

Deputy Clerk UWILLIAMS

**ORDINANCE
NUMBER 2018-004**

**AN ORDINANCE OF LEVY COUNTY, FLORIDA, RELATING
TO MEDICAL MARIJUANA; ADOPTING FINDINGS;
REPEALING ORDINANCE 2017-002 AND ORDINANCE
2017-018 CONTAINING A MORATORIUM ON MEDICAL
CANNABIS ACTIVITIES; AMENDING CHAPTER 50 OF THE
LEVY COUNTY CODE, LAND DEVELOPMENT
REGULATIONS, FOR CLARITY IN THE APPLICATION OF
CHAPTER 50 TO THE CULTIVATION AND PROCESSING
OF MEDICAL MARIJUANA BY MEDICAL MARIJUANA
TREATMENT CENTERS, AND TO UPDATE OTHER CODE
PROVISIONS NECESSITATED THEREBY; PROHIBITING
MEDICAL MARIJUANA TREATMENT CENTER DISPENSING
FACILITIES WITHIN THE BOUNDARIES OF THE COUNTY;
PROVIDING FOR ALLOWANCE OF SEPARATE
TREATMENT OF DISPENSING FACILITIES WITHIN
MUNICIPALITIES; PROVIDING FOR CONFLICTS;
PROVIDING FOR SEVERABILITY; PROVIDING AN
EFFECTIVE DATE.**

RECITALS

WHEREAS, on November 8, 2016, Florida's voters passed Amendment 2 to the
Florida Constitution, titled "Use of Marijuana for Debilitating Medical Conditions," which
became effective January 3, 2017, and was codified at s. 29, Article X of the Florida
Constitution, and which authorizes the acquisition, cultivation, possession, processing,
transferring, transport, sale, distribution, dispensing and administration of medical cannabis
and derivative products and supplies to a broad population of patients by medical
marijuana treatment centers (singular "MMTC" and plural "MMTCs"), as defined in such s.
29, Article X; and

WHEREAS, on June 23, 2017, Florida Governor Rick Scott signed into law Senate
Bill 8-A, which attempted to create a unified regulatory structure for medical use of

1 marijuana in order to implement the provisions of the recently adopted s. 29, Article X of
2 the Florida Constitution, and which included extensive revisions to existing statutes
3 governing medical use of marijuana, and extensive additional statutory provisions relating
4 to medical use of marijuana, including the extensive amendment of Section 386.986, Fla.
5 Stat.; and

6 **WHEREAS**, on February 7, 2017, the Board of County Commissioners of Levy
7 County ("the Board") adopted Ordinance 2017-002, establishing a temporary moratorium
8 within the unincorporated areas of Levy County for Medical Cannabis Activities (as defined
9 in Ordinance 2017-002), in order to promote effective land use and planning by taking a
10 reasonable period of time for Levy County to determine the best way to legislate and
11 regulate Medical Cannabis Activities in light of the then-changing constitutional, statutory
12 and regulatory landscape; and

13 **WHEREAS**, on November 21, 2017, the Board adopted Ordinance 2017-018,
14 extending the temporary moratorium for Medical Cannabis Activities established by
15 Ordinance 2017-002, until April 16, 2018, by which time the Board will be in a position to
16 repeal Ordinances 2017-002 and 2017-018 and adopt allowable ordinances relating to
17 MMTCs, if the Board finds such ordinances to be in the best interest of the public health,
18 safety, and welfare; and

19 **WHEREAS**, Section 381.961(11), Fla. Stat., preempts counties from the
20 "[r]egulation of cultivation, processing, and delivery of marijuana by medical marijuana
21 treatment centers, ... except as provided in this subsection"; and

22 **WHEREAS**, Section 381.961(11), Fla. Stat., further provides a county authorization
23 to "ban medical marijuana treatment center dispensing facilities from being located within
24 the boundaries of that county"; and

25 **WHEREAS**, Section 381.986(11), Fla. Stat., further provides that "[a] county ... that
26 does not ban dispensing facilities ... may not place specific limits, by ordinance, on the
27 number of dispensing facilities that may locate within that county" and that "[e]xcept as
28 provided in paragraph (c) [which prohibits MMTC dispensing facilities from locating within
29 500 feet of a school], a county ... may not enact ordinances for permitting or for
30 determining the location of dispensing facilities which are more restrictive than its

ordinances permitting or determining the locations for pharmacies licensed under chapter 465"; and

WHEREAS, Section 381.986(11)(d), Fla. Stat., further provides that it "does not prohibit any local jurisdiction from ensuring medical marijuana treatment center facilities comply with the Florida Building Code, the Florida Fire Prevention Code, or any local amendments" to those codes; and

WHEREAS, while Section 381.986(11), Fla. Stat., provides for the County's enforcement of the application of the Florida Building Code and Florida Fire Prevention Code to MMTCs, that section otherwise severely limits, through state preemption, Levy County's control over MMTC cultivation, processing, and delivery operations, and over MMTC dispensing facilities, thereby substantially restricting the County's ability to protect surrounding land uses for which MMTCs' cultivation and processing activities and MMTC dispensing facilities may not be compatible; and

WHEREAS, given the need for Levy County to provide adequate and predictable parameters for zoning and land use activities within the County, and given the potential negative secondary land use effects of MMTCs' cultivation and processing activities, the Board finds that Chapter 50 of the Levy County Code, the Land Development Code, requires amendment to provide clarity, guidance and direction for interpretation and application of the Land Development Code provisions as they relate to the activities involved in the cultivation and processing of medical marijuana by MMTCs; and

WHEREAS, given the potential negative secondary land use effects of MMTC dispensing facilities, and the statutory restrictions on Levy County's authority to regulate the number the location of MMTC facilities if not banned, the Board further finds that there is a rational basis for the County to exercise its authority under Article VIII of the Florida Constitution, Chapter 125, Fla. Stat., and Section 381.986(11), Fla. Stat., to ban dispensing facilities within the boundaries of the County; and

WHEREAS, the Board acknowledges and understands that the possession and use of marijuana is currently a violation of federal law;,, however s. 29, Article X of the Florida Constitution, and the provisions contained in Section 381.986, Fla. Stat., place the Board in a position to adopt ordinance provisions that provide the clarity, guidance and direction for

1 interpretation of the County's Land Development Code as it relates to MMTC cultivation
2 and processing activities, and to provide regulation through the ban of MMTC dispensing
3 facilities, in order to ensure that Land Development Code provisions are fairly and equitably
4 applied and interpreted, and to prevent the potential deleterious effects of the activities of
5 MMTCs on surrounding properties and the County as a whole; and

6 **WHEREAS**, the Board hereby finds that this ordinance advances an important
7 government purpose by reducing the likelihood of negative secondary effects of the
8 activities of MMTCs; and

9 **WHEREAS**, the Board hereby finds that this ordinance is in the best interest of the
10 public health, safety, and welfare;

11 **BE IT ORDAINED**, by the Board of County Commissioners of Levy County, Florida:

12 **Section 1. Findings.** The foregoing recitals are hereby ratified and confirmed as
13 being true and correct and are hereby made a part of this ordinance.

14 **Section 2. Repeal of Ordinance 2017-002 and Ordinance 2017-018.** Ordinance
15 2017-002 and Ordinance 2017-018 are hereby repealed in their entirety and shall be of no
16 further force and effect.

17 **Section 3. Amendment of Section 50-1.** Section 50-1, Levy County Code, is
18 hereby amended by changes in the definitions of the term "concentrated commercial
19 farming," "general farming and forestry," and "industrial district or land use," and the
20 addition of the definition for "medical marijuana treatment center dispensing facilities" to
21 read as follows (deletions shown as ~~stricken through~~, additions shown as underlined), with
22 all other provisions of Section 50-1 to remain the same:

23 *Concentrated commercial farming* means the raising of animals on
24 any space property enclosed by fencing and containing animals which may
25 by numbers of animals, noise, dust, odor, or other factors, by be obnoxious
26 to or incompatible with any uses on an adjacent property, and which may
27 include but are not limited to, dairies, feed lots, pig parlors, chicken farms,
28 and other similar uses, residents; and which is located ~~lies~~ within 1,320 feet of
29 any residential structure. While the number of animals is not the only factor
30 that may determine a use to be considered concentrated commercial
31 farming, in the event that numbers of animals is a factor in the proposed use,
32 the raising of numbers of animals that exceed the following thresholds will
33 automatically constitute concentrated commercial farming:

| <u>Animal Category</u> | <u>Maximum Per Acre Per Category</u> |
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| Cows, oxen, buffalo, beefalo, other ruminants | 2 |
| Swine and horses | 1 |
| Poultry and fowl | 20 |
| Rabbits | 20 |

General farming and forestry means the cultivation production of plants or trees, or the raising of animals or insects. row crops, orchards, vineyards, and fiber. If animals are included in any farming operation includes the raising of animals that meets the definition of concentrated commercial farming, the raising of those animals will not be considered general farming and forestry, and will be governed by the schedule of district uses, the requirements for specific uses, and all other provisions of this chapter applicable to concentrated commercial farming. The operation of reptile farms, zoos, or similar facilities, or the keeping of dangerous exotic animals or dangerous native animals, will not be considered general farming and forestry, and will be governed by the schedule of district uses, requirements for specific uses, and all other provisions of this chapter applicable to the operation of reptile farms, zoos, or similar facilities, or the keeping of dangerous exotic animals or dangerous native animals. they shall not trigger a "concentrated commercial farming" operation, provided that animal densities do not exceed the following thresholds:

| <u>Animal Category</u> | <u>Maximum Per Acre Per Category</u> |
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| Cows, oxen, buffalo, beefalo, other ruminants | 2 |
| Swine and horses | 1 |
| Poultry and fowl | 10 |
| Rabbits | 20 |

Note: Reptile farms, zoos, keeping exotic animals or dangerous native animals are regulated as special exceptions, subject to review criteria established within section 50-869. Densities greater than as defined in this section shall be treated as concentrated commercial farming, subject to review criteria established within section 50-848.

Industrial district or land use means any property within areas designated as industrial areas shown Industrial on the future land use map or the zoning map.

Industrial land use means or activities utilization of property for uses are predominately connected with land areas predominately connected with which predominantly consist of manufacturing, assembly, processing, or storage of products, or similar uses, and which may be designated as Industrial on the future land use map or zoning map. Industrially designated lands may include but are not limited to property zoned I by the county zoning schedule.

Medical marijuana treatment center dispensing facilities means any facilities used for the dispensing or sale of marijuana, products containing marijuana, related supplies, or educational materials, by an entity that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials, to qualifying patients or their caregivers, and that is registered and is otherwise qualified as a medical marijuana treatment center by the Florida department of health.

Section 4. Amendment of Schedule I of Section 50-676. Schedule I of Section 50-676, Levy County Code, is hereby amended to read as follows (deletions shown as stricken through, additions shown as underlined):

SCHEDULE 1. USE REGULATIONS

| <i>District</i> | <i>Permitted Uses</i> | <i>Accessory Uses</i> | <i>Prohibited Uses</i> | <i>Special Exception Uses</i> |
|---|--|---|--|--|
| F/RR Forestry/ Rural Residential District | Single-family residences. Mobile homes. Forestry, general farming, and forestry, the raising of livestock, pigs and poultry. Nurseries, greenhouses and truck farming. Churches and other houses of worship. Public building and uses, except prisons and jails, schools, civic, hospitals and other public uses. Public parks. Dwelling, mobile home. Primitive camping. Camps. Permanent sawmills. Permanent woodchippers. Planned unit development (PUD) in accordance with the procedures and approvals required by sections 50-901 through 50- | Home occupations. Sale of produce and livestock which is raised on the premises. Private boat landings, docks, swimming pools and similar uses. Buildings for agricultural workers. Other uses customarily accessory to the permitted use. Fuel oil and bottle gas storage, as related to agriculture uses. Temporary circus, amusements. Temporary asphalt plant or concrete batch plant. | All commercial uses, except as listed as permitted uses, accessory uses or special exception uses in this district. All industrial uses, except as listed as permitted uses, accessory uses or special exception uses in this district. Mobile homes as accessory use. Interconnection of two mobile homes not designed for such use. Parking more than one commercial vehicle not functionally related to the principal use. Nightclub/bottle club. <u>Medical marijuana treatment center</u> | Commercial boat landings. Gas stations. Major mining, excavation and fill activities or operations. Landfills. Cemeteries. <u>Concentrated commercial farming.</u> Dog kennels. Prisons or jails. <u>Food or other plant or animal product processing plant.</u> Broadcasting towers. Communication towers greater than 350' in height, the measurement of which includes all appurtenances and attachments. Outdoor commercial recreation. On-premises consumption of alcohol in chartered or |

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| | <p>908 hereof.</p> <p>Essential public utility services.</p> <p>Aquaculture.</p> <p>Private club, enclosed clubhouse and lodges.</p> <p>Private club, outdoor recreation including golf courses, hunt clubs, bridle trails, nonvehicular trail facilities and other similar uses.</p> <p>Golf courses, country club equestrian facilities, hunt clubs which may have a clubhouse.</p> <p>Outdoor passive recreation.</p> <p>Public parks, noncommercial playgrounds and other public recreational facilities.</p> <p>Parks and recreational areas accessory to residential development including swimming pools and facilities, fitness facilities, tennis and golf course facilities and similar uses.</p> <p>Minor excavation and fill activities or operations.</p> <p>Communication towers, not including broadcasting towers, less than or equal to 350' in height, the measurement of which includes all appurtenances and attachments.</p> | <p>Private airstrip.</p> <p>Temporary yard sales.</p> | <p><u>dispensing facilities.</u></p> | <p>incorporated private country clubs or lodges.</p> <p>Support and operation facilities related to the extraction of water for bulk or retail sales.</p> <p>Electric generating facilities subject to the Florida Electrical Power Plant Siting Act, F.S. §§ 403.501 through 403.518.</p> |
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| <i>District</i> | <i>Permitted Uses</i> | <i>Accessory Uses</i> | <i>Prohibited Uses</i> | <i>Special Exception Uses</i> |
|---|---|---|--|---|
| A/RR Agricultural/ Rural Residential District | <p>Single-family residences and mobile homes.</p> <p>General farming and forestry.</p> <p>The raising of livestock and poultry for commercial and family use.</p> <p>Nurseries, greenhouses and truck farming.</p> <p>Churches and other houses of worship.</p> | <p>Private boat landings, docks, swimming pools and similar uses.</p> <p>Other uses customarily accessory to the permitted use.</p> <p>Temporary circus, amusements.</p> <p>Temporary asphalt plant or concrete</p> | <p>All commercial uses except as listed as permitted uses, accessory uses or special exception uses in this district.</p> <p>All industrial uses, except as listed as permitted uses, accessory uses or special exception uses</p> | <p>Commercial boat landings.</p> <p>Airports for private use and airstrip only.</p> <p>Riding stables and academies.</p> <p>Sale of produce which is raised on the premises.</p> <p>Landfills</p> <p>Cemeteries.</p> <p>Concentrated commercial farming, including dairies.</p> |

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| | <p>Schools. Public buildings and uses, except prisons or jails. Primitive camping. Camps. Planned unit development (PUD) in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof. Large animal boarding. Veterinarian offices. Essential public utility services. Aquaculture. Private club, enclosed clubhouse and lodges. Private club, outdoor recreation including golf courses, hunt clubs, bridle trails, nonvehicular trail facilities and other similar uses. Golf courses, country club equestrian facilities, hunt clubs which may have a clubhouse. Outdoor passive recreation. Public parks, noncommercial playgrounds and other public recreational facilities. Parks and recreational areas accessory to residential development including swimming pools and facilities, fitness facilities, tennis and golf course facilities and similar uses. Minor excavation and fill activities or operations. Communication towers, not including broadcasting towers, less than or equal to 350' in height, the measurement of which includes all appurtenances and attachments.</p> | <p>batch plant. Temporary yard sales.</p> | <p>in this district. Mobile homes as accessory use. Interconnection of two mobile homes not designed for such use. Parking more than one commercial vehicle not functionally related to the principal use. Nightclub/bottle club. <u>Medical marijuana treatment center dispensing facilities.</u></p> | <p>Dog kennels. Permanent sawmills. Permanent woodchippers. Major mining, excavation and fill activities or operations. <u>Zoos, Reptile farms, zoos, or similar facilities, or</u> keeping dangerous exotic animals or dangerous native animals. Prisons or jails. <u>Food or other plant or animal product processing plant.</u> Broadcasting towers. Communication towers greater than 350' in height, the measurement of which includes all appurtenances and attachments. Outdoor commercial recreation. On-premises consumption of alcohol in chartered or incorporated private country clubs or lodges. Support and operation facilities related to the extraction of water for bulk or retail sales.</p> |
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| <i>District</i> | <i>Permitted Uses</i> | <i>Accessory Uses</i> | <i>Prohibited Uses</i> | <i>Special Exception Uses</i> |
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| C-1 Exclusive Office District | Real estate offices. Attorney offices. Architect offices. Engineer offices. Insurance offices. Banks. Accounting offices. Any professional or business office not already specifically included in this list of permitted uses and <u>not unless</u> specifically listed as a prohibited use or special exception use in this district. Public buildings and uses except prisons and jails. Essential public utility services, except as otherwise prohibited. ¹ Aquaculture. Private clubs within enclosed clubhouses, and lodges. | Uses customarily accessory to a permitted use in this district. | All uses listed as permitted uses in the C-2, C-3 and C-4 districts, unless specifically and individually listed as a permitted use or a special exception use in this district. All industrial uses. Towers, communications and broadcasting. Mobile homes as an accessory use. Parking more than one commercial vehicle not functionally related to the principal use. Residential. <u>Medical marijuana treatment center dispensing facilities.</u> | Veterinary clinics. |

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| <i>District</i> | <i>Permitted Uses</i> | <i>Accessory Uses</i> | <i>Prohibited Uses</i> | <i>Special Exception Uses</i> |
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| C-2 Neighborhood Commercial District | Retail sales, including but not limited to food, beverages, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art, cameras and photographic supplies, sports and hobby supplies, sports equipment, musical instruments, television and radio equipment, flowers and plants, gifts, drugs, <u>pharmaceutical products</u> , home furnishings, appliances, office equipment, antiques, and hardware, <u>unless specifically listed as a prohibited use or special except use in this district.</u> Restaurants without the on-premises sales and | Uses customarily accessory to a permitted use in this district. | All uses listed as permitted uses in the C-3 and C-4 districts, unless specifically and individually listed as a permitted use or a special exception use in this district. Mobile homes as an accessory use. Parking more than one commercial vehicle not functionally related to the principal use. Residential. <u>Medical marijuana treatment center dispensing facilities.</u> | Automobile service or repair stations. Broadcasting towers. Schools, including vocational and technical schools. Halfway homes and rehabilitation centers. Restaurant with on-premises sales and consumption of alcohol. Wholesales sales. Institutions. Automobile sales and service. Veterinary clinics. Automobile paint and body shops. Nightclubs/bottle clubs. Bars, taverns or lounges. |

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| <p>consumption of alcohol.</p> <p>Personal service establishments, including but not limited to barbershops, beauty parlors, steam baths, shops, exercise or reducing salons, watch and clock repair, printing and copying, locksmiths, and title companies.</p> <p>Commercial banks, savings and loans, credit unions, loan companies, and other financial services.</p> <p>Laundry and dry cleaning plants.</p> <p>Copying, printing, book binding, newspaper offices and presses.</p> <p>Aquaculture.</p> <p>Radio and television stations, excluding towers.</p> <p>Gas stations.</p> <p>Funeral homes.</p> <p>Churches.</p> <p>Medical and dental clinics, nursing homes, nurseries, and day care centers.</p> <p>Mini-warehouses.</p> <p>Garden and farm supplies.</p> <p>Licensed masseurs and masseuses.</p> <p>Recreation and entertainment in enclosed buildings.</p> <p>Any uses listed as a permitted or a special exception use in the C-1 district, unless specifically and individually listed as a prohibited use or special exception use in this district.</p> <p>Commercial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof.</p> <p>Industrial PUD in accordance with the procedures and approvals required by sections 50-</p> | | | |
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| | 901 through 50-908 hereof. Bed and breakfast lodging. Essential public utility services. Private clubs within enclosed clubhouses, and lodges. On-premises sales and consumption of alcohol in chartered or incorporated private country clubs or lodges. | | | |
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| <i>District</i> | <i>Permitted Uses</i> | <i>Accessory Uses</i> | <i>Prohibited Uses</i> | <i>Special Exception Uses</i> |
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| C-3 Moderately Intensive Commercial | Wholesale sales. Warehouses. Institutions. Automobile paint and body shops. Mobile home sales and service. Recreational vehicle sales and service. Automobile sales and service. Tractor sales and service. Boat sales and service. Builders or contractors supplies. Construction contractor or subcontractor yards or offices. Bulk storage and dispensing of petroleum and liquid petroleum gas. Industrial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof. Commercial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof. Public buildings and uses, except prisons and jails. Professional and administrative offices. Printing. Radio and television | Uses customarily accessory to a permitted use in this district. | All uses listed as permitted uses in the C-4 district, unless specifically and individually listed as a permitted use or a special exception use in this district. Mobile homes as an accessory use. Residential. <u>Medical marijuana treatment center dispensing facilities.</u> | Flea markets. Commercial boat landings, sport fisheries, and marinas. Sale of unfinished products outside of structures. Furniture manufacturing. Woodshops in enclosed structures. Veterinary clinics. Junkyards. Cemeteries. Manufacture, assembly, processing, packaging, and storage of products within a building, with no emissions of smell, odor, noise, dust, smoke, vibration, or light. Travel trailer parks. Nightclubs/bottle clubs. Bars, taverns or lounges. |

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| | stations, excluding towers. All uses listed as permitted uses in the C-1 and C-2 districts unless specifically and individually listed as a prohibited use or special exception use in this district. Essential public utility services. Aquaculture. Private clubs within enclosed clubhouses, and lodges. On-premises sales and consumption of alcohol in chartered or incorporated private country clubs or lodges. | | | |
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| <i>District</i> | <i>Permitted Uses</i> | <i>Accessory Uses</i> | <i>Prohibited Uses</i> | <i>Special Exception Uses</i> |
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| C-4 Highway Commercial | Hotels. Motels. Bed and breakfast lodging. Tourist attractions. Automobile service or repair stations. Restaurants. Hospitals. Schools, colleges, and dormitories. Truck terminals. Commercial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof. Industrial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof. Public buildings and uses, except prisons and jails. Essential public utility services. Aquaculture. | Uses customarily accessory to a permitted use in this district. On-premises sales and consumption of alcohol as an accessory to a hotel or restaurant. | All uses listed as permitted uses in the C-1, C-2 and C-3 districts, unless specifically and individually listed as a permitted use or a special exception use in this district. Mobile homes as an accessory use. Residential. <u>Medical marijuana treatment center dispensing facilities.</u> | Shopping centers. Rehabilitation centers. Travel trailer parks. On-premises sales and consumption of alcohol as an accessory use when primary use is not a hotel or restaurant. Nightclubs/bottle clubs. Bars, taverns or lounges. |

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| <i>District</i> | <i>Permitted Uses</i> | <i>Accessory Uses</i> | <i>Prohibited Uses</i> | <i>Special Exception Uses</i> |
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| Industrial District | <p>Manufacture, assembly, processing, packaging and storage of products. which are not obnoxious or offensive by reason of emission of odor, fumes, dust, smoke, noise or vibration.</p> <p>Warehouses and wholesale distribution centers, including related offices and showrooms.</p> <p>Professional and administrative offices.</p> <p>Printing, engraving and related reproductive processes.</p> <p>Research laboratories.</p> <p>Radio or television station, including studios, offices and broadcasting towers.</p> <p>Automobile paint and bodyshops.</p> <p>Bottling of beverages.</p> <p>Bulk fuel oil plants.</p> <p>Bottle gas plants.</p> <p>Asphalt plants.</p> <p>Permanent sawmills.</p> <p>Permanent woodchippers.</p> <p>Miniwarehouses.</p> <p>Public buildings and uses, except prisons and jails.</p> <p>Contractor's plants, storage and equipment areas.</p> <p>Wholesale distribution and storage warehouses.</p> <p>Sale of building materials, including lumber, cement and plaster; feed and fuel; also including millwork and storage when conducted within a building.</p> <p>Automobile, tractor and boat sales, and builders supplies.</p> <p>Essential public utility services.</p> <p>Aquaculture.</p> <p>On-premises consumption of alcohol in chartered or incorporated private</p> | <p>Parking.</p> <p>Signs.</p> <p>Other uses customarily accessory to a permitted use in this district.</p> | <p>All residential uses except when acting as on-site, full-time security for primary use.</p> <p>Mobile homes as accessory use.</p> <p>Prison and jails.</p> <p><u>Medical marijuana treatment center dispensing facilities.</u></p> | <p>Quarrying, mining and processing of raw materials.</p> <p>Cemeteries.</p> <p>Institutions.</p> |

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| | country clubs or lodges. Temporary asphalt plant or concrete batch plant. Junkyards. | | | |
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| <i>District</i> | <i>Permitted Uses</i> | <i>Accessory Uses</i> | <i>Prohibited Uses</i> | <i>Special Exception Uses</i> |
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| RR (Rural Residential) Single- Family District | Single-family dwelling. General farming and forestry. Churches and other houses of worship. Schools. Public buildings and uses, except prisons and jails. Mobile homes. Essential public utility services except towers, broadcasting and communications. ¹ Private club, enclosed clubhouse and lodges. Camps. Outdoor passive recreation. Public parks, noncommercial playgrounds and other public recreational facilities. Parks and recreational areas accessory to residential development including swimming pools and facilities, fitness facilities, tennis and golf course facilities and similar uses. | Home occupations. Private boat landings, docks, swimming pools, and similar uses. Other uses customarily accessory to the permitted use. Nurseries, greenhouse and truck farming. Raising of household pets and livestock for family use. Outdoor storage. ² Temporary yard sales. | All C-1, C-2, C-3 and C-4 uses except as an integral part of a primarily residential PUD. Mobile homes as accessory use. Interconnection of two mobile homes not designed for such use. Parking more than one commercial vehicle. Nightclub/bottle club. <u>Medical marijuana treatment center dispensing facilities.</u> | Planned unit development. Riding stables and academies. Sale of produce which is raised on the premises. Cemeteries. Temporary circus amusements. Broadcasting towers and communications. Private club, outdoor recreation including golf courses, hunt clubs, bridle trails, nonvehicular trail facilities and other similar uses. Golf courses, country club equestrian facilities, hunt clubs which may have a clubhouse. Outdoor commercial recreation. On-premises consumption of alcohol in chartered or incorporated private country clubs or lodges. Major mining and excavation activities, not including fill activities. Support and operation facilities related to the extraction of water for bulk or retail sales. |

¹ Also see section 50-765.

² The outdoor storage must be accessory to and functionally related to the principal use.

| <i>District</i> | <i>Permitted Uses</i> | <i>Accessory Uses</i> | <i>Prohibited Uses</i> | <i>Special Exception Uses</i> |
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| RR-2 Single-Family District | One single-family dwelling. General farming and forestry. Churches and other houses of worship. Schools. Public buildings and uses, except prisons and jails. Essential public utility services, except as prohibited. Private club, enclosed clubhouse and lodges. Public parks, noncommercial playgrounds and other public recreational facilities. Parks and recreational areas accessory to residential development including swimming pools and facilities, fitness facilities, tennis and golf course facilities and similar uses. | Private boat landings, docks, swimming pools, and similar uses. Other uses customarily accessory to the principal permitted use. Home occupations. Temporary yard sales. | All C-1, C-2, C-3 and C-4 uses except as integral part of a primarily residential PUD. Towers, communication and broadcasting. Mobile homes as accessory use. Interconnection of two mobile homes not designed for such use. Parking of commercial vehicles. Nightclub/bottle club. <u>Medical marijuana treatment center dispensing facilities.</u> | Shopping centers. Mobile home parks and subdivisions. Institutions. Private club, outdoor recreation including golf courses, hunt clubs, bridle trails, nonvehicular trail facilities and other similar uses. Golf courses, country club equestrian facilities, hunt clubs which may have a clubhouse. Camps. Outdoor commercial recreation. Outdoor passive recreation. On-premises consumption of alcohol in chartered or incorporated private country clubs or lodges. |

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| <i>District</i> | <i>Permitted Uses</i> | <i>Accessory Uses</i> | <i>Prohibited Uses</i> | <i>Special Exception Uses</i> |
|-----------------|---|--|---|--|
| RR-3C | One conventional single-family dwelling. Churches. Schools. Public buildings and uses, except prisons and jails. Essential public utility services, except as prohibited. Modular homes and residential design mobile homes. Private club, enclosed clubhouse and lodges. Public parks, noncommercial playgrounds and other public recreational facilities. Parks and recreational areas accessory to residential development including swimming pools and facilities, fitness facilities, tennis and golf course | Home occupations. FFA Projects. ¹ Temporary yard sales. | All commercial, except home occupation. Towers, commercial and broadcasting. Mobile homes, parking commercial vehicles. General farming <u>and forestry.</u> Nightclub/bottle club. <u>Medical marijuana treatment center dispensing facilities.</u> | Private club, outdoor recreation including golf courses, hunt clubs, bridle trails, nonvehicular trail facilities and other similar uses. Golf courses, country club equestrian facilities, hunt clubs which may have a clubhouse. Camps. Outdoor commercial recreation. Outdoor passive recreation. On-premises consumption of alcohol in chartered or incorporated private country clubs or lodges. |

| | | | | |
|--|------------------------------|--|--|--|
| | facilities and similar uses. | | | |
|--|------------------------------|--|--|--|

FFA means Future Farmers of America, and "Projects" means the raising of one animal per student living on the property. The accessory use must terminate when the County Fair ends each year. Neither pigs nor roosters are permitted as accessory uses in the RR-3C district.

| <i>District</i> | <i>Permitted Uses</i> | <i>Accessory Uses</i> | <i>Prohibited Uses</i> | <i>Special Exception Uses</i> |
|-----------------|--|---|---|--|
| RR-3M | Single-family dwelling, either conventional or mobile. Churches. Schools. Public buildings and uses, except prisons and jails. Essential public utility services, except as prohibited. Private club, enclosed clubhouse and lodges. Public parks, noncommercial playgrounds and other public recreational facilities. Parks and recreational areas accessory to residential development including swimming pools and facilities, fitness facilities, tennis and golf course facilities and similar uses. | Home occupations. FFA Projects ¹ Temporary yard sales. | All commercial, except home occupations. Towers, commercial and broadcasting. Parking commercial vehicles. General farming and forestry. Nightclub/bottle club. <u>Medical marijuana treatment center dispensing facilities.</u> | Private club, outdoor recreation including golf courses, hunt clubs, bridle trails, nonvehicular trail facilities and other similar uses. Golf courses, country club equestrian facilities, hunt clubs which may have a clubhouse. Camps. Outdoor commercial recreation. Outdoor passive recreation. On-premises consumption of alcohol in chartered or incorporated private country clubs or lodges. |

FFA means Future Farmers of America, and "Projects" means the raising of one animal per student living on the property. The accessory use must terminate when the County Fair ends each year. Neither pigs nor roosters are permitted as accessory uses in the RR-3M district.

| <i>District</i> | <i>Permitted Uses</i> | <i>Accessory Uses</i> | <i>Prohibited Uses</i> | <i>Special Exception Uses</i> |
|------------------------------|---|--|--|---|
| R Multifamily District | Single-family dwelling. Duplex dwelling. Multifamily dwellings. Churches and other houses of worship. Schools. Dwelling, mobile home. Public buildings and uses, except prisons and jails. Essential public utility services, except towers, communication and broadcasting. | Home occupations. Private boat landings, docks, swimming pools and other similar uses. Other uses customarily accessory to the permitted use. Aquaculture. Temporary yard sales. | All C-1, C-2, C-3 and C-4 uses except as an integral part of a primarily residential PUD. Mobile homes as accessory use. Interconnection of two mobile homes not designed for such use. Parking of commercial vehicles. | Shopping centers. Cemeteries. Large scale multiple-family developments. Institutions. Private club, outdoor recreation including golf courses, hunt clubs, bridle trails, nonvehicular trail facilities and other similar uses. Golf courses, country club equestrian facilities, hunt |

| | | | | |
|--|---|--|---|--|
| | Private club, enclosed clubhouse and lodges. Public parks, noncommercial playgrounds and other public recreational facilities. Parks and recreational areas accessory to residential development including swimming pools and facilities, fitness facilities, tennis and golf course facilities and similar uses. | | Towers, communication and broadcasting. Nightclub/bottle club. <u>Medical marijuana treatment center dispensing facilities.</u> | clubs which may have a clubhouse. Camps. Outdoor commercial recreation. Outdoor passive recreation. On-premises consumption of alcohol in chartered or incorporated private country clubs or lodges. |
|--|---|--|---|--|

1
2
3

| <i>District</i> | <i>Permitted Uses</i> | <i>Accessory Uses</i> | <i>Prohibited Uses</i> | <i>Special Exception Uses</i> |
|--|---|---|---|---|
| RMU Rural Mixed Use District | Single-family dwellings. Sales, service and leasing of farm equipment, implements and supplies. ^{1,2} Sales and service of farm irrigation equipment. ^{1,2} Farm mortgage companies, agriculture insurance offices, farm management companies. Farm product crating, shipping, and packing sheds. ^{1,2} Produce stands. Fuel oil, gasoline and liquid petroleum retail sales. ^{1,2} Storage warehouses for farm products and supplies. Convenience or grocery stores which may include gasoline, diesel and liquid petroleum gas sales. ^{1,2,3} Blacksmith or farrier shops. ³ Construction contractor and sub-contractor yards or offices. ^{1,2,3} Veterinary clinics or offices without kennels or runs. ^{1,2,3} Drug stores Pharmacies. Florist shops, gift shops, and barber shops. ³ Bakeries. Business and professional offices. ³ Garden supplies or centers. ¹ Hardware stores, including building material/supplies | Single-family dwellings, provided such dwelling is not accessory to a private club or lodge, self storage or mini-warehouse, or church or other house of worship. Uses customarily accessory to a permitted use in this district. Sales of produce which is raised on the premises. | Any use not listed as a permitted, accessory or special exception use in this district. Automobile sales or service. <u>Medical marijuana treatment center dispensing facilities.</u> | Bulk fertilizer storage, sales and services. ^{1,2,3} Veterinary clinics or offices with kennels or runs. ^{1,2} Horse trailer or farm wagon sales, repair, or manufacturing. ^{1,2,3} Locker or full-service cold storage facilities. ^{1,2} Butcher shops, custom kill and wrap services. Nightclubs/bottle clubs. ² Bars, taverns, or lounges. ² Heavy equipment storage, sales or service. |

| | | | |
|---|--|--|--|
| <p>centers.^{1,2,3} Trail shops or camping supply stores.³ Restaurants, cafes, coffee shops or sandwich shops.³ On-premises sales and consumption of alcohol in chartered or incorporated private country clubs or lodges. Self-storage facilities or mini-warehouses.² Churches or other houses of worship. Bed and breakfast inns. Self-service laundromats. Package liquor stores. Meat markets.³</p> | | | |
|---|--|--|--|

¹ For these uses, there shall be the following limitations and requirements: i) There shall be no outside storage of scrap or used material; ii) Any outside storage of vehicles, equipment or new material shall require screening and buffering methods so as to make such outside storage compatible with, and complementary to, the adjacent and surrounding land uses; iii) All outside storage areas shall be paved with paving bricks, concrete, or asphalt; iv) All outside storage areas shall meet the setbacks required for the RMU district; and v) All parking spaces shall be paved with paving bricks, concrete, or asphalt.

² For these uses, in addition to any other screening and buffering standards contained in this code, all screening and buffering must be compatible with and complementary to the character of the adjacent and surrounding land uses.

³ For these uses, structure size is limited to a maximum of 5,000 square feet.

Section 5. Amendment of Section 50-717. Section 50-717, Levy County Code, is hereby amended to read as follows (deletions shown as ~~stricken through~~, additions shown as underlined):

Sec. 50-717. Concentrated commercial farming.

The following provisions apply to farming or animal operations, such as, but not limited to, dairies, feed lots, pig parlors and chicken farms, at animal densities greater than as contained in the definition of concentrated commercial farming ~~general farming and forestry~~ in section 50-1, or which ~~otherwise may or may not~~ meet the definition of concentrated commercial farming in section 50-1:

(1) A site plan shall be submitted as provided in section 50-775.

(2) Provisions shall be made for animal waste disposal, such that no odor, dust, flies or runoff shall impact upon adjacent properties.

1 The waste disposal system shall be approved by the state
2 department of environmental protection.
3

- 4 (3) All operations shall be located outside known floodprone areas,
5 and at an elevation such that local ponding does not occur within
6 the area being farmed.
7
8 (4) Within an unnumbered A-zone, a flood hazard study by a licensed
9 engineer shall be conducted to verify that no flood hazards exist.
10
11 (5) The board of county commissioners will require that all feeding
12 areas_; all pens_; all waste holding, treatment and disposal areas_;
13 all unpaved vehicular access roads_; all chemical storage
14 facilities_; and all silage and all feed or product storage structures
15 will be located at least 1,320 feet from any residential structure on
16 adjoining properties and from any residential zone other than A/RR
17 and F/RR. Greater distances or other special conditions may be
18 set at the discretion of the board of county commissioners,
19 depending upon the type_; and intensity, or location of the proposed
20 use and its relationship to adjacent land uses, both existing and
21 proposed.

22
23 **Section 6. Amendment of Section 50-738.** Section 50-738, Levy County Code, is
24 hereby amended to read as follows (deletions shown as ~~stricken through~~, additions shown
25 as underlined):

26 **Sec. 50-738. Reptile farms, zoos, or similar facilities, or the keeping of**
27 **dangerous exotic animals or dangerous native animals.**

28 The following provisions apply to the facilities and operation of reptile farms,
29 zoos, or similar facilities, or the facilities and keeping of dangerous exotic animals
30 or dangerous native animals:
31

- 32 (1) A site plan shall be submitted, subject to the provisions of section 50-775
33 with the additional requirements of indicating the methods used to confine
34 the animals and the methods used to contain on-premises any animals
35 that escape from confinement.
36
37 (2) Locations within a floodprone area are prohibited.
38
39 (3) A state-approved method of disposing of animal wastes shall be
40 provided.

1
2 (4) The site plan and supporting documentation will be submitted by the
3 development department to the state department of environmental
4 protection and to the state fish and wildlife conservation commission for
5 review and comment.
6

7 (5) Locations within one-quarter mile of any residential area are prohibited.
8

9 • **Section 7. Amendment of Code by Addition of Section 50-766.** A new Section
10 50-766, Levy County Code, entitled Medical Marijuana Treatment Center Dispensing
11 Facilities is hereby created to read in its entirety as follows:

12 **Sec. 50-766. Medical marijuana treatment center dispensing facilities.**
13

14 Medical marijuana treatment center dispensing facilities are banned from
15 being located within the boundaries of the county. Notwithstanding the
16 foregoing, in the event a municipality within the county desires not to ban
17 medical marijuana treatment center dispensing facilities within the
18 boundaries of that municipality, such municipality shall not be prohibited by
19 this section from allowing medical marijuana treatment center dispensing
20 facilities within its municipal boundaries.
21

22 **Section 8. Conflicts.** In the event of a conflict between any provision of this
23 ordinance and any other ordinance or provision of law, the provision of this ordinance shall
24 control to the extent of the conflict, as allowable under law.

25 **Section 9. Severability.** If any subsection, sentence, clause, phrase, or portion
26 of these sections is for any reason held invalid or unconstitutional by any court of
27 competent jurisdiction, such portion shall be deemed a separate, distinct, and independent
28 provision and such holding shall not affect the validity of the remainder of the chapter.

29 **Section 10. Effective Date.** This ordinance shall take effect upon its filing in the
30 Office of the Secretary of the State, State of Florida.
31
32
33
34

1 **PASSED AND DULY ADOPTED** this 20th day of March, 2018.

2 **BOARD OF COUNTY COMMISSIONERS**
3 **OF LEVY COUNTY, FLORIDA**

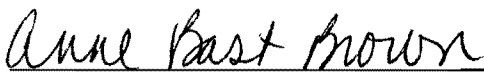
4 
5 _____
6 John Meeks, Chair

7 **ATTEST:** Danny Shipp, Clerk of the
8 Circuit Court and Ex-Officio Clerk to the
9 Board of County Commissioners

10 
11 _____

12 Danny Shipp

13 **APPROVED AS TO FORM AND**
14 **LEGAL SUFFICIENCY:**

15 
16 _____
17 Anne Bast Brown, County Attorney

18 z:\legal\ord\marijuana.ban.1.11.17
19 LR2016-063; 1/12/18

Proof of Publication

Chiefland Citizen

Published Weekly
Chiefland, Levy County, Florida

STATE OF FLORIDA
COUNTY OF LEVY:

Before the undersigned authority, personally appeared Chris Festo, who on oath, says he is Production Manager of the Chiefland Citizen, a newspaper published at Chiefland, in Levy County, Florida; that the attached copy of the advertisement, being

Notice of Enactment of Ordinance 2018-004

was published in said newspaper in the issue of

Published Feb. 22, 2018

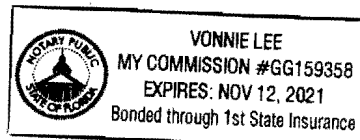
Affiant further says that the said Chiefland Citizen is a newspaper published at Chiefland, in said Levy County, Florida, and that the said newspaper has heretofore been continuously published in said Levy County, Florida, each week and has been entered as second class mail matter at the Post Office in Chiefland, in said Levy County, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


Chris Festo, Production Manager

The foregoing instrument was acknowledged before me this 26th day of February, 2018 by Chris Festo, who is personally known to me.


