

ORDINANCE NO. 2018 - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING SEC. 3-5 OF ARTICLE III OF THE CLAY COUNTY LAND DEVELOPMENT CODE, BEING THE CODIFICATION OF ORDINANCE NO. 93-16, AS SUBSEQUENTLY AMENDED, AND COMPRISING THE ZONING AND LAND USE LAND DEVELOPMENT REGULATIONS, WHICH SEC. 3-5 PROVIDES FOR CONDITIONAL USES, BY CREATING A NEW SUBSECTION THEREIN TO ADD A MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY AS A CONDITIONAL USE AND THE REDESIGNATION OF CURRENT SUBSECTIONS OF SEC. 3-5 TO INCORPORATE THE NEW SUBSECTION; PROVIDING FOR CONDITIONS AND RESTRICTIONS APPLICABLE TO THE OPERATION OF A MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY; AMENDING SEC. 3-23 LIGHT NEIGHBORHOOD BUSINESS DISTRICT, SEC. 3-24 NEIGHBORHOOD BUSINESS DISTRICT, SEC. 3-25 INTERMEDIATE BUSINESS DISTRICT, SEC. 3-26 LIGHT INTERMEDIATE BUSINESS DISTRICT, SEC. 3-26.1 COMMUNITY BUSINESS DISTRICT, SEC. 3-27 SHOPPING CENTER DISTRICT, SEC. 3-31 PLANNED COMMERCIAL DEVELOPMENT DISTRICT, AND SEC. 3-33 PLANNED UNIT DEVELOPMENT TO ADD MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY AS A CONDITIONAL USE THEREIN; AMENDING SEC. 3-33A BRANAN FIELD PLANNED UNIT DEVELOPMENT LAND DEVELOPMENT REGULATIONS TO ADD MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY AS A CONDITIONAL USE IN MASTER PLANNED COMMUNITY, TRADITIONAL NEIGHBORHOOD, RURAL ACTIVITY CENTER, COMMUNITY CENTER, ACTIVITY CENTER, BRANAN FIELD MIXED USE, AND RURAL NEIGHBORHOOD CENTER; AMENDING SEC. 3-33B LAKE ASBURY MASTER PLAN LAND DEVELOPMENT REGULATIONS TO ADD MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY AS A CONDITIONAL USE IN ACTIVITY CENTER, VILLAGE CENTER AND INTERCHANGE VILLAGE CENTER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. As used herein, the term “Article III” shall mean and refer to Article III of the Clay County Land Development Code, being the codification of Ordinance 93-16, as subsequently amended, and comprising the Zoning and Land Use Regulations.

Section 2. Sec. 3-5 of Article III, which provides for conditional uses, is hereby amended by the creation of a new subsection thereof to be designated subsection (ak), to be inserted immediately following subsection (aj) thereof, and to read in its entirety as follows:

(ak) *Medical Marijuana Treatment Center Dispensing Facility*

- (1) No advertising may be visible to members of the public from any street, sidewalk, park, or other public place except the dispensing facility may have a sign that is affixed to the outside or hanging in the window of the premises that identifies the dispensary by the licensee's business name, an approved trade name, or an approved logo. A trade name or logo may not contain wording or images commonly associated with marketing targeted toward children or which promote recreational use of marijuana. (F.S.§381.986 (8)(h)(1)(2017))
- (2) No dispensing from the premises of marijuana or marijuana delivery devices between the hours of 9 p.m. and 7 a.m. (F.S.§381.986 (8)(f)(4)(2017))
- (3) May not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school. (F.S.§381.986 (11)(c)(2017))

Section 3. Current subsections (ak) through (br) of Sec. 3-5 of Article III are hereby redesignated as subsections (al) through (bs).

Section 4. Subsection (c) of Sec. 3-23 of Article III, which subsection (c) sets forth conditional uses permitted in the Light Neighborhood Business District (Zone BA-1), is hereby amended by the addition of a new paragraph thereto, to be designated paragraph (5), to be inserted immediately following paragraph (4) thereof, and to read in its entirety as follows:

- (5) Medical Marijuana Treatment Center Dispensing Facility

Section 5. Subsection (d) of Sec. 3-24 of Article III, which subsection (d) sets forth conditional uses permitted in the Neighborhood Business District (Zone BA), is hereby amended by the addition of a new paragraph thereto, to be designated paragraph (8), to be inserted immediately following paragraph (7) thereof, and to read in its entirety as follows:

- (8) Medical Marijuana Treatment Center Dispensing Facility

Section 6. Subsection (c) of Sec. 3-25 of Article III, which subsection (c) sets forth conditional uses permitted in the Intermediate Business District (Zone BB), is hereby amended by the addition of a new paragraph thereto, to be designated paragraph (19), to be inserted immediately following paragraph (18) thereof, and to read in its entirety as follows:

- (19) Medical Marijuana Treatment Center Dispensing Facility

Section 7. Subsection (c) of Sec. 3-26 of Article III, which subsection (c) sets forth conditional uses permitted in the Light Intermediate Business District (Zone BB-1), is hereby amended by the addition of a new paragraph thereto, to be designated paragraph (9), to be inserted immediately following paragraph (8) thereof, and to read in its entirety as follows:

- (9) Medical Marijuana Treatment Center Dispensing Facility

Section 8. Subsection (c) of Sec. 3-26.1 of Article III, which subsection (c) sets forth conditional uses permitted in the Community Business District (Zone BB-2), is hereby amended by the addition of a new paragraph thereto, to be designated paragraph (11), to be inserted immediately following paragraph (10) thereof, and to read in its entirety as follows:

- (11) Medical Marijuana Treatment Center Dispensing Facility

Section 9. Subsection (c) of Sec. 3-27 of Article III, which subsection (c) sets forth conditional uses permitted in the Shopping Center District (Zone BSC), is hereby amended by the addition of a new paragraph thereto, to be designated paragraph (6), to be inserted immediately following paragraph (5) thereof, and to read in its entirety as follows:

- (6) Medical Marijuana Treatment Center Dispensing Facility

Section 10. Subsection (l) of Sec. 3-31 of Article III, which subsection (l) sets forth conditional uses permitted in the Planned Commercial Development District (Zone PCD), is hereby amended by the addition of a new paragraph thereto, to be designated paragraph (2), to be inserted immediately following paragraph (1) thereof, and to read in its entirety as follows:

- (2) Medical Marijuana Treatment Center Dispensing Facility

Section 11. Subsection (l) of Sec. 3-33 of Article III, which subsection (l) sets forth conditional uses permitted in the Planned Unit Development (Zone PUD), is hereby amended by the addition of a new paragraph thereto, to be designated paragraph (9), to be inserted immediately following paragraph (8) thereof, and to read in its entirety as follows:

- (9) Medical Marijuana Treatment Center Dispensing Facility

Section 12. Paragraph II.2.b of Sec. 3-33A of Article III, which paragraph II.2.b sets forth conditional uses permitted in the Master Planned Community Land Use (LU BFMPC), is hereby amended by the addition of a new paragraph thereto, to be designated subparagraph vi., to be inserted immediately following paragraph v. thereof, and to read in its entirety as follows:

- vi. Medical Marijuana Treatment Center Dispensing Facility

Section 13. Paragraph II.3.b of Sec. 3-33A of Article III, which paragraph II.3.b sets forth conditional uses permitted in the Traditional Neighborhood Land Use (LU BFTN), is hereby amended by the addition of a new paragraph thereto, to be designated subparagraph vi., to be inserted immediately following paragraph v. thereof, and to read in its entirety as follows:

- vi. Medical Marijuana Treatment Center Dispensing Facility

Section 14. Paragraph III.2.b of Sec. 3-33A of Article III, which paragraph III.2.b sets forth conditional uses permitted in the Rural Activity Center Land Use (LU BFRAC) is hereby amended by the addition of a new paragraph thereto, to be designated subparagraph ii. to be inserted immediately following paragraph i. thereof, and to read in its entirety as follows:

- ii. Medical Marijuana Treatment Center Dispensing Facility

Section 15. Paragraph III.3.b of Sec. 3-33A of Article III, which paragraph III.3.b sets forth conditional uses permitted in the Community Center Land Use (LU BFCC), is hereby amended by the addition of a new paragraph thereto, to be designated subparagraph viii., to be inserted immediately following paragraph vii. thereof, and to read in its entirety as follows:

- viii. Medical Marijuana Treatment Center Dispensing Facility

Section 16. Paragraph III.4.b of Sec. 3-33A of Article III, which paragraph III.3.b sets forth conditional uses permitted in the Activity Center Land Use (LU BFAC), is hereby amended by the addition of a new paragraph thereto, to be designated subparagraph viii., to be inserted immediately following paragraph vii. thereof, and to read in its entirety as follows:

- viii. Medical Marijuana Treatment Center Dispensing Facility

Section 17. Subparagraph III.6.a.v of Sec. 3-33A of Article III, which subparagraph III.6.a.v sets forth conditional uses permitted in the Branan Field Mixed Use Land Use (LU BFMU) is hereby amended by the addition of a new paragraph thereto, to be designated subparagraph H., to be inserted immediately following subparagraph G. thereof, and to read in its entirety as follows:

- H. Medical Marijuana Treatment Center Dispensing Facility

Section 18. Subparagraph III.7.b.i of Sec. 3-33A of Article III, is hereby added and inserted immediately after Paragraph III.7.a, which new paragraph III.7.b.i. sets forth conditional uses permitted in the Rural Neighborhood Center Land Use (LU BFRNC) and to read in its entirety as follows:

b. Conditional Uses. The following uses are permitted subject to the conditions specified in Sec. 20.3-5 of the Zoning Code.

- i. Medical Marijuana Treatment Center Dispensing Facility

Section 19. Paragraph B.5.b of Sec. 3-33B of Article III, which paragraph B.5.b sets forth conditional uses permitted in the Lake Asbury Activity Center District (Zone LA AC), is hereby amended by the addition of a new paragraph thereto, to be designated subparagraph vii., to be inserted immediately following paragraph vi. thereof, and to read in its entirety as follows:

- vii. Medical Marijuana Treatment Center Dispensing Facility

Section 20. Paragraph B.6.b of Sec. 3-33B of Article III, which paragraph B.6.b sets forth conditional uses permitted in the Lake Asbury Village Center District (Zone LA VC), is hereby amended by the addition of a new paragraph thereto, to be designated subparagraph vi., to be inserted immediately following paragraph v. thereof, and to read in its entirety as follows:

vi. Medical Marijuana Treatment Center Dispensing Facility

Section 21. If any portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed so as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 22. This ordinance shall take effect as provided by Florida general law.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this ____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

By: _____
Gavin Rollins
Its Chairman

ATTEST:

S. C. Kopelousos
County Manager and Clerk of the
Board of County Commissioners

