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ORDINANCE NO. 2017-XXXX

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 6, SECTION 6.4.4 (SUPPLEMENTARY USE STANDARDS) OF THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO RETAIL USES, TO REGULATE THE SIZE AND LOCATION OF PHARMACY FACILITIES AND MEDICAL MARIJUANA DISPENSING FACILITIES; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Wellington's Council, pursuant to the authority granted to it in Chapters 163 and 166, *Florida Statutes*, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, Wellington's Council recognizes pharmacy stores have generally evolved to become neighborhood convenience centers offering not only prescription drug services but also non-prescription medications, grocery products, personal grooming and comfort products, school supplies, limited hardware items and other products; and

WHEREAS, Wellington's Council has determined that pharmacy stores of the present generation have significant impact on the developments and surrounding areas where they are located with respect to traffic patterns and generation, parking, traffic and site circulation; and

WHEREAS, Wellington's Council desires to allow reasonable location(s) within the Community to accommodate pharmacy facilities, but to limit the number, size and location of such businesses to protect the health, safety, welfare and quality of life for its residents; and

WHEREAS, on June 16, 2014, the Compassionate Medical Cannabis Act of 2014 was signed into law and regulation by Section 381.986, *Florida Statutes* to allow certain qualifying patients to obtain and use restricted types of medical marijuana; and

WHEREAS, Florida voters passed Amendment 2 on November 8, 2016, adopting Article X, Section 29 of the Florida Constitution expanding the availability of medical marijuana to patients with a greater number of diseases, disorders and conditions, and

WHEREAS, on June 14, 2017, Chapter 2017-232, *Laws of Florida* was signed into law, implementing Article X, Section 29 of the Florida Constitution; and

WHEREAS, Marijuana is still listed as a Schedule 1 substance under the Federal Controlled Substances Act and is prohibited by Federal Law; and

WHEREAS, Wellington's Council desires to allow reasonable location(s) within the Community to accommodate medical marijuana dispensaries and regulate them in accordance

1 with the provisions of Chapter 2017-232, Laws of Florida; and

2
3 **WHEREAS**, the Planning, Zoning and Adjustment Board, acting as the Local Planning
4 Agency, after notice and public hearing on _____, has reviewed the proposed Ordinance
5 and determined that the proposed amendments are consistent with Wellington's
6 Comprehensive Plan; and

7
8 **WHEREAS**, Wellington's Council has taken the recommendations from the Local
9 Planning Agency, Wellington staff and the comments from the public into consideration when
10 considering the amendments to the Land Development Regulations that are the subject of this
11 Ordinance.

12
13 **NOW, THEREFORE, BE IT ORDAINED BY WELLINGTON, FLORIDA's COUNCIL**
14 **THAT:**

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16 **SECTION 1.** Article 6, Chapter 4 (USE REGULATIONS AND DEFINITIONS), Section
17 6.4.4 (Supplementary Use Standards) is hereby amended to modify subsection 6.4.4 (95),
18 Retail Sales, General, as follows:

19
20 **95. Retail Sales General** means an establishment providing general retail sales or
21 rental of goods, but excluding those uses specifically classified in another use type. Uses
22 include typical retail stores such as but not limited to clothing stores, auto parts stores, book
23 stores, business machine sales, food stores (excluding convenience stores) and marine supply
24 sales (excluding boat sales). Uses shall also include the sale of bulky goods such as
25 household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments
26 may rent and perform incidental repair to their products. Retail pharmacy establishments and
27 medical marijuana dispensing facilities must also comply with the following supplementary
28 standards:

- 29
30 a. Retail pharmacy facilities and medical marijuana dispensing facilities must have a
31 minimum of ten thousand (10,000) square feet of floor area.
32
33 b. No more than one (1) retail pharmacy facility or medical marijuana dispensing facility
34 may be permitted to operate within any individual retail development. Pharmacy
35 operations that function as an accessory service within grocery stores do not apply
36 to this limitation.
37
38 c. Retail pharmacy facilities and medical marijuana dispensing facilities located on
39 individual sites or within larger retail developments with frontage on State Road
40 7/U.S. 441, pharmacy product distributorships and pharmacy product compounding
41 facilities not open to the public are exempt from the provisions of both a. and b.
42 above.
43

44 **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this
45 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
46 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this
47 Ordinance shall prevail to the extent of such conflict.
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