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**WHEREAS**, Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, grant local municipalities broad home rule authority to adopt ordinances to provide for health, safety, and welfare of the general public; and

**WHEREAS**, the City has duly established land development regulations contained in the Land Development Code, Chapter 24 of the City of Oakland Park Code of Ordinances; and

**WHEREAS**, in October 2017, the City Commission of the City of Oakland Park adopted new legislation, amending the “Master Business List” table in Section 24-41 and the “Downtown Mixed Use District Use Table” in Section 24-265 (later amended to Section 24-266 entitled “Downtown Development District (OP3D) Use List”) allowing Medical Marijuana Dispensaries to operate in the City of Oakland Park consistent with the same regulations governing pharmacies in accordance with Florida Statutes; and

1       **WHEREAS**, at the June 21, 2023, City Commission meeting, staff received  
2 feedback from the City Commission that Oakland Park has reached sufficient capacity for  
3 the location of Medical Marijuana uses and now desires to institute a ban on the  
4 establishment of new Medical Marijuana uses within the City in accordance with the  
5 authority provided under Section 381.986(11), Florida Statutes by prohibiting the use in  
6 every zoning district.

7  
8       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**  
9 **THE CITY OF OAKLAND PARK, FLORIDA THAT:**

10  
11       **SECTION 1.** That the forgoing “WHEREAS” clauses are hereby ratified and  
12 confirmed as being true and correct and are hereby made a part of this Ordinance upon  
13 adoption thereof.

14  
15       **SECTION 2.** Chapter 24, Article III, Section 24-41 entitled “Master Business  
16 List,” of the City of Oakland Park Land Development Code is hereby amended as follows:

17  
18 (C) Master business list. The following is the master business list, indicating the permitted  
19 and prohibited uses and those uses subject to the supplemental regulations and  
20 definitions of this section. The following uses are principal uses unless otherwise  
21 stated. In some cases, a use may be permitted in the district, but would constitute a  
22 change of use pursuant to the parking and landscaping sections of this Code. There  
23 shall be no variances on the uses listed in the Master Business List in this subsection.

24

Business Listing	Prohibit ed	NB	B-1	B-2	B-3	I-1	PRZ D	FHO D	PRD
Medical marijuana treatment center or dispensing facility	<u>X</u>	€14	€14	€14	€14		€14	€14	€14

25  
26       **SECTION 3.** Chapter 24, Article XX, Section 24-266 entitled “Downtown  
27 Development District (OP3D) Use List,” of the City of Oakland Park Land Development  
28 Code is hereby amended as follows:

29 (C) *OP3D Use List*. The following is the OP3D Use List, indicating the permitted and  
30 prohibited uses and those uses subject to the supplemental regulations and definitions  
31 of this section. The following uses are principal uses unless otherwise stated. There  
32 shall be no variances on the uses listed in the use list in this subsection. A use listed in  
33 the city-wide master business list in section 24-41 or not included in the definition or  
34 description of a use listed herein but not listed in this table is prohibited.

Business Listing	Prohibited	Downtown Core	Intown Neighborhood	Warehouse Flex	Middle River District	North End Townhomes
Medical marijuana treatment center or dispensing facility	<u>X</u>	<del>C1, 14</del>		<del>C1, 14</del>	<del>C1, 14</del>	

**SECTION 4.** If any clause, section or other part of this Ordinance shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

**SECTION 5.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflicts.

**SECTION 6.** This Ordinance shall be effective upon its passage and adoption by the City Commission of the City of Oakland Park.

1 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,**  
2 **FLORIDA, ON FIRST READING, THIS 21<sup>st</sup> DAY OF JULY 19, 2023.**

3  
4 M. ROSENWALD YES  
5 T. LONERGAN YES  
6 S. ARNST YES  
7 L. NEWBOLD YES  
8 A. GORDON YES  
9

10 **PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF**  
11 **OAKLAND PARK, FLORIDA, ON SECOND READING, THIS 2<sup>ND</sup> DAY OF**  
12 **AUGUST, 2023.**  
13

14  
15 CITY OF OAKLAND PARK, FLORIDA  
16

17  
18 \_\_\_\_\_  
19 MAYOR AISHA GORDON  
20

21  
22 M. ROSENWALD \_\_\_\_\_  
23 T. LONERGAN \_\_\_\_\_  
24 S. ARNST \_\_\_\_\_  
25 L. NEWBOLD \_\_\_\_\_  
26 A. GORDON \_\_\_\_\_  
27

28 ATTEST:  
29  
30  
31

32 \_\_\_\_\_  
33 RENEE M. SHROUT, CMC, CITY CLERK  
34

35 LEGAL NOTE:

36 I hereby certify that I have approved the form of this Ordinance (O-2023-004):  
37  
38  
39

40 \_\_\_\_\_  
41 DONALD J. DOODY, CITY ATTORNEY