

ORDINANCE 2024-05

AN ORDINANCE OF THE CITY OF BELLEVIEW, FLORIDA, RELATING TO LOCATION OF MEDICAL MARIJUANA CULTIVATING, PROCESSING, AND TREATMENT CENTER DISPENSING FACILITIES; AMENDING THE DEFINITIONS; AMENDING THE TITLE TO SECTION 134.675 OF THE CITY CODE; AMENDING SUBSECTIONS (b), (c) AND (d) OF SECTION 134.675 OF THE CITY CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE

Whereas, the City Code establishes certain restrictions regarding the location of medical marijuana treatment center dispensing facilities; and

Whereas, the Legislature of the State of Florida has, in Section 381.986 Florida Statutes, preempted authority regarding location of medical marijuana cultivation, processing, and treatment center dispensing facilities; and

Whereas, Section 381.986 Florida Statutes provides that municipalities may not adopt regulations regarding the location of medical marijuana treatment center dispensing facilities that are more restrictive than the criteria for the location of pharmacies; and

Whereas, the City of Belleview City Commission finds that it is in the public interest to amend Section 134.675 of the City Code to conform with the provisions of Florida law regarding medical marijuana treatment center dispensing facilities; and

Whereas, the City of Belleview City Commission finds that it is in the public interest to amend Section 134.675 to restrict the location of medical marijuana cultivation and processing facilities as set forth herein-below.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Belleview as follows:

Section 1. **RECITALS**. The foregoing recitals are true and correct and are incorporated herein, but need not be set forth in the City of Belleview Code.

Section 2. **NOW THEREFORE, BE IT ORDAINED** by the City Commission of the City of Belleview, Florida that Chapter 134, Article V.2, Subsections 134.675 (a) Definitions is hereby amended to add the following definitions which shall read as follows:

Medical marijuana cultivation facility shall mean a facility where medical marijuana is grown or cultivated for use in a medical marijuana treatment center dispensing facility.

Medical marijuana processing facility shall mean a facility where medical marijuana is processed for use in a medical marijuana treatment center dispensing facility.

Medical marijuana treatment center dispensing facility shall mean a dispensing facility for medical marijuana that is dispensed in compliance with Florida law.

BE IT FURTHER ORDAINED that the title to Section 134.675 shall be amended and Subsections (b), (c) and (d) of the City of Belleview Code shall be amended to read as follows:

“ARTICLE V.2. - MEDICAL MARIJUANA TREATMENT CENTERS

Sec. 134-675. - Location of medical marijuana cultivation facilities, processing facilities and treatment center dispensing facilities.

- (b) It shall be unlawful to operate, within the corporate limits of the city, a medical marijuana treatment dispensing center except upon premises having a business zoning designation of B-2, B-3, B-4 or B-5.
- (c) It shall be unlawful to operate, within the corporate limits of the city, a medical marijuana Cultivating or processing facility, within the corporate limits of the city, except having a industrial zoning classification of M-1 or M-2.
- (d) It shall be unlawful to operate, within the corporate limits of the city, a medical marijuana cultivating facility, processing facility, or treatment center dispensing facility within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school.”

Section 3. BE IT FURTHER ORDAINED THAT:

- (a) In the event that any provision of this ordinance is in conflict with any other City ordinance, then the provisions of this Ordinance shall prevail.
- (b) Should any section, subsection, clause, phrase, or provision of this ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.
- (c) All ordinances or parts of ordinances, in conflict with this ordinance are, to the extent of such conflict, hereby repealed.
- (d) The provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Belleview, Florida; the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

(e) This Ordinance shall become effective immediately upon adoption.

CERTIFICATE OF ADOPTION AND APPROVAL

The above and foregoing ordinance was duly read and approved upon **First Reading** by a _____ vote of the City Commission of the City of Belleview, Florida, at a Regular Meeting held on June 4, 2024. Said ordinance was duly read, passed, and adopted upon **Final Reading** by a _____ vote of the City Commission of the City of Belleview, Florida at a Public Hearing held on June 18, 2024.

Dated: _____

CHRISTINE DOBKOWSKI
Mayor

Attest:

MARIAH MOODY
City Clerk, CMC

*Approved as to Form and Legal Sufficiency
For the use and Benefit of the City of Belleview Only:*

FREDERICK E. LANDT, III
City Attorney

CERTIFICATE OF ADVERTISING

I HEREBY CERTIFY that the foregoing Ordinance was advertised for a Public Hearing in the June 6th, 2024 edition of the Voice of South Marion newspaper in accordance with Florida Statutes.

Mariah Moody, CMC
City Clerk