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2 ALACHUA COUNTY
3 BOARD OF COUNTY COMMISSIONERS

4
5 **ORDINANCE 16-**
6 (Unified Land Development Code Amendment)
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8

9 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA
10 COUNTY FLORIDA AMENDING THE UNIFIED LAND DEVELOPMENT CODE IN THE
11 ALACHUA COUNTY CODE OF ORDINANCES, PART III, RELATING TO THE
12 REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE
13 UNINCORPORATED AREA OF ALACHUA COUNTY, FLORIDA; INCLUDING
14 AMENDMENTS TO CHAPTER 404 USE REGULATIONS, ARTICLE 2 USE TABLE,
15 ARTICLE 9 HEALTH AND MEDICAL FACILITIES AND CHAPTER 410 DEFINITIONS
16 ARTICLE 3 DEFINED TERMS FOR MEDICAL MARIJUANA DISPENSARIES;
17 PROVIDING A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING
18 FOR INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS;
19 PROVIDING FOR LIBERAL CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.
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22 WHEREAS, the Board of County Commissioners of Alachua County, Florida, is
23 authorized, empowered and directed to adopt land development regulations to implement the
24 Comprehensive Plan and to guide and regulate the growth and development of the County in
25 accordance with the Local Government Comprehensive Planning and Land Development
26 Regulation Act (Section 163.3161 et seq.,) Florida Statutes; and

27 WHEREAS, the Board of County Commissioners of Alachua County adopted its 2001-
28 2020 Comprehensive Plan, which became effective on May 2, 2005; and

29 WHEREAS, the Board of County Commissioners of Alachua County adopted its Unified
30 Land Development Code, which became effective on January 30, 2006; and

31 WHEREAS, the Board of County Commissioners of Alachua County, Florida, wishes to
32 make amendments to the Alachua County Code of Ordinances Part III, Unified Land
33 Development Code, relating to development of land in Alachua County; and

1 WHEREAS, the Board of County Commissioners, acting as the Land Development
2 Regulation Commission, has determined that the land development regulations that are the
3 subject of this ordinance are consistent with the Alachua County Comprehensive Plan; and,

4 WHEREAS, the Board of County Commissioners, acting as the Land Development
5 Regulation Commission, has determined that regulations for the location of medical marijuana
6 dispensaries are necessary to aid in the prevention of cannabis distribution to minors; and,

7 WHEREAS, duly noticed public hearings were conducted on such proposed amendments
8 on July 12, 2016 and August 9, 2016 by the Board of County Commissioners, with the hearings
9 being held after 5:00 o'clock p.m.;

10 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
11 ALACHUA COUNTY, FLORIDA:

12 Section 1. Legislative Findings of Fact. The Board of County Commissioners of
13 Alachua County, Florida, finds and declares that all the statements set forth in the preamble of
14 this ordinance are true and correct.

15 Section 2. Unified Land Development Code. The Unified Land Development Code of
16 the Alachua County Code of Ordinances Part III is hereby amended as shown in Exhibits "A"
17 and "B" attached hereto.

18 Section 3. Modification. It is the intent of the Board of County Commissioners that the
19 provisions of this ordinance may be modified as a result of considerations that may arise during
20 public hearings. Such modifications shall be incorporated into the final version of the ordinance
21 adopted by the Board and filed by the Clerk to the Board.

22 Section 4. Repealing Clause. All ordinances or parts of ordinances in conflict herewith
23 are, to the extent of the conflict, hereby repealed.

1 Section 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of
2 County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time
3 as the Development Regulations of Alachua County are codified, the provisions of this ordinance
4 shall become and be made part of the Unified Land Development Code of Alachua County,
5 Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such
6 intention, and the word "ordinance" may be changed to "section," "article," or other appropriate
7 designation. The correction of typographical errors that do not affect the intent of the ordinance
8 may be authorized by the County Manager or designee, without public hearing, by filing a
9 corrected or re-codified copy of the same with the Clerk of the Circuit Court.

10 Section 6. Ordinance to be Liberally Construed. This ordinance shall be liberally
11 construed in order to effectively carry out the purposes hereof which are deemed not to adversely
12 affect public health, safety, or welfare.

13 Section 7. Severability. If any section, phrase, sentence or portion of this ordinance is
14 for any reason held invalid or unconstitutional by any court of competent jurisdiction, such
15 portion shall be deemed a separate, distinct and independent provision, and such holding shall
16 not affect the validity of the remaining portions thereof.

17 Section 8. Effective Date. A certified copy of this ordinance shall be filed with the
18 Department of State by the Clerk of the Board of County Commissioners within ten (10) days
19 after enactment by the Board of County Commissioners, and shall take effect upon filing with
20 the Department of State.

