

ORDINANCE 2017-19
MEDICAL MARIJUANA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA RELATING TO PHARMACY LOCATIONS AND MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; AMENDING SECTION 14.02 OF THE LAND DEVELOPMENT CODE TO ADD DEFINITIONS FOR PHARMACY AND MEDICAL MARIJUANA TREATMENT CENTER, AND AMENDING SECTION 3.03.02, TABLE 3-4 TO ESTABLISH PERMITTED ZONING DISTRICTS FOR PHARMACIES AND MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the State of Florida and the Palm Coast area in particular are in the midst of an opioid crisis of epidemic proportions; and

WHEREAS, the City Council believes it will be beneficial to keep prescription drug dispensaries away from COM-1, which is the neighborhood commercial district; and

WHEREAS, there are no pharmacies in COM-1, making it an ideal time to eliminate pharmacies as a permitted use; and

WHEREAS, this Ordinance is consistent with the Comprehensive Plan of the City of Palm Coast, and with Fla. Stat. 381.986 (2017), and is in the best interests of the citizens; and

WHEREAS, at a specially scheduled meeting on September 19, 2017, the City's Planning and Land Development Regulation Board voted in favor of the proposed revisions; and

WHEREAS, words with double underlined type shall constitute additions to the original text and strike through shall constitute deletions to the original text, and asterisks (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

SECTION 2. Section 14.02, Glossary, of Chapter 14 of the Unified Land Development Code of the City of Palm Coast is hereby amended to read as follows:

Sec. 14.02. – Glossary

* * *

Medical Marijuana Treatment Center – has the meaning provided in Article X, Section 29, Florida Constitution. Medical Marijuana Treatment Center Dispensing Facilities are a component of said definition. Medical Marijuana Treatment Center Dispensing Facilities are subject to licensure by the Florida Department of Health, pursuant to Section 381.986, Fla. Stat. (2017) and implementing regulations.

* * *

Pharmacy - is a retail use licensed under the Florida Statutes to dispense or sell prescription drugs, including, but not limited to, Medical Marijuana Treatment Center Dispensing Facilities, as referenced in Fla. Stat. 381.986(11), as amended from time to time. The term does not include hospice services, medical and diagnostic laboratories, dental labs, medical and professional offices, outpatient care facilities, assisted living facilities, nursing homes, adult day care centers, child day care centers, schools, colleges, or other educational or health care institutions.

* * *

SECTION 3. Table 3-4, of Section 3.03.02, Nonresidential and Mixed Use Districts – Allowable Uses, of Chapter 3, of the Unified Land Development Code of the City of Palm Coast is hereby amended to read as follows:

Table 3-4. Nonresidential and Mixed Use Zoning Districts – Use Table

* * *

Specific Use Type	COM- 1	COM- 2	COM- 3	OFC- 1	OFC- 2	IND- 1	IND- 2	PSP	P & G	PRS	MPD ¹
Hospice Services	S	P	P	S	P	-	-	P	-	-	P
Hospitals	-	P	P	-	P	-	-	P	-	-	P
Houses of Worship/Religious Institutions (L)	P	P	P	P	P	-	-	P	-	-	P

Nonprofit Organizations, (e.g., Humane Societies) (L)	P	P	P	P	P	-	-	P	-	-	P
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Office, Medical and Professional											
Banks and Credit Unions	P	P	P	P	P	-	-	-	-	-	P
Building Contractors	-	S	P	S	P	P	-	-	-	-	P
Mail Order Facilities	P	P	P	P	P	P	-	-	-	-	P
Medical and Professional Offices	P	P	P	P	P	-	-	-	-	-	P
Outpatient Care Facilities	P	P	P	P	P	-	-	-	-	-	P
<u>Pharmacies²</u>	=	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	=	=	=	=	=
Scientific and Technical (e.g. architects, engineers, design, programming, and consulting)	P	P	P	P	P	S	-	-	-	-	P
Temporary Employment Agencies and Management Services	P	P	P	P	P	-	-	-	-	-	P
Veterinarians (without kennels/post-operative care only)	P	P	P	P	P	-	-	-	-	-	P

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Vehicle Sales, Rental, Service, and Repair											
Automotive, Recreational Vehicle, and Boat Dealers	-	S	P	-	-	P	-	-	-	-	P
Car Washes	-	S	P	-	-	-	-	-	-	-	P
Commercial & Industrial Machinery & Equipment Rental and Leasing	-	S	P	-	-	P	P	-	-	-	P
Convenience Stores with Fueling Facilities (L)	P-1 ³	P	P	-	-	-	-	-	-	-	P
Motor Vehicle Towing Services	-	-	S	-	-	P	P	-	-	-	P
Motorcycle Dealers	-	P	P	-	-	P	-	-	-	-	P
Service Stations	P	P	P	-	-	P	-	-	-	-	P
Taxi and Limousine Services	P	P	P	-	-	-	-	-	-	-	P
Vehicle Rental/Leasing	-	S	P	-	-	P	-	-	-	-	P
Vehicle Repair	-	S	P	-	-	P	-	-	-	-	P

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Footnotes for Table 3-4:

¹ Only if use is specifically mentioned within the MPD Development Agreement.

² A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school. Fla. Stat. 381.986.

³ If subject property is within 500 feet of any residential property, a special exception for the use is required in accordance with Section 2.07 – Special Exceptions.

SECTION 4. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

SECTION 5. CODIFICATION. It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Palm Coast, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, “Ordinance” may be changed to Section,” “Article,” or other appropriate word.

SECTION 6. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

Approved on first reading this 3rd day of October 2017.

Adopted on the second reading after due public notice and hearing this 17th day of October 2017.

CITY OF PALM COAST, FLORIDA

MILISSA HOLLAND, MAYOR

ATTEST:

VIRGINIA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY

WILLIAM E. REISCHMANN, JR.
CITY ATTORNEY

