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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 with the

provisions of Chapter 2017-232, Laws of Florida; 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 5. Article 6, Chapter 4 (USE REGULATIONS AND DEFINITIONS), Section 6.4.4 (Supplementary Use Standards) is hereby amended to modify subsection 6.4.4 (95), Retail Sales, General, as follows:

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

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

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		

ATTEST:

BY: _____
Chevelle D. Nubin, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney