

**PLANNING BOARD
RESOLUTION NO. 2017-03**

A RESOLUTION OF THE CITY OF KEY WEST RECOMMENDING AN ORDINANCE TO THE CITY COMMISSION RELATING TO MEDICAL CANNABIS ACITIVITIES; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; ESTABLISHING A TEMPORARY MORATORIUM FOR A PERIOD OF 270 DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE ON THE GROWING, CULTIVATION, PROCESSING, MANUFACTURING, DISPENSING, DISTRIBUTION, AND SALE OF MEDICAL CANNABIS, LOW-THC CANNABIS, DERIVATIVE PRODUCTS, AND RELATED ACTIVITIES; DIRECTING CITY STAFF TO DEVELOP PROPOSED LAND DEVELOPMENT REGULATIONS AND OTHER RECOMMENDATIONS REGARDING SUCH CANABIS-RELATED ACTIVITIES PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 8, 2016, Florida voters voted on the Florida Right to Medical Marijuana Initiative, passage of which amends the Florida Constitution to authorize "Medical Marijuana Treatment Centers," defined therein as " 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"; and


Interim Planning Director


Chairman

WHEREAS, passage of the Florida Right to Medical Marijuana Initiative expands the medical use of cannabis and related products to patients suffering from certain "Debilitating Medical Conditions," as defined therein, which represents a broader population of patients than those eligible under the Compassionate Use Act and the Right to Try Act; and

WHEREAS, the Florida Department of Health has six months from the January 3rd implementation date, to develop rules for putting the law into place and nine months to begin issuing ID cards to patients who qualify under the law. Health officials and the Florida Legislature have to implement a series of guidelines governing whether or not additional businesses can be approved to cultivate and distribute marijuana. The state also has to establish rules for growers and details on where and when dispensaries can operate; and

WHEREAS, the purpose of this ordinance is to place a temporary moratorium of two hundred and seventy (270) days, on Dispensing Facilities and Medical Cannabis Activities, as defined herein, except where regulation of such activities is preempted to the state, for a period of time reasonably necessary for the City to review the Florida Department of Health's regulations, the impacts of Dispensing Facilities and Medical Cannabis Activities upon the public health, safety, and welfare, and to promulgate reasonable regulations relating to such activities if deemed advisable by the City; and

WHEREAS, the Planning Board held a noticed public hearing on February 23, 2017, where based on the consideration of recommendations by staff, the board recommended approval of the proposed ordinance; and

WHEREAS, the Planning Board determined that the proposed ordinance: is the period of time reasonably necessary for the City to review the Florida Department of Health's regulations, the impacts of Dispensing Facilities and Medical Cannabis Activities upon the public health, safety, and welfare, and to promulgate reasonable regulations relating to such activities;

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING BOARD OF THE CITY OF KEY WEST, FLORIDA:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.



Chairman
Interim Planning Director

Section 2. That AN ORDINANCE TO THE CITY COMMISSION RELATING TO MEDICAL CANNABIS ACITIVITIES; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; ESTABLISHING A TEMPORARY MORATORIUM FOR A PERIOD OF 270 DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE ON THE GROWING, CULTIVATION, PROCESSING, MANUFACTURING, DISPENSING, DISTRIBUTION, AND SALE OF MEDICAL CANNABIS, LOW-THC CANNABIS, DERIVATIVE PRODUCTS, AND RELATED ACTIVITIES; DIRECTING CITY STAFF TO DEVELOP PROPOSED LAND DEVELOPMENT REGULATIONS AND OTHER RECOMMENDATIONS REGARDING SUCH CANABIS-RELATED ACTIVITIES;; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS, PROVIDING FOR AN EFFECTIVE DATE.

Is hereby recommended for approval; a copy of the draft ordinance is attached.

Section 3. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the city clerk.

Read and passed on first reading at a regular meeting held this 23rd day of February 2017.


Chairman

Interim Planning Director

Authenticated by the Chairman of the Planning Board and the Planning Director.



Sam Holland Jr., Planning Board Chairman

3/15/17

Date

Attest:

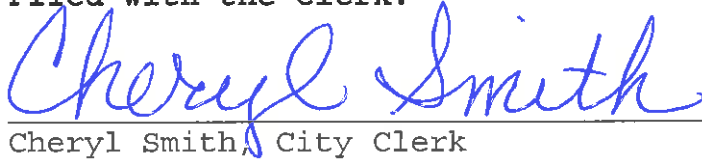


Patrick Wright, Interim Planning Director

3-15-17

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

3-16-17

Date



Chairman

Interim Planning Director