

1           **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
2 ORLANDO, FLORIDA, RELATING TO MEDICAL MARIJUANA  
3 DISPENSARIES; AMENDING CHAPTER 58, ORLANDO CITY  
4 CODE, TO PROVIDE ZONING REGULATIONS FOR MEDICAL  
5 MARIJUANA DISPENSARIES; PROVIDING A CAP ON THE  
6 NUMBER OF DISPENSARIES, SPECIAL USE SEPARATION  
7 REGULATIONS, AND SPECIAL OPERATIONAL  
8 REGULATIONS; FURTHER PROVIDING DEFINITIONS, FOR  
9 THE GRANDFATHERING OF CERTAIN EXISTING  
10 NONCONFORMITIES, AND THE TERMINATION OF THE  
11 TEMPORARY MORATORIUM ON MEDICAL MARIJUANA  
12 DISPENSARIES; PROVIDING LEGISLATIVE FINDINGS, AND  
13 FOR SEVERABILITY, CODIFICATION, CORRECTION OF  
14 SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

15           **WHEREAS**, section 163.3202(1), Florida Statutes, requires that the city of  
16 Orlando, Florida (the "city"), adopt or amend and enforce land development regulations  
17 that are consistent with and implement the city's adopted comprehensive plan; and

18           **WHEREAS**, section 163.3202(3), Florida Statutes, encourages the use of  
19 innovative land development regulations and requires that all land development  
20 regulations be combined into a single land development code for the city; and

21           **WHEREAS**, from time to time, amendments and revisions to the city's adopted  
22 comprehensive plan (the "Growth Management Plan"), progress in the field of planning  
23 and zoning, or changes to state law make it necessary or desirable to amend the land  
24 development regulations of the city; and

25           **WHEREAS**, at its regularly scheduled meeting of April 18, 2017, the Municipal  
26 Planning Board recommended to the City Council of the City of Orlando, Florida (the  
27 "Orlando City Council"), that the provisions of this ordinance are consistent with the  
28 applicable provisions of the city's adopted Growth Management Plan, are in the best  
29 interest of the public health, safety, and welfare, are in harmony with the purpose and  
30 intent of the Land Development Code of the City of Orlando, Florida (the "Land  
31 Development Code"), will not result in disorderly and illogical development patterns, and  
32 will not result in incompatible land uses; and

33           **WHEREAS**, the Orlando City Council hereby finds and determines that this  
34 ordinance is consistent with the applicable provisions of the city's adopted Growth  
35 Management Plan, is in the best interest of the public health, safety, and welfare, is in  
36 harmony with the purpose and intent of the city's Land Development Code, will not result  
37 in disorderly and illogical development patterns, and will not result in incompatible land  
38 uses; and

39           **WHEREAS**, section 381.986(8), Florida Statutes, provides that "[a] municipality  
40 may determine by ordinance the criteria for the number and location of, and other

47 permitting requirements that do not conflict with state law or department rule for,  
48 dispensing facilities of dispensing organizations located within its municipal  
49 boundaries..."; and

50  
51       **WHEREAS**, the Orlando City Council hereby finds that the land development  
52 regulations of this ordinance reasonably balance the needs of patients seeking medical  
53 products with the legitimate public interests in mitigating and limiting the potential  
54 negative secondary land use effects of medical marijuana dispensaries; and

55  
56       **WHEREAS**, the Orlando City Council hereby finds and declares that this  
57 ordinance is in the best interest of the public health, safety, and welfare; and

58  
59       **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY  
60 OF ORLANDO, FLORIDA, AS FOLLOWS:**

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62       **SECTION 1. PART 4R(2), CHAPTER 58, CREATED.** Part 4R(2), Chapter 58,  
63 Code of the City of Orlando, Florida, is hereby created to read as follows:

64  
65       **4R(2) – MEDICAL MARIJUANA DISPENSARIES**

66  
67       **Sec. 58.873. General Requirements.**

68  
69       (a) Zoning use. For purposes of the Land Development Code, including the  
70 tables of allowable, prohibited, and conditional uses (Figures 2A.LDC – 2D.LDC,  
71 Chapter 58, Orlando City Code), medical marijuana dispensaries are hereby categorized  
72 as a light retailing use as defined in section 66.200, Orlando City Code. In the Southeast  
73 Orlando Sector Plan area, medical marijuana dispensaries must comply with the land  
74 development regulations applicable to the Village Center land use category.

75  
76       (b) Cultivation and processing. Medical marijuana cultivation facilities and  
77 medical marijuana processing facilities are hereby prohibited in the City.

78  
79       (c) Dispensaries. Medical marijuana dispensaries are hereby prohibited in  
80 the City unless the dispensary is approved by the Florida Department of Health pursuant  
81 to applicable state laws and regulations.

82  
83       (d) Cap on dispensaries. Only seven medical marijuana dispensaries are  
84 allowed in the City, without regard for the number of dispensing organizations approved  
85 by the State of Florida. As of the effective date of this Part, there are seven state-  
86 approved dispensing organizations, and each of them may have one dispensary in the  
87 City.

