

ORDINANCE NO. 24-O-01

AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AMENDING ORDINANCE NUMBER 05-O-08, APPENDIX A – LAND DEVELOPMENT CODE OF CITY OF CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, AS AMENDED; BY ADDING SECTION 2.03.04 PROHIBITION ON MEDICAL MARIJUANA DISPENSING FACILITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Florida Statutes (F.S.), the City of Crystal River City Council adopted the City of Crystal River Comprehensive Plan; and

WHEREAS, on May 17, 2005, the City of Crystal River adopted the City of Crystal River Land Development Code (LDC) as ordinance 05-O-08, as further amended; and

WHEREAS, Art. X, §29, Florida Constitution, entitled “Medical Marijuana production, possession and use,” was passed by electors of Florida in November 2016, which amended the Florida Constitution to allow the use of marijuana in certain medical applications; and

WHEREAS, Art X, §29, Florida Constitution, defines Medical Marijuana Treatment Centers to mean 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 of Health or its successor agency.

WHEREAS, on June 23, 2017, Senate Bill 8-A, relating to the medical use of marijuana, was signed into law, implementing the provisions of Art. X, §29, Florida Constitution, and substantially amending Section 381.986, Florida Statutes, which provides in relevant part that “A county or municipality may, by ordinance, ban Medical Marijuana Treatment Center Dispensing Facilities from being located within the boundaries of that county or municipality;” and

WHEREAS, pursuant to the authority provided to municipalities in Section 381.986(11), Florida Statutes, the City Council desires to enact such a ban prohibiting medical marijuana treatment centers from establishing or locating any new medical marijuana dispensing facilities within the corporate limits of the City of Crystal River; and

WHEREAS, the City Council of the City of Crystal River, Florida, has determined that adoption of this Ordinance is in the best interests of the health, safety, and welfare of the citizens of Crystal River, and

WHEREAS, the City of Crystal River has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRYSTAL RIVER, FLORIDA, THAT THE CITY’S LAND DEVELOPMENT CODE IS AMENDED AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to amend Appendix A, Land Development Code of the Crystal River, Florida, Code of Ordinances, as shown in **Exhibit “A”** for reasons set forth in the above “WHEREAS” clauses, which are incorporated herein, in haec verba.

SECTION 2. AUTHORITY.

The City of Crystal River City Council is authorized to amend Appendix A, Land Development Code of the City of Crystal River, Florida, Code of Ordinances, pursuant to Part 1, Article III of the City Charter of the City of Crystal River and Chapter 1 - General Provisions, of the City of Crystal River, Florida, Code of Ordinances, and as otherwise authorized by applicable Florida Statutes.

SECTION 3. AMENDMENT OF THE LAND DEVELOPMENT CODE.

The City Council of the City of Crystal River, Florida, hereby adopts this Ordinance by adding Section 2.03.04 *Prohibition on medical marijuana dispensing facilities*, for inclusion in the Land Development Code, as shown in **Exhibit “A”**, attached hereto, and incorporated by reference.

A copy of the Land Development Code, as amended, is on file at City Hall in Crystal River, Florida.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. CONDIFICATION/INSTRUCTIONS TO CODE CODIFIER/EXHIBITS

It is the intention of the City Council of the City of Crystal River, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of Appendix A, Land Development Code of the City of Crystal River, Florida, Code of Ordinances. The actual text of the Sections to this Ordinance need not be codified. The Code codifier of the City is given broad and liberal authority to appropriately codify the Exhibit into the provisions of the Land Development Code in a format that can be readily published and distributed in a useable and manageable format. The City Manager, in conjunction with the City Clerk and the City Attorney, are hereby granted the authority to take any and all necessary and appropriate actions to accomplish the provisions of this Section. The Exhibit to this

Ordinance is hereby incorporated herein by the references thereto as if fully set forth herein verbatim.

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not be construed as to render unconstitutional or invalid the remaining provisions of the Ordinance.

SECTION 7. MODIFICATION. It is the intent of the City Council that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated in the final version of the ordinance adopted by the Council and filed by the City Clerk.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall become effective as per Florida law.

The First Reading was held on the 12th day of February 2024.

ADOPTED on Second Reading after due public notice and public hearing held on the _____ day of _____ 2024.

ATTEST:

CITY OF CRYSTAL RIVER

MIA FINK, CITY CLERK

JOE MEEK, MAYOR

**APPROVED FOR CORRECTNESS
AND FORM:**

VOTE OF COUNCIL:

Joe Meek: _____

Ken Brown: _____

Cindi Frink: _____

**ROBERT W. BATSEL, Jr., ESQUIRE
CITY ATTORNEY**

Ken Frink: _____

Robert Holmes: _____

EXHIBIT "A"

NOTE: Underlined language is proposed language and ~~Struck Through~~ language is proposed to be deleted.

TEXT AMENDMENT – THAT A NEW SECTION 2.03.04 PROHIBITION ON MEDICAL MARIJUANA DISPENSING FACILITIES, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY ADDED AS FOLLOWS:

2.03.04. Prohibition on medical marijuana dispensing facilities.

- A. Prohibition. Medical marijuana treatment center dispensing facilities are prohibited and shall not be located within the boundaries of the city. The city shall not accept, process or approve any request or application for a development order, building permit or other approval associated with a proposed medical marijuana treatment center dispensing facility.
- B. Definition. For the purposes of this section, the term "medical marijuana treatment center dispensing facility" means any facility where medical marijuana or any product derived therefrom is dispensed at retail.
- C. Interpretation/intent. This section and the terms used herein shall be interpreted in accordance with F.S. § 381.986 and F.A.C. ch. 64-4. The intent of this section is to ban medical marijuana treatment center dispensing facilities from being located within the boundaries of the city as authorized by F.S. § 381.986(11).

END OF EXHIBIT "A"