



CITY OF CLERMONT
ORDINANCE NO. 2020-25

AN ORDINANCE OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, RELATED TO MEDICAL MARIJUANA DISPENSARIES AND, AMENDING CHAPTER 18 “BUSINESSES”, ARTICLE III, “MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS”, SECTIONS 18-85, “PURPOSE AND DEFINITIONS”, 18-86 “MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS PROHIBITED” AND 18-88 “EFFECT OF ANNEXATION” DELETING AND REPEALING THE PROHIBITION ON MEDICAL MARIJUANA DISPENSARIES; AMENDING CHAPTER 82 “GENERAL PROVISIONS”, SECTION 82-12 “LAND USE DEFINITIONS” TO ADD A DEFINITION OF “MEDICAL MARIJUANA DISPENSARY”; AMENDING CHAPTER 122 “ZONING”, ARTICLE III ‘DISTRICTS’, DIVISION 10 “C-1 LIGHT COMMERCIAL DISTRICT”, SECTION 122-203 “PERMITTED USES”, DIVISION 11 “C-2 GENERAL COMMERCIAL DISTRICT”, SECTION 122-223 “PERMITTED USES”, DIVISION 12 “CBD CENTRAL BUSINESS DISTRICT”, SECTION 122-243 “PERMITTED USES” TO ESTABLISH MEDICAL MARIJUANA DISPENSARIES AS PERMITTED USES; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, in 2016 Amendment 2 to the Florida Constitution was adopted by vote of the electors of the State of Florida; and

WHEREAS, Amendment 2 legalized the cultivation and distribution of marijuana within the State of Florida for specified medical purposes; and

WHEREAS, the Legislature of the State of Florida adopted Senate Bill 8A which was signed into law by Governor Rick Scott and which provided and authorized among other things that the City could adopt a prohibition on the operation of cannabis farms within the jurisdictional limits of the City; and

WHEREAS, the City Council of the City of Clermont finds that it is in the best interests of the health, safety, welfare and morals of the citizens of Clermont to prohibit the operation of cannabis farms within the municipal limits; and

WHEREAS, the City Council of the City of Clermont finds that it is in the best interests of the health, safety, welfare and morals of the citizens of Clermont to permit the operation of medical marijuana dispensaries in all zoning districts in which retail pharmacies are permitted within the municipal limits; and

WHEREAS, based on all of the foregoing, the City Council deems it necessary and in the best interest of the City to enact an ordinance prohibiting the operation of such businesses.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, Lake County Florida that:



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SECTION 1. RECITALS

The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent and findings supporting this Ordinance.

SECTION 2. CODE AMENDMENT(S)

Chapter 18 “Businesses”, Article III “Medial Marijuana Dispensaries and Cannabis Farms”, Sections 18-85 “Purpose and Definitions”, 18-86 “Medical Marijuana Dispensaries and Cannabis Farms” and 18-88, “Effect of annexation”, are hereby amended to read as follows (note strikethrough indicates removed words and underlined indicates added):

Article III “Farm Prohibited”

Sec. 18-85. Purpose and definitions.

- (a) *Purpose and intent.* The purpose and intent of this Article is to prohibit the maintenance or operation of a cannabis farm as defined herein.
- (b) *Definitions.* For the purpose of this Article, the following definitions shall apply:

Cannabis refer to the meaning given cannabis in Section 893.02(3), Florida Statutes, and shall include all forms of medical cannabis or low-THC Cannabis

Cannabis Farm shall mean any property used in whole or in part for the growing or cultivation of Cannabis plants, whether or not such growing or cultivation is lawful under the laws of Florida.

Marijuana shall mean and be synonymous with, Cannabis.

Medical Use shall mean any use of any form of cannabis to treat a qualifying medical condition as provided in Amendment 2 and any legislation adopted to implement Amendment 2.

Non – Medical Use shall refer to any possession, sale, distribution, transfer, delivery, or use, of Cannabis or Cannabis based products when not associated with any Medical Use thereof.

Sec. 18-86. Cannabis-Farms Prohibited

The maintenance or operation of a Cannabis Farm is declared to be unlawful and is prohibited in all applicable land use and zoning categories and districts within the City.



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Sec. 18-87. Effect of Annexation.

If a Cannabis Farm is lawfully located on property outside the municipal limits of Clermont, which is later annexed into the City of Clermont, such Cannabis Farm shall be allowed to continue its operations within the property so annexed, for a period not to exceed 180 days, after which further operation as a Cannabis Farm shall be unlawful under this article.

SECTION 3. CODE AMENDMENT(S)

Chapter 82 “General Provisions”, Section 82-12 “Land Use Definitions” is hereby amended to read as follows (note strikethrough indicates removed words and underlined indicates added):

Sec. 82-12. Land Use Definitions.

Medical Marijuana Dispensary shall mean any treatment center, entity, establishment, or portion thereof, which is lawfully licensed to acquire, cultivate, possess, process, transfer, transport, sell, dispense or administer marijuana, products containing marijuana, products derived from marijuana, related supplies, or educational materials. A pharmacy as defined in Section 465.003, Florida Statutes that employs a Florida Licensed pharmacist onsite shall not be considered a Medical Marijuana Dispensary.

SECTION 4. CODE AMENDMENT(S)

Chapter 122 “Zoning”, Article III “Districts”, Division 10 “C-1 Light Commercial District”, Section 122-203 “Permitted Uses”; Division 11 “C-2 General Commercial District”, Section 122-223 “Permitted Uses”; Division 12 “CBD Central Business District”, Section 122-243 “Permitted Uses” are hereby amended to read as follows: (note strikethrough indicates removed words and underlined indicates added):

Sec. 122-203. Permitted uses.

(a) *Generally.* Permitted uses in the C-1 district are as follows:

(1) Retail businesses which supply commodities on the premises, such as but not limited to groceries, baked goods or other foods, drugs, dry goods, clothing, decorations, hardware, furniture, appliances, sporting goods, flowers, etc.

(2) Personal service establishments, such as but not limited to beauty shops or barber shops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaners. Permanent makeup service may be allowed as an accessory use; with a business tax receipt and with medical supervision, within an existing salon, beauty shop, barber shop, medical office, or similar use. Such service shall be limited to the face



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area and would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.

(3) Professional offices, doctor offices, banks, loan companies, insurance and real estate offices, and similar businesses.

(4) Dwelling units permitted in the R-3 district, provided that they meet the regulations of the R-3 district.

(5) Buildings, structures and uses maintained or operated by the city.

(6) Lodges and clubs.

(7) Churches and places of religious worship, less than one acre or 5,000 square feet or less.

(8) Restaurants.

(9) Shopping centers. Any group of businesses with shared parking or in which the total land area of the development less than five acres.

(10) Medical Marijuana Dispensaries.

(b) *Floor space.* Any business establishment or structure proposing to occupy more than 5,000 square feet of floor space shall require a conditional use permit. The floor area ratio for any structure shall not exceed that identified by policies of the adopted comprehensive plan.

(c) *Uses to be enclosed; outdoor storage.* All uses must be within a completely enclosed building, except for outdoor storage, which must be screened from public streets and adjacent property.

(d) *Sidewalk use.* Restaurant or food service business establishments may utilize outside private sidewalk area adjacent to the business for patron use to include non-fastened small tables and chairs or benches during business hours only. Businesses which utilize this type of sidewalk use shall maintain at least a four-foot wide open area for passage from one property to the next, from the inside of any curb toward the business front, and in accordance with the Americans with Disabilities Act (ADA). Where such four-foot open space is not available, table or chairs shall not be allowed. All such uses shall be approved by the applicable city administrator. Number and size limitations are as follows:

(1) Limited to 50 percent of restaurant frontage as approved by the planning and zoning department.

(2) Maximum number of tables and chairs; four tables with maximum four chairs each.

(3) Maximum table width; four feet.

(4) Umbrellas may be utilized provided they adhere to the four-foot clearance for Americans with Disabilities Act (ADA) access and do not have any advertising unless approved by the planning and zoning department.



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(e) Restaurants or similar food service business establishments with larger outdoor seating area available that can be isolated may be permitted with the following provisions:

- (1) Site plan approval is required by the site review committee. Location and any separation from other uses; sidewalks, parking, landscape, and so forth, must be demonstrated and maintained.
- (2) Separation or isolation from other uses may be provided with decorative fencing; no chain link is permitted, landscaping, or similar materials as approved by the site review committee.
- (3) Outdoor seating cannot exceed more than half the total square feet or number of seats; whichever is less, of the indoor seating area.
- (4) Any outdoor seating shall be provided for with approved parking spaces according to the Land Development Code.
- (5) All sidewalks and pedestrian access areas shall maintain Americans with Disabilities Act (ADA) accessibility.
- (6) No advertising shall be permitted on table umbrellas or fencing material unless approved by the planning and zoning department.
- (7) Required landscaping must be maintained in accordance with the city Land Development Code.

Sec. 122-223. Permitted uses.

(a) *Generally.* Permitted uses in the C-2 district are as follows:

- (1) Retail businesses: Any retail business or service, including the sale of goods and services for resale, as long as it is incidental to and in conjunction with a retail business.
- (2) Personal service establishments, such as but not limited to beauty shops or barber shops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaning establishments. Permanent makeup service may be allowed as an accessory use; with a business tax receipt and with medical supervision, within an existing salon, beauty shop, barber shop, medical office, or similar use. Such service shall be limited to the face area and would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.
- (3) Professional offices, doctors' offices, banks, loan companies, insurance and real estate offices, and similar businesses.
- (4) Recreation facilities, theaters, including drive-ins, bowling alleys, skating rinks, billiard halls, miniature golf courses, driving ranges and tourist attractions.
- (5) Restaurants and lounges.



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- (6) Buildings, structures or uses maintained or operated by the City.
- (7) No retail establishment may occupy more than 100,000 square feet.
- (8) Lodges and clubs.
- (9) Laundries.
- (10) Hotels and motels.
- (11) Convenience stores and gas stations.
- (12) Shopping centers; Any group of businesses with shared parking or in which the total land area of the development is less than ten acres.
- (13) Nursery schools, kindergartens or child care centers; provided the outdoor play area is enclosed by a fence at least four feet high and all state requirements are met.
- (14) Medical Marijuana Dispensaries

(b) *Floor space.* Any business establishment or structure proposing to occupy more than 20,000 square feet of floor space shall require a conditional use permit. The floor area ratio for any structure shall not exceed that identified by policies of the adopted comprehensive plan.

(c) *Uses to be enclosed; outdoor storage.* All uses must be conducted within a completely enclosed building; except for outdoor storage, which must be screened from a public street and adjacent property.

(d) *Sidewalk use.* Restaurant or food service business establishments may utilize the outside private sidewalk area adjacent to the business for patron use, to include non-fastened small tables and chairs or benches during business hours only.

Businesses which utilize this type of sidewalk use shall maintain at least a four-foot wide open area for passage from one property to the next, from the inside of any curb toward the business front, and in accordance with the Americans with Disabilities Act. Where such four-foot open space is not available, table or chairs shall not be allowed. All such uses shall be approved by the applicable City administrator. Number and size limitations are as follows:

- (1) Limited to 50 percent of restaurant frontage as approved by the development services department.
- (2) Maximum number of tables and chairs; four tables with a maximum of four chairs each.
- (3) Maximum table width; four feet.
- (4) Umbrellas may be utilized provided they adhere to the four-foot clearance for Americans with Disabilities Act access and do not have any advertising.



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(e) Restaurants or similar food service business establishments with larger outdoor seating area available that can be isolated may be permitted with the following provisions:

- (1) Site plan approval is required by the site review committee. Location and any separation from other uses; sidewalks, parking, and landscape for example, must be demonstrated and maintained.
- (2) Outdoor seating cannot exceed more than half the total square feet or number of seats, whichever is less, of the indoor seating area.
- (3) All sidewalks and pedestrian access areas shall maintain Americans with Disabilities Act accessibility.
- (4) No advertising shall be permitted on table umbrellas or fencing material unless approved by the city administrative official.
- (5) Required landscaping must be maintained in accordance with the city Land Development Code.

Sec. 122-243. Permitted uses.

- (a) *Generally* . Permitted uses in the central business district are as follows:
- (1) Retail businesses which supply commodities on the premises, such as but not limited to groceries, baked goods or other foods, drugs, dry goods, clothing, decorations, hardware, furniture, appliances, sporting goods, flowers, etc.
 - (2) Personal service establishments, such as but not limited to beauty shops or barbershops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaners. Permanent makeup service may be allowed as an accessory use (with a business tax receipt, and with medical supervision) within an existing salon, beauty shop, barber shop, medical office, or similar use. Such service shall be limited to the face area and would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.
 - (3) Professional offices, doctors' offices, banks and loan companies (excluding drive-through facilities except with a conditional use permit), insurance and real estate offices and similar businesses.
 - (4) Dwelling units, single-family and two-family, permitted in the R-2 district, and other residential uses as permitted in the R-3 district, provided that lot size and coverage regulations of the respective district can be accommodated and the lot width of this district is met.
 - (5) Buildings, structures and uses maintained or operated by the city.
 - (6) Lodges and clubs.
 - (7) Restaurants less than 3,000 square feet.



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(8) Medical Marijuana Dispensaries.

(b) *Floor space* . Any business establishment or structure proposing to occupy 3,000 square feet of total floor space or more shall require application for a conditional use permit.

(c) *Uses to be enclosed, outdoor storage* . All uses must be within a completely enclosed building, except for outdoor storage, which must receive site plan approval and be screened from public streets and adjacent property.

(d) *Sidewalk use* . Business establishments may utilize outside private or public sidewalk area for patron use to include non-fastened small tables and chairs, or benches during business hours only. Compact outside display areas may also be utilized provided the display has a maximum width of 25 percent of a retail store width or ten feet in width, whichever is less, four feet in depth, and six feet in height. Businesses which utilize this type of sidewalk use shall maintain at least a four-foot wide open area for passage from one property to the next, from the inside of any curb toward the business front, and in accordance with the Americans with Disabilities Act. Where such four-foot open space is not available, table and chairs or displays shall not be allowed. All such uses shall be approved by the city manager or his designee.

SECTION 5. CODIFICATION

The text of Section 2, 3 and 4 of this Ordinance shall be codified as a part of the Clermont City Code. The codifier is authorized to make editorial changes not effecting the substance of this Ordinance by the substitution of "article" for "ordinance", "section" for "paragraph", or otherwise to take such editorial license.

SECTION 6. CONFLICT

All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. SEVERABILITY

Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 8. EFFECTIVE DATE

This Ordinance shall be published as provided by law and shall become law and shall take effect on the date of its Second Reading and Final Passage.

First Reading this 23rd day of June, 2020.

Second Reading this 14th day of July, 2020.

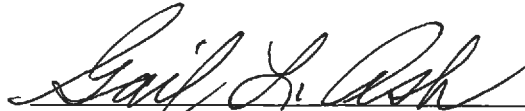


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PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 14th day of July, 2020.



CITY OF CLERMONT


Gail L. Ash, Mayor

ATTEST:



Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:



Daniel F. Mantzaris, City Attorney