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ORDINANCE NO. 2017-XXXX

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 3, CHAPTER 2 (DEFINITIONS) FOR MEDICAL MARIJUANA; AMENDING ARTICLE 6 (ZONING DISTRICTS), SECTIONS 6.4-1 AND 6.8-2 (USE TABLES); AMENDING ARTICLE 6, SECTION 6.4.4 (SUPPLEMENTARY USE STANDARDS) OF THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON, FLORIDA; 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, on June 16, 2014 the Compassionate Medical Cannabis Act of 2014 was signed into law and regulated 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, expanding the availability of medical marijuana to patients with a greater number of diseases, disorders and conditions; and

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

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE OF WELLINGTON, FLORIDA COUNCIL THAT:

SECTION 1. Article 3, Chapter 2 of Wellington's Land Development Regulations (DEFINITIONS) is hereby amended to include in alphabetical order, as follows:

Low –THC Cannabis 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; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a medical marijuana dispensing organization.

Medical Cannabis means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient.

Medical Marijuana Dispensing Facility means a building or structure where low-THC cannabis or medical cannabis, as well as cannabis delivery devices are dispensed at retail. Excluded from this definition are properties, buildings and structures that engage in the growing/production of cannabis or the processing of same into derivative forms or products.

Medical Marijuana Dispensing Organization means an organization approved by the Florida Department of Health to cultivate, process, and dispense low-THC (tetrahydrocannabinol) or medical cannabis pursuant to section 381.986 F.S.

SECTION 2. Article 6, Chapter 4 (USE REGULATIONS AND DEFINITIONS), Table 6.4-1 (Use Regulations Schedule) is hereby amended to include, in alphabetic order, Medical Marijuana Dispensing Facility, as a “Conditional Use” in the CC (Community Commercial) Zoning District, subject to Supplementary Use Standards, as depicted in “Exhibit A” (attached).

SECTION 3. Article 6, Chapter 8 (PLANNED DEVELOPMENT DISTRICT REGULATIONS), Table 6.8-2 (Planned Development District Use Regulation Schedule) is hereby amended to include in alphabetical order, Medical Marijuana Dispensing Facility, as a “Conditional Use” in PUD, MXPD and MUPD developments where the underlying Comprehensive Plan Land Use Classification is CC (Community Commercial), subject to Supplementary Use Standards, as depicted in “Exhibit B” (attached).

SECTION 4. Article 6, Chapter 4 (USE REGULATIONS AND DEFINITIONS), Section 6.4.4 (Supplementary Use Standards) is hereby amended to include new subsection 6.4.4 (71A) to be titled Medical Marijuana Dispensary, as follows:

71A. Medical Marijuana Dispensing Facility means a building or structure where low-THC cannabis or medical cannabis, as well as cannabis delivery devices are dispensed at retail. This use does not include the growing/production of cannabis or the processing of same into derivative forms or products. Please refer to Article 3, Chapter 2 (DEFINITIONS) of this Code for further clarification. Medical Marijuana Dispensing Facilities must comply with the following supplementary standards:

a. Location:

- i. Must be located on a property that has direct frontage and access to an Arterial highway, or within a larger development that has such access.

- 1 b. Separation: Medical Marijuana Dispensing Facilities must be located the
2 following minimum distances from the following uses:
3 i. Another Medical Marijuana Dispensing Facility: Two Thousand (2,000)
4 feet.
5 ii. A church or place of worship: One Thousand (1,000) feet.
6 iii. An educational institution: One Thousand (1,000) feet.
7 iv. A park or day care center: Fifteen hundred (1,500) feet.
8 v. A residential Zoning District (which is designated as residential on the
9 Future Land Use Map of the Comprehensive Plan): Five hundred (500)
10 feet.
11 There shall be no Variance(s) from the Location or Separation standards of
12 this Section.
13
14 c. Adequate Accommodations: Medical Marijuana Dispensing facilities shall
15 have adequate indoor seating for their patients and other visitors to the
16 business. Patients and other invitees shall not be required or encouraged to
17 stand or sit outside of the building on walkways or parking lots. "No Loitering"
18 signs must be posted in conspicuous places on and adjacent to the facility.
19
20 d. On-site Consumption: No consumption of Marijuana shall be permitted within
21 a Medical Marijuana Dispensing Facility other than what may be required
22 incidental to instruction on the proper use of a dispensing device, including in
23 areas outside on the premises of the facility. No alcoholic beverages may be
24 served at a Medical Marijuana Dispensing Facility. The operator of the facility
25 is responsible for compliance with this prohibition.
26
27 e. Security: Medical Marijuana Dispensing Facilities shall provide, at a
28 minimum, the following security measures:
29 i. Licensed armed security personnel at all times when the facility is open for
30 business.
31 ii. 24 hour security cameras capable of recording and retrieving images at all
32 entrances to the facility.
33 iii. A silent alarm that notifies the Palm Beach County Sheriff's Wellington
34 Headquarters in the event of a robbery or a break-in.
35 iv. No drive-through or walk-up window dispensing facilities are allowed.
36
37 f. Other sales activity: Medical Marijuana Dispensing Facilities may not sell,
38 dispense, provide, exchange or otherwise vend any other services, product or
39 drug paraphernalia.
40
41 g. Operating hours: A medical Marijuana Dispensing Facility may only operate
42 between the hours of 7:00 a.m. and 7:00 p.m.
43
44 h. Display of State Registration: No Medical Marijuana Dispensing Facility can
45 operate within Wellington until the operator has provided Wellington copies of
46 its State Registration and other documents to demonstrate that all State of
47 Florida approvals necessary to operate such facility have been granted.
48 These documents must be displayed openly within the facility near the patient

entrance. Registration with Wellington (on forms provided by Wellington through the Manager or his/her designee) shall also be required and displayed, along with the required County and Local Business Tax Receipts and any other required licenses and/or permits.

- i. Inspection: Wellington shall have the right to inspect the premises of the dispensing facility at any time during business hours to confirm that the facility is in full compliance with the provisions of this Code and with all conditions of approval that may have been placed on the facility's Conditional Use approval. Violators will be subject to all appropriate penalties, including revocation of the Condition Use approval.

SECTION 5. Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 6. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 7. This Ordinance shall become effective immediately upon adoption of the Village Council following second reading.

PASSED this ____ day of _____, 2017 on first reading.

PASSED AND ADOPTED this ____ day of _____, 2017, on second and final reading.

WELLINGTON

FOR

AGAINST

BY: _____

Anne Gerwig, Mayor

John T. McGovern, Vice Mayor

Michael Drahos, Councilman

Michael J. Napoleone Councilman

Tanya Siskind, Councilwoman

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ATTEST:

BY: _____
Chevelle Nubin, Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney