 County, Florida, on this the _____ day of _____, 2017.

SHARON R. BOCK, CLERK & PALM BEACH COUNTY, FLORIDA, BY
COMPTROLLER ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Paulette Burdick, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

EFFECTIVE DATE: Filed with the Department of State on the _____ day of
_____, 2017.

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EXHIBIT X

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

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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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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.