

4R(2) - MEDICAL MARIJUANA DISPENSARIES^[21]

Footnotes:

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Editor's note— it should be noted that § 2 of Ord. No. 2017-25, § 1, 6-5-2017, Doc. #1706051201 states: Grandfathered Dispensaries. Notwithstanding anything in this ordinance to the contrary, medical marijuana dispensaries approved by a site-specific zoning official determination issued before the effective date of this ordinance and the subject of a complete building permit application to construct the dispensary (pursuant to the Florida Building Code) submitted to the permitting official before the effective date of this ordinance are hereby made conforming and lawful under this ordinance as to the locational regulations of this ordinance. Medical marijuana dispensaries approved by a site-specific zoning official determination issued before the effective date of this ordinance but not the subject of a complete building permit application to construct the dispensary (pursuant to the Florida Building Code) submitted to the permitting official before the effective date of this ordinance are hereby made wholly subject to the provisions of this ordinance.

Sec. 58.873. - General Requirements.

- (a) *Zoning use.* For purposes of the Land Development Code, including the tables of allowable, prohibited, and conditional uses (Figures 2A.LDC—2D.LDC, Chapter 58, Orlando City Code), medical marijuana dispensaries are hereby categorized as a light retailing use as defined in section 66.200, Orlando City Code. In the Southeast Orlando Sector Plan area, medical marijuana dispensaries must comply with the land development regulations applicable to the Village Center land use category.
- (b) *Cultivation and processing.* Medical marijuana cultivation facilities and medical marijuana processing facilities are hereby prohibited in the City.
- (c) *Dispensaries.* Medical marijuana dispensaries are hereby prohibited in the City unless the dispensary is approved by the Florida Department of Health pursuant to applicable state laws and regulations.
- (d) *Cap on dispensaries.* Only seven medical marijuana dispensaries are allowed in the City, without regard for the number of dispensing organizations approved by the State of Florida. As of the effective date of this Part, there are seven state-approved dispensing organizations, and each of them may have one dispensary in the City.

(Ord. No. 2017-25, § 1, 6-5-2017, Doc. #1706051201)

Sec. 58.874. - Special Location Regulations.

- (a) *Use separations.* In addition to complying with the land development regulations of the table of allowable, prohibited, and conditional uses, medical marijuana dispensaries are prohibited within:
 - 1. 200' of a residential zoning district; and
 - 2. 200' of a residential land use in the Southeast Orlando Sector Plan area; and
 - 3. 1,000' of a religious institution; and
 - 4. 1,000' of a school; and
 - 5. 1,000' of a park; and
 - 6. 1,000' of a child day care center; and

7. 1,000' of a treatment and recovery facility; and
 8. 5,280' of another medical marijuana dispensary.
- (b) *Hospital exception.* Notwithstanding subsection 58.874(a), medical marijuana dispensaries may locate, operate, and undertake substantial improvements and enlargements if the dispensary is an accessory use to a hospital with at least 100 beds. To be an "accessory use" for purposes of this subsection, the dispensary must be located within the hospital or on land owned or operated by the hospital (or a closely-related corporate entity) and within 1,000' of the parcel of land on which the hospital is located.
- (c) *Neighboring jurisdictions.* The use separation regulations of subsection 58.874(a) apply only to such uses located in the City of Orlando, except that medical marijuana dispensaries in the City are prohibited within 200' of a residential zoning district located in unincorporated Orange County or a neighboring municipality and within 5,280' of another medical marijuana dispensary located in unincorporated Orange County or a neighboring municipality. The planning official or permitting official should, upon receipt of any application proposing a medical marijuana dispensary within 1,000' of unincorporated Orange County or a neighboring municipality, provide written notice of the application to the planning or permitting official of the applicable neighboring jurisdiction. This notice is a courtesy notice and failure to make such notice shall not invalidate any approvals issued by the City.
- (d) *Method of measuring distance.* For the purposes of this Part, distance shall be measured by the shortest, straight line between property or district boundaries.