Notary Public

(SEAL)



RECEIVED

Any person desiring to participate in this hearing should contact the County Commissioners Administration Office at (352) 486-5218.

John Meeks, Chairman
Levy Co. Board of County Commissioners

Published Feb. 22, 2018

NOTICE OF ENACTMENT OF
ORDINANCE 2018-004
BY THE BOARD OF COUNTY
COMMISSIONERS OF LEVY
COUNTY, FLORIDA. NOTICE
IS HEREBY GIVEN the pro-
posed Ordinance will be consid-
ered for enactment by the Levy
County Board of County Com-
missioners, at a public hearing
on Tuesday, March 6, 2018 at
4:00 p.m., or as soon thereafter
as the same may be heard, in
the Board of County Commis-
sioners Meeting Room, Levy
County Courthouse, 355 South
Court Street, Bronson, Florida.
Copies of said Ordinance may
be inspected by any member
of the public at the Office of
the Board of County Commis-
sioners located at 355 S. Court
Street, Bronson, Florida, during
regular business hours or con-
tact by phone at (352) 486-
5217. On the date, time and
place first above-mentioned, all
interested persons may appear
and be heard with respect to the
proposed Ordinance.

ORDINANCE
NUMBER 2018-004
AN ORDINANCE OF LEVY
COUNTY, FLORIDA, RELAT-
ING TO MEDICAL MARIJUA-
NA; ADOPTING FINDINGS;
REPEALING ORDINANCE
2017-002 AND ORDINANCE
2017-018 CONTAINING A
MORATORIUM ON MEDI-
CAL CANNABIS ACTIVITIES;
AMENDING CHAPTER 50 OF
THE LEVY COUNTY CODE;
LAND DEVELOPMENT REG-
ULATIONS, FOR CLARITY IN
THE APPLICATION OF CHAP-
TER 50 TO THE CULTIVATION
AND PROCESSING OF MEDI-
CAL MARIJUANA BY MEDICAL
MARIJUANA TREATMENT
CENTERS, AND TO UPDATE
OTHER CODE PROVISIONS
NECESSITATED THEREBY;
PROHIBITING MEDICAL MAR-
IJUANA TREATMENT CEN-
TER DISPENSING FACILITIES
WITHIN THE BOUNDARIES
OF THE COUNTY, PROVIDING
FOR ALLOWANCE OF SEPA-
RATE TREATMENT OF DIS-
PENSING FACILITIES WITHIN
MUNICIPALITIES; PROVID-
ING FOR CONFLICTS; PRO-
VIDING FOR SEVERABILITY;
PROVIDING AN EFFECTIVE
DATE.

All persons are advised that, if they decide to appeal any decisions made at this public hearing, they will need a record of the proceedings and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Proof of Publication

Chiefland Citizen

RECEIVED MAR 16 2018
Legal

Published Weekly
Chiefland, Levy County, Florida

STATE OF FLORIDA
COUNTY OF LEVY:

Before the undersigned authority, personally appeared Chris Festo, who on oath, says he is Production Manager of the Chiefland Citizen, a newspaper published at Chiefland, in Levy County, Florida; that the attached copy of the advertisement, being

Notice of Enactment of Ordinance 2018-004

was published in said newspaper in the issue of

Published Mar. 8, 2018

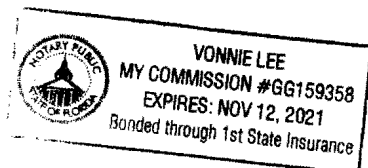
Affiant further says that the said Chiefland Citizen is a newspaper published at Chiefland, in said Levy County, Florida, and that the said newspaper has heretofore been continuously published in said Levy County, Florida, each week and has been entered as second class mail matter at the Post Office in Chiefland, in said Levy County, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


Chris Festo, Production Manager

The foregoing instrument was acknowledged before me this 12th day of March, 2018 by Chris Festo, who is personally known to me.


Notary Public

(SEAL)



record includes the testimony and evidence upon which the appeal is to be based. Any person requiring reasonable accommodations to participate in this meeting should contact the County Commissioners Administration Office at (352) 486-5218.

John Meeks, Chairman
Levy Co. Board of County Commissioners

Pub. Mar. 8, 2018

NOTICE OF ENACTMENT OF ORDINANCE 2018-004

BY THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA. NOTICE IS HEREBY GIVEN the proposed Ordinance will be considered for enactment by the Levy County Board of County Commissioners at a public hearing on Tuesday, March 20, 2018 at 9:00 a.m., or as soon thereafter as the same may be heard, in the Board of County Commissioners Meeting Room, Levy County Courthouse, 355 South Court Street, Bronson, Florida. Copies of said Ordinance may be inspected by any member of the public at the Office of the Board of County Commissioners located at 355 S. Court Street, Bronson, Florida, during regular business hours or contact by phone at (352) 486-5217. On the date, time and place first above-mentioned, all interested persons may appear and be heard with respect to the proposed Ordinance.

ORDINANCE NUMBER 2018-004

AN ORDINANCE OF LEVY COUNTY, FLORIDA, RELATING TO MEDICAL MARIJUANA; ADOPTING FINDINGS; REPEALING ORDINANCE 2017-002 AND ORDINANCE 2017-018 CONTAINING A MORATORIUM ON MEDICAL CANNABIS ACTIVITIES; AMENDING CHAPTER 50 OF THE LEVY COUNTY CODE, LAND DEVELOPMENT REGULATIONS, FOR CLARITY IN THE APPLICATION OF CHAPTER 50 TO THE CULTIVATION AND PROCESSING OF MEDICAL MARIJUANA BY MEDICAL MARIJUANA TREATMENT CENTERS, AND TO UPDATE OTHER CODE PROVISIONS NECESSITATED THEREBY; PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE BOUNDARIES OF THE COUNTY; PROVIDING FOR ALLOWANCE OF SEPARATE TREATMENT OF DISPENSING FACILITIES WITHIN MUNICIPALITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

All persons are advised that, if they decide to appeal any decisions made at this public hearing, they will need a record of the proceedings and, for such purpose, they may need to ensure that a verbatim record of the proceeding is made, which