

Sponsored by: Senmartin
Public Hearing Date: January 10, 2017
February 14, 2017
Enactment date:

**CITY OF MARATHON, FLORIDA
ORDINANCE 2017-01**

AN ORDINANCE BY THE CITY OF MARATHON, FLORIDA IMPOSING A TEMPORARY MORATORIUM ON THE OPENING OF ANY NEW MARIJUANA DISPENSING FACILITIES OR MEDICAL MARIJUANA TREATMENT CENTERS WITHIN THE CITY OF MARATHON FOR A PERIOD OF ONE HUNDRED AND EIGHTY (180) DAYS FROM THE DATE OF ADOPTION OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council at a regular meeting on December 13, 2016, determined that it is the it is in the best interests of the citizens and general public to regulate the location of marijuana dispensaries/medical marijuana treatment centers in the City; and

WHEREAS, State of Florida laws and guidelines relating to the cultivation, production, and dispensing of cannabis products are still being created and finalized; thereby raising substantial questions about whether cannabis-related land uses, as a category of commercial use, may have deleterious and negative secondary effects on surrounding land uses and communities; and

WHEREAS, the City Council has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories with the City; and

WHEREAS, this deferment will allow the City a period of time to legally review and promulgate reasonable amendments to its Land Development Regulations regarding marijuana dispensaries/medical marijuana treatment centers zoning; and

WHEREAS, the City Council hereby finds that this ordinance advances an important government purpose by reducing the likelihood of the unregulated negative secondary effects of cannabis dispensing facilities; and

WHEREAS, this zoning ordinance is adopted pursuant to the City's Home Rule Powers as set forth in Florida Statutes Chapter 166; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA:

Section 1. The moratorium established by this ordinance is temporary and shall automatically dissolve within one hundred and eighty (180) days or upon the adoption of new Land Development Regulations (LDRs) the formulations of which shall be expeditiously pursued; whichever comes first.

Section 2. No permits or requests should be accepted or processed nor shall approvals be made on any applications within the City with a submittal date of December 13, 2016, or later.

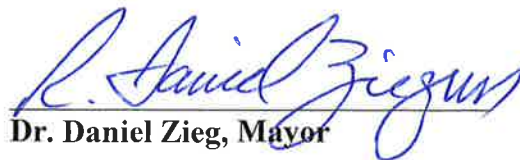
Section 3. The City Manager is directed to have the Planning and Legal Department immediately begin working to prepare the draft text and map amendments and other supporting studies.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Effective date. This Ordinance shall be effective immediately upon approval of the second public hearing.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14TH DAY OF FEBRUARY, 2017.

THE CITY OF MARATHON, FLORIDA


Dr. Daniel Zieg, Mayor

AYES: Bartus, Senmartin, Coldiron, Cook, Zieg
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Diane Clavier, City Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



David Migut, City Attorney