

ORDINANCE 2017-05

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AMENDING CHAPTER 23 ZONING, LAND USE AND DEVELOPMENT REGULATION; AMENDING ARTICLE III GENERAL DEVELOPMENT REGULATIONS, DIVISION 2 CONDITIONAL USE REGULATIONS BY ADDING SECTION 23-356 MEDICAL MARIJUANA DISPENSARIES AND TREATMENT CENTERS; AMENDING ARTICLE IV DISTRICT REGULATIONS, DIVISION 2 STANDARD ZONING DISTRICT REGULATIONS, SECTION 23-421 PERMITTED AND SPECIAL EXCEPTION USES ALLOWED IN ZONING DISTRICTS; AMENDING ARTICLE VIII DEFINITIONS, SECTION 23-802 DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE:

NOW THEREFORE BE IT ENACTED, by the City Commission of Lake Wales, Polk County, Florida:

SECTION 1 Article III General Development Regulations, Division 2 Conditional Use Regulations is amended as follows:

23-356. Medical Marijuana Dispensaries and Treatment Centers

Medical marijuana dispensaries may be permitted in the PF – Professional and C-3 Highway Commercial zoning districts as designated in Table 23-421. Zoning approval of applications for the establishment of a dispensary shall be granted only in accordance with the provisions of this chapter with the following conditions:

(a) Business floor area shall not exceed five thousand five hundred (5,500) square feet in size.

(b) Business shall be located within three thousand (3,000) feet of a hospital or urgent care facility.

(c) Medical marijuana may be sold at a dispensary holding a valid license from the Florida Department of Health and local business tax receipt issued by the city between the hours of 7:00 am and 9:00 pm. (This is current State requirement.)

(d) No medical marijuana shall be sold within the corporate city limits at any place of business, location or establishment holding a valid license from the Florida Department of Health within five hundred (500) feet of any real property that comprises an established private or public elementary, middle or secondary school or substance abuse rehabilitation facility.

(e) The distance of five hundred (500) feet shall be measured as follows:

(1) Pertaining to established schools. Five hundred (500) feet from the nearest point of the building or the place of business, location or establishment to the nearest point of the real property containing the school facilities.

(2) Measurement. The distance of five hundred (500) feet shall be measured in a straight line.

(f) Security measures on premises shall meet or exceed State requirements and shall include a camera located on all exterior entrances or exits.

SECTION 2 Article IV District Regulations, Division 2 Standard Zoning District Regulations, § 23-421 Permitted and special exception uses allowed in zoning districts is amended as follows:

Under "Health Care" add:

"Medical Marijuana Dispensaries and Treatment Centers *" as a Permitted Use (P) in the PF – Professional and C-3 Highway commercial districts.

*Subject to conditional use regulations in Article III, Division 2.

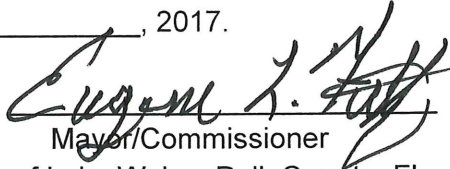
SECTION 3 Article VIII Definitions, § 23-802 Definitions is amended as follows:

Medical marijuana dispensaries – A property or building used exclusively for the storage, sale or dispensing of products by a Florida approved Dispensing Organization or Medical Marijuana Treatment Center (as those terms are defined by Florida Law).

SECTION 4 SEVERABILITY: If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

SECTION 5 This ordinance shall become effective, immediately upon adoption by the City Commission.

CERTIFIED AS TO PASSAGE this 18th day of April, 2017.

BY: 
Mayor/Commissioner
City of Lake Wales, Polk County, FL

ATTEST: 
City Clerk