88  
89       **Sec. 58.874. Special Location Regulations**

90  
91       (a) Use separations. In addition to complying with the land development  
92 regulations of the table of allowable, prohibited, and conditional uses, medical marijuana  
93 dispensaries are prohibited within:

95           1. 200' of a residential zoning district; and  
 96           2. 200' of a residential land use in the Southeast Orlando Sector  
 97           Plan area; and

100           3. 1,000' of a religious institution; and  
 101           4. 1,000' of a school; and  
 102           5. 1,000' of a park; and  
 103           6. 1,000' of a child day care center; and  
 104           7. 1,000' of a treatment and recovery facility; and  
 105           8. 5,280' of another medical marijuana dispensary.

111           (b) Hospital exception. Notwithstanding subsection 58.874(a), medical  
 112           marijuana dispensaries may locate, operate, and undertake substantial improvements  
 113           and enlargements if the dispensary is an accessory use to a hospital with at least 100  
 114           beds. To be an "accessory use" for purposes of this subsection, the dispensary must be  
 115           located within the hospital or on land owned or operated by the hospital (or a closely-  
 116           related corporate entity) and within 1,000' of the parcel of land on which the hospital is  
 117           located.

119           (c) Neighboring jurisdictions. The use separation regulations of subsection  
 120           58.874(a) apply only to such uses located in the City of Orlando, except that medical  
 121           marijuana dispensaries in the City are prohibited within 200' of a residential zoning  
 122           district located in unincorporated Orange County or a neighboring municipality and within  
 123           5,280' of another medical marijuana dispensary located in unincorporated Orange  
 124           County or a neighboring municipality. The planning official or permitting official should,  
 125           upon receipt of any application proposing a medical marijuana dispensary within 1,000'  
 126           of unincorporated Orange County or a neighboring municipality, provide written notice of  
 127           the application to the planning or permitting official of the applicable neighboring  
 128           jurisdiction. This notice is a courtesy notice and failure to make such notice shall not  
 129           invalidate any approvals issued by the City.

131           (d) Method of measuring distance. For the purposes of this Part, distance  
 132           shall be measured by the shortest, straight line between property or district boundaries.

### 135           **Sec. 58.875. Special Operational Regulations**

136           (a) Security system. To ensure the safety and security of medical marijuana  
 137           dispensaries, and to maintain adequate controls against the diversion, theft, and loss of  
 138           low-THC cannabis, medical cannabis, and cannabis delivery devices, section 381.986,  
 139           Florida Statutes, and Chapter 64-4, Florida Administrative Code, require dispensing  
 140           organizations to implement and maintain specified security systems and techniques. The  
 141           security plan approved by the Florida Department of Health for the dispensary must be  
 142           filed with the police chief before the dispensary opens for business and any changes to  
 143           the security plan must be filed with the police chief within seven days of approval by the

145 Florida Department of Health. It is unlawful and a violation of this subsection to operate,  
146 own, or control a medical marijuana dispensary except in compliance with the applicable  
147 security plan approved by the Florida Department of Health.

148  
149 (b) *Site plan and appearance approval.* Before a certificate of occupancy or  
150 certificate of completion is issued by the permitting official (whichever is applicable, and  
151 if neither are applicable then before the dispensary opens for business) for a medical  
152 marijuana dispensary, the dispensary must be reviewed and approved by planning  
153 official determination. The planning official determination must review and approve the  
154 proposed site for zoning use compliance, for compliance with applicable site  
155 development standards (including parking and pedestrian and automobile circulation),  
156 and for compliance with applicable appearance and architectural standards (including  
157 signs).

158  
159 (c) *Outdoor lighting.* Medical marijuana dispensaries are hereby made  
160 exempt from Part 2M, Chapter 63, Orlando City Code, but only to the extent minimally  
161 necessary to achieve compliance with state laws and regulations relating to sufficient  
162 outdoor lighting.

163  
164 (d) *Hours of operation.* Medical marijuana dispensaries may not dispense  
165 low-THC cannabis, medical cannabis, or cannabis delivery devices between the hours of  
166 7:00 p.m. and 8:00 a.m. This subsection applies only to the onsite dispensing of low-  
167 THC cannabis, medical cannabis, or cannabis delivery devices, and does not purport to  
168 regulate the delivery of low-THC cannabis, medical cannabis, or cannabis delivery  
169 devices, nor does this subsection prohibit the use of the dispensary between the hours  
170 of 7:00 p.m. and 8:00 a.m. for business purposes other than the dispensing of low-THC  
171 cannabis, medical cannabis, or cannabis delivery devices.

172  
173 (e) *Drive-in facilities prohibited.* Drive-in facilities are prohibited at medical  
174 marijuana dispensaries.

175  
**Sec. 58.876. Definitions**

176 For the purposes of this Part, the following words, terms, and phrases (and their  
177 derivations) have the meanings provided hereinafter, except where the context clearly  
178 requires otherwise.

