

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MAITLAND, ORANGE COUNTY, FLORIDA, ESTABLISHING A TEMPORARY 180 DAY MORATORIUM WITHIN THE CITY OF MAITLAND PROHIBITING THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSARIES DURING THE 180 DAY MORATORIUM PERIOD; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Constitutional Amendment No. 2 was approved by the voters of the State of Florida on November 8, 2016 by a margin of 71.3% in favor of the amendment to 28.8% opposed, and became effective on January 3, 2017; and

WHEREAS, Constitution Amendment No. 2 provides for facilities for the medical use of marijuana, to be known as Medical Marijuana Treatment Centers (“MMTCs”); and

WHEREAS, the Legislature has adopted and the Governor has signed SB 8A establishing regulations related to Medical Marijuana Treatment Centers; and

WHEREAS, in SB 8A the Legislature has provided that local jurisdictions may not regulate Medical Marijuana Treatment Center Dispensaries more stringently than they regulate pharmacies with the exception that local jurisdictions may ban Medical Marijuana Treatment Center Dispensaries within their boundaries; and

WHEREAS, the City of Maitland desires to study the impacts of MMTC Dispensaries to determine if additional regulations within the area allowed by the Legislature in SB 8A are in the best interest of the residents, businesses, and visitors to the City of Maitland; and

WHEREAS, the City Council of the City of Maitland finds that enacting this temporary moratorium is appropriate to protect the health, safety, and general welfare of its citizens.

NOW, THEREFORE, be it enacted by the City Council of the of Maitland, Florida on this ____ day of 2017 as follows:

Section 1. Findings. The above recitals are incorporated herein as Findings of Fact.

Section 2. Moratorium on the Establishment of Medical Marijuana Treatment Center Dispensaries.

- a. A temporary moratorium is in effect prohibiting the acceptance, processing, or approval of any application, including any application for a business tax receipt, within the City of Maitland, Florida, relating to the establishment or operation of Medical Marijuana Treatment Center Dispensaries from the effective date of this Ordinance until the date 180 days after the effective date of this Ordinance, until the City Council approves and enacts land development regulations addressing the uses subject to this moratorium, or until the City Council approves an enacts an Ordinance terminating this moratorium, whichever occurs first;

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- b. During the effectiveness of the moratorium, the City shall study the establishment and operation of Medical Marijuana Treatment Center Dispensaries;
- c. City staff shall report its findings to the City Council, together with any recommended ordinance for the City Council’s consideration, prior to the expiration of the temporary moratorium; and
- d. If the City requires additional time to complete the study and provide its recommendations to the City Council, the Council may consider extending the moratorium through a subsequent ordinance providing the justification for the extension, with the extension of the moratorium subject solely to the Council’s discretion, provided, however, that the moratorium shall not be unnecessarily extended so as to prevent the establishment or operation of Medical Marijuana Treatment Center Dispensaries within the City of Maitland.

Section 3. Non-codification. The provisions of this Ordinance, being temporary in nature, are not intended to be codified as a part of the Code of Ordinances of the City of Maitland.

Section 4. Severability. If any section, sentence, phrase, word or portion of this ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 5. Conflicts. All ordinances that are in conflict with this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

ADOPTED by the City Council of the City of Maitland, Florida, this ____ day of _____, 2017.

CITY OF MAITLAND, FLORIDA

By: _____
A. DALE MCDONALD, MAYOR

Attest: _____
MARIA WALDROP, CITY CLERK