

**ORDINANCE NO. 9050-17**

**AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, EXTENDING THE TEMPORARY MORATORIUM IMPOSED BY ORDINANCE NO. 8995-17 ON THE OPERATION OF ANY ADDITIONAL “DISPENSING ORGANIZATIONS” THAT DISPENSE “LOW-THC CANNABIS” OR “MEDICAL CANNABIS” OR ON THE OPERATION OF “MEDICAL MARIJUANA TREATMENT CENTERS” WITHIN THE CITY FOR AN ADDITIONAL PERIOD OF NINETY (90) DAYS; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on November 8, 2016, Florida voters approved an amendment to the Florida Constitution, titled “Use of Marijuana for Debilitating Medical Conditions” (“Amendment 2”); and

WHEREAS, Amendment 2, which had an effective date of January 3, 2017, has legalized under state law throughout the State of Florida the medical use of cannabis for a “Debilitating Medical Condition,” which is defined to mean “cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient”; and

WHEREAS, Amendment 2 has legalized under state law throughout the State of Florida the operation of a “Medical Marijuana Treatment Center” (“MMTC”), which is defined to mean “an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department [of Health]”; and

WHEREAS, Amendment 2 required the Florida Department of Health to adopt specified regulations pertaining to MMTCs within 6 months from the effective date of the amendment, such as procedures for the registration of MMTCs that include procedures pertaining to the issuance, renewal, suspension and revocation of registration, and standards ensuring proper security, record keeping, testing, labeling, inspection, and safety, as well as regulations defining the amount of marijuana that could reasonably be presumed to be an adequate supply for qualifying patients’ medical use, based on the best available evidence; and

WHEREAS, Amendment 2 also authorized the Florida legislature to enact laws consistent with the Department of Health’s constitutional duties; and

WHEREAS, the Florida legislature ended its 2017 regular session without enacting any laws regulating MMTCs, leaving it to the Florida Department of Health to adopt specified regulations pertaining to MMTCs; and

WHEREAS, the Florida Department of Health as of May 9, 2017, has not yet adopted specified regulations and has until July 2, 2017, to do so; and

WHEREAS, in order to promote effective land use planning, the City Council imposed a temporary moratorium in Ordinance No. 8775-17 until July 2, 2017, on the operation of MMTCs or the operation of any additional “Dispensing Organizations within the City of Clearwater to preserve the status quo while awaiting the promulgation of regulations by the Florida Department of Health and the possible adoption of laws by the Florida legislature pertaining to MMTCs so that the Department of Planning and Development for the City of Clearwater would have an opportunity to review such rules and laws and to research, study and analyze the potential impact of MMTCs and “Dispensing Organizations” upon adjacent uses and the surrounding area and the effect of MMTCs and “Dispensing Organizations” on the general welfare; and

WHEREAS, without knowing what regulations the Florida Department of Health may adopt, the Department of Planning and Development for the City of Clearwater is unable to adequately formulate land development regulations that appropriately govern the use of real property for purposes of cultivating, processing, distributing, or selling marijuana or for related activities; and

WHEREAS, in order to adopt zoning regulations at this late date, the Department of Planning and Development for the City of Clearwater must obtain the recommendations of the Clearwater Community Development Board, which meets only once a month, before then bringing to the City Council for final approval at the City Council’s second public hearing any Ordinance imposing zoning regulations; and

WHEREAS, because the adoption process will take additional time to complete, any regulations pertaining to MMTCs that the Department of Planning and Development for the City of Clearwater would currently formulate and provide to the City Council would not be adopted until well after July 2, 2017; and

WHEREAS, the City Council finds that an extension of the temporary moratorium imposed by Ordinance No. 8775-17 for an additional ninety (90) days will enable the City of Clearwater a sufficient period of time to analyze the regulations adopted by the Florida Department of Health and then formulate and adopt land development regulations that appropriately govern the use of real property for purposes of cultivating, processing, distributing, or selling marijuana or for related activities; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
CLEARWATER, FLORIDA:

Section 1. The temporary moratorium imposed by Ordinance No. 8775-17 until July 2, 2017, on the operation of MMTCs or the operation of any additional “Dispensing Organizations” within the City of Clearwater is hereby extended an additional ninety (90) days.

Section 2. During the period of this extended moratorium, the City shall not process or issue any comprehensive plan amendments, rezonings, development approvals, development orders, building permits, or other related permits, nor shall it process applications concerning such matters.

Section 3. Nothing in this extended moratorium shall be construed to prohibit the medical use of cannabis or low-THC cannabis by a qualifying patient, as determined by a licensed Florida physician, or delivery of cannabis in compliance with Florida law.

PASSED ON FIRST READING

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PASSED ON SECOND AND FINAL  
READING AND ADOPTED

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George N. Cretekos  
Mayor

Approved as to form:

Attest:

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Robert J. Surette  
Assistant City Attorney

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Rosemarie Call  
City Clerk