179 (a) “Cannabis delivery device” has the same meaning provided at section  
180 381.986(1)(a), Florida Statutes.

181 (b) “Dispensing organization” has the same meaning provided at section  
182 381.986(1)(b), Florida Statutes.

183 (c) “Low-THC cannabis” has the same meaning provided at section  
184 381.986(1)(e), Florida Statutes.

185 (d) “Medical cannabis” has the same meaning provided at section  
186 381.986(1)(f), Florida Statutes.

194                   (e)     “Medical marijuana cultivation facility” has the same meaning as  
195     “cultivation facility” as provided at Rule 64-4.001(11)(a), Florida Administrative Code,  
196     and includes any area approved by the Florida Department of Health for the cultivation of  
197     medical cannabis.

198                   (f)     “Medical marijuana processing facility” has the same meaning as  
199     “processing facility” as provided at Rule 64-4.001(11)(b), Florida Administrative Code,  
200     and includes any area approved by the Florida Department of Health for the processing  
201     of medical cannabis.

202                   (g)     “Medical marijuana dispensary” has the same meaning as “dispensing  
203     facility” as provided at Rule 64-4.001(11)(c), Florida Administrative Code, and includes  
204     any area approved by the Florida Department of Health for the dispensation of medical  
205     cannabis.

206                   (h)     “Park” means all public and private property specifically designated as  
207     being used for principally recreational purposes.

208  
209                  **Secs. 58.877 – 58.879.        Reserved.**

210                  **SECTION 2. GRANDFATHERED DISPENSARIES.** Notwithstanding anything in  
211     this ordinance to the contrary, medical marijuana dispensaries approved by a site-  
212     specific zoning official determination issued before the effective date of this ordinance  
213     and the subject of a complete building permit application to construct the dispensary  
214     (pursuant to the Florida Building Code) submitted to the permitting official before the  
215     effective date of this ordinance are hereby made conforming and lawful under this  
216     ordinance as to the locational regulations of this ordinance. Medical marijuana  
217     dispensaries approved by a site-specific zoning official determination issued before the  
218     effective date of this ordinance but not the subject of a complete building permit  
219     application to construct the dispensary (pursuant to the Florida Building Code) submitted  
220     to the permitting official before the effective date of this ordinance are hereby made  
221     wholly subject to the provisions of this ordinance.

222                  **SECTION 3. MORATORIUM TERMINATED.** The temporary moratorium on  
223     cannabis dispensaries established by City Ordinance No. 2016-58 and extended by City  
224     Ordinance No. 2016-92 is hereby terminated.

225                  **SECTION 4. CODIFICATION.** The city clerk and the city attorney shall cause  
226     the Code of the City of Orlando, Florida, to be amended as provided by this ordinance  
227     and may renumber, re-letter, and rearrange the codified parts of this ordinance if  
228     necessary to facilitate the finding of the law.

229                  **SECTION 5. SCRIVENER’S ERROR.** The city attorney may correct scrivener’s  
230     errors found in this ordinance by filing a corrected copy of this ordinance with the city  
231     clerk.

232                  **SECTION 6. SEVERABILITY.** If any provision of this ordinance or its  
233     application to any person or circumstance is held invalid, the invalidity does not affect  
234     other provisions or applications of this ordinance which can be given effect without the

243 invalid provision or application, and to this end the provisions of this ordinance are  
244 severable.

245  
246 **SECTION 7. EFFECTIVE DATE.** This ordinance takes effect upon adoption.  
247

248 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,  
249 Florida, at a regular meeting, the \_\_\_\_\_ day of \_\_\_\_\_, 2017.  
250

251 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City  
252 of Orlando, Florida, by the city clerk of the City of Orlando, Florida, the \_\_\_\_\_ day of  
253 \_\_\_\_\_, 2017.  
254

255 **DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON**  
256 **FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City  
257 Council of the City of Orlando, Florida, at a regular meeting, the \_\_\_\_\_ day of  
258 \_\_\_\_\_, 2017.  
259

260 BY THE MAYOR OF THE CITY OF  
261 ORLANDO, FLORIDA:  
262

263 \_\_\_\_\_  
264 Mayor  
265

266 ATTEST, BY THE CLERK OF THE  
267 CITY COUNCIL OF THE CITY OF  
268 ORLANDO, FLORIDA:  
269

270 \_\_\_\_\_  
271 City Clerk  
272

273 \_\_\_\_\_  
274 Print Name  
275

276 THIS ORDINANCE DRAFTED BY AND  
277 APPROVED AS TO FORM AND LEGALITY  
278 FOR THE USE AND RELIANCE OF THE  
279 CITY OF ORLANDO, FLORIDA:  
280

281 \_\_\_\_\_  
282 City Attorney  
283

284 \_\_\_\_\_  
285 Print Name  
286

287 \*\*[Remainder of page intentionally left blank.]\*\*  
288