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1 DULY ADOPTED in regular session, this 9th day of August, 2016.

2 BOARD OF COUNTY COMMISSIONERS OF
3 ALACHUA COUNTY, FLORIDA
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5 ATTEST:

6 By: _____
7 Robert Hutchinson, Chair

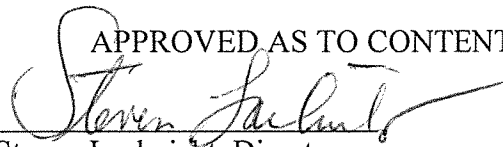
8 _____
9 J. K. Irby, Clerk

10 APPROVED AS TO FORM

11 _____
12 County Attorney

13 (SEAL)

14 APPROVED AS TO CONTENT

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17 Steven Lachnicht, Director
18 Growth Management
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1 Exhibit A

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3 **404.45 Medical Marijuana Dispensary**

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5 Medical marijuana dispensaries distributing low-THC and medical cannabis for therapeutic
6 purposes are allowed as limited uses in the BR, BR-1, BH, BA, BA-1 and HM districts, subject to
7 the following standards.

8 (a) **Separation Requirements for Medical Marijuana Dispensaries**

9 1. **Generally**

10 Medical marijuana dispensaries shall be permitted only in those zoning
11 districts in which a medical marijuana dispensary is listed as a limited use in
12 this Chapter.

13
14 **Minimum Separation Standards for Medical Marijuana Dispensaries**

<u>Existing Use or District</u>	
<u>School</u>	<u>750 ft</u>

15 2. **Measurement**

16 Measurements shall be made from the nearest property line of the use that
17 is not a medical marijuana dispensary to the nearest property line of the
18 medical marijuana dispensary. If the medical marijuana dispensary is
19 located in a multi-tenant building, then the distance shall be measured
20 from the nearest property line of the use that is not a medical marijuana
21 dispensary to the nearest line of the leasehold or other space actually
22 controlled or occupied by the medical marijuana dispensary.

23 3. **Limitations**

24 a. **School**

25 The separation requirement from a "school" shall apply only if one or
26 more of the following applies:

- 27 1. the school is an educational facility (public) as defined in Chapter
- 28 410, Article 3 of the Unified Land Development Code; or
- 29 2. the school has been in operation at the same location for one year
- 30 or more; or
- 31 3. the location at which the school is now operating is owned by the
- 32 organization operating the school.

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1 **Chapter 410 - Article 3 Defined Terms**

2 **Cannabis (Low-THC)** – A plant of the genus , *Cannabis*, the dried flowers of which contain 0.8
3 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for
4 weight; the seeds thereof; the resin extracted from any part of such a plant; or any compound,
5 manufacture, salt derivative, mixture or preparation of such plant or its seeds that is dispensed
6 only from a medical marijuana dispensary

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8 **Cannabis (Medical)** – A plant of the genus , *Cannabis*, whether growing or not; the resin
9 extracted from any part of such a plant; or any compound, manufacture, salt derivative, mixture
10 or preparation of such plant or its seeds that is dispensed only from a dispensing organization
11 for medical use by an eligible patient as defined in s. 499.0295 F.S.

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13 **Medical Marijuana Dispensary** – A dispensary organization approved by the Florida
14 Department of Health pursuant to and in accordance with the regulations set forth in the
15 ‘Compassionate Medical Cannabis Act of 2014’ (as amended on March 25, 2016 and codified in
16 Section 381.986, Florida Statutes) to dispense low-THC and medical cannabis to Florida
17 residents who have been added to the state compassionate use registry by a physician licensed
18 under Chapter 458 or Chapter 459, Florida Statutes, because the patient is suffering from cancer
19 or a physical condition that chronically produces symptoms of seizures or severe and persistent
20 muscle spasms with no other satisfactory alternative treatment options or has a terminal
21 condition as defined in s. 499.0295 F.S.

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Exhibit B

Chapter 404. Use Regulations Article 2. Use Table

Use Categories	Specific Uses	A	A-RB	C-1	RE, RE-1	R1-a, R-1a	R-1b	R-1c	R-2, R-2a, R-3	RM	RM-1	RP	AP	HM	BP	BR	BR-1	BH	BA, BA-1	BW	ML	MS, MP	MB	Standards	
		Key: P = Permitted Use L = Limited Use SE = Special Exception SU= Special Use A = Accessory Use NA = Not Applicable																							
Health and Medical Facilities	Hospital																								
	Medical clinic or lab	SE	P									P	P	P	P	P	P	P	P	P	P	P			
	<u>Medical Marijuana Dispensary</u>													L					L						\$404.45
	Veterinary clinic or hospital												L			L	L	L	L	L	L	L			\$404.46
	Massage therapist															L	L	L	L	L	L				\$404.47