

Sponsored by: Migut
Introduction Date: October 24, 2017
Public Hearing Date(s): October 24, 2017
November 14, 2017
Enactment Date: November 14, 2017

CITY OF MARATHON, FLORIDA
ORDINANCE 2017-07

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, RELATING TO MEDICAL MARIJUANA, MAKING REVISIONS TO CITY OF MARATHON CODE OF ORDINANCES, APPENDIX A (LAND DEVELOPMENT REGULATIONS); AMENDING CHAPTER 103, TABLE 103.15.1 OF THE CITY CODE; CREATING CHAPTER 104, SECTION 104.33.1. OF THE CITY CODE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, medical marijuana dispensing and processing facilities are a new and unique use that is not currently addressed in the City of Marathon Code of Ordinances; and

WHEREAS, Amendment 2 to the Florida Constitution providing for medical marijuana treatment centers was approved by the voters on November 8, 2016, and became effective on January 3, 2017; and

WHEREAS, on June 23, 2017 the Governor signed into law Special Session Senate Bill 8A, Chapter number 2017-232 of the Laws of Florida; and

WHEREAS, the City Council of the City of Marathon has determined that this ordinance promotes and protects the general health, safety, and welfare of the residents of the City of Marathon.

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

Section 1. The above recitals are hereby confirmed and adopted.

Section 2. Table 103.15.1 of the Code of Ordinances, City of Marathon, Florida, is hereby amended to read as follows:

Table 103.15.1
Uses by Zoning District

<i>Uses in bold have specific conditions listed in Chapter 104</i>				
<i>ZONING DISTRICT</i>	...	MU	MU-M*	...
		...		
<u>Medical Marijuana Dispensing Facility</u>		<u>C</u>	<u>C</u>	
		...		

Section 3. Section 104.33.1. of the Code of Ordinances, City of Marathon, Florida, is hereby created to read as follows:

Section 104.33.1. Medical Marijuana Dispensing Facility.

A medical marijuana dispensing facility may be allowed pursuant to Table 103.15.1, subject to the following standards:

A. No medical marijuana dispensing facility shall be located within five hundred (500) feet of the real property that comprises a public or private school, as defined in section 110.00. This distance shall be measured by following a straight line from the main entrance of the medical marijuana dispensing facility to the nearest point of the school grounds in use as part of the school facilities.

Section 4. Any provisions of the Code of Ordinances of the City of Marathon, Florida or Ordinances or parts of Ordinances that are in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. The provisions of this Ordinance are declared to be severable, and if any sentence, section, 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 sentences, sections, clauses, or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. This Ordinance shall be effective immediately upon its adoption.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, THIS 14 DAY OF NOVEMBER 2017.**

THE CITY OF MARATHON, FLORIDA



Michelle Coldiron, Mayor

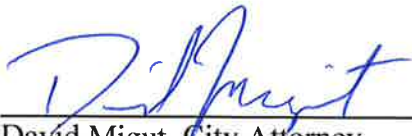
AYES: Cook, Bartus, Zieg, Coldiron
NOES: Senmartin
ABSENT: None
ABSTAIN: None

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