(Ord. No. 2017-25, § 1, 6-5-2017, Doc. #1706051201)

Sec. 58.875. - Special Operational Regulations.

- (a) *Security system.* To ensure the safety and security of medical marijuana dispensaries, and to maintain adequate controls against the diversion, theft, and loss of low-THC cannabis, medical cannabis, and cannabis delivery devices, F.S. § 381.986, and Chapter 64-4, Florida Administrative Code, require dispensing organizations to implement and maintain specified security systems and techniques. The security plan approved by the Florida Department of Health for the dispensary must be filed with the police chief before the dispensary opens for business and any changes to the security plan must be filed with the police chief within seven days of approval by the Florida Department of Health. It is unlawful and a violation of this subsection to operate, own, or control a medical marijuana dispensary except in compliance with the applicable security plan approved by the Florida Department of Health.
- (b) *Site plan and appearance approval.* Before a certificate of occupancy or certificate of completion is issued by the permitting official (whichever is applicable, and if neither are applicable then before the dispensary opens for business) for a medical marijuana dispensary, the dispensary must be reviewed and approved by planning official determination. The planning official determination must review and approve the proposed site for zoning use compliance, for compliance with applicable site development standards (including parking and pedestrian and automobile circulation), and for compliance with applicable appearance and architectural standards (including signs).
- (c) *Outdoor lighting.* Medical marijuana dispensaries are hereby made exempt from Part 2M, Chapter 63, Orlando City Code, but only to the extent minimally necessary to achieve compliance with state laws and regulations relating to sufficient outdoor lighting.
- (d) *Hours of operation.* Medical marijuana dispensaries may not dispense low-THC cannabis, medical cannabis, or cannabis delivery devices between the hours of 7:00 p.m. and 8:00 a.m. This subsection applies only to the onsite dispensing of low-THC cannabis, medical cannabis, or cannabis delivery devices, and does not purport to regulate the delivery of low-THC cannabis, medical cannabis, or cannabis delivery devices, nor does this subsection prohibit the use of the

dispensary between the hours of 7:00 p.m. and 8:00 a.m. for business purposes other than the dispensing of low-THC cannabis, medical cannabis, or cannabis delivery devices.

- (e) *Drive-in facilities prohibited.* Drive-in facilities are prohibited at medical marijuana dispensaries.

(Ord. No. 2017-25, § 1, 6-5-2017, Doc. #1706051201)

Sec. 58.876. - Definitions.

For the purposes of this Part, the following words, terms, and phrases (and their derivations) have the meanings provided hereinafter, except where the context clearly requires otherwise.

- (a) *"Cannabis delivery device"* has the same meaning provided at section 381.986(1)(a), Florida Statutes.
- (b) *"Dispensing organization"* has the same meaning provided at section 381.986(1)(b), Florida Statutes.
- (c) *"Low-THC cannabis"* has the same meaning provided at section 381.986(1)(e), Florida Statutes.
- (d) *"Medical cannabis"* has the same meaning provided at section 381.986(1)(f), Florida Statutes.
- (e) *"Medical marijuana cultivation facility"* has the same meaning as "cultivation facility" as provided at Rule 64-4.001(11)(a), Florida Administrative Code, and includes any area approved by the Florida Department of Health for the cultivation of medical cannabis.
- (f) *"Medical marijuana processing facility"* has the same meaning as "processing facility" as provided at Rule 64-4.001(11)(b), Florida Administrative Code, and includes any area approved by the Florida Department of Health for the processing of medical cannabis.
- (g) *"Medical marijuana dispensary"* has the same meaning as "dispensing facility" as provided at Rule 64-4.001(11)(c), Florida Administrative Code, and includes any area approved by the Florida Department of Health for the dispensation of medical cannabis.
- (h) *"Park"* means all public and private property specifically designated as being used for principally recreational purposes.

(Ord. No. 2017-25, § 1, 6-15-2017, Doc. #1706051201)

Secs. 58.877—58.879. - Reserved.