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3 AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO MEDICAL
5 MARIJUANA; REPEALING IN ITS ENTIRETY SECTION 30-60.32 OF
6 THE CODE OF ORDINANCES STYLED: 'LOW-THC CANNABIS AND
7 MEDICAL CANNABIS DISPENSARIES, TREATMENT FACILITIES
8 AND INDEPENDENT TESTING LABORATORIES"; RECOGNIZING
9 ONE EXISTING FACILITY AND ONE APPROVED FACILITY AS
10 PERMITTED NONCONFORMING USES; PROVIDING FOR
11 CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.
12 *(Sponsored by the Administration and Prepared by Village Attorney, John*
13 *C. Dellagloria)*

15 **WHEREAS**, Section 381.986, Florida Statutes established the
16 permissible medical use of marijuana throughout the State; and

18 **WHEREAS**, pursuant to Village Ordinance 2019-19, the Mayor and
19 Council allowed, and through Section 30-60.32, permitted and regulated
20 , the use of medical marijuana as allowed by Florida law; and

22 **WHEREAS**, since the passage of Ordinance 2019-20, there have
23 been only one existing facility and one approved application for a facility
24 in the Village; and

26 **WHEREAS**, pursuant to Section 381.986 (11)(b)(1), a municipality
27 may ban medical marijuana treatment center dispensing facilities within
28 the municipal boundaries; and

30 **WHEREAS**, the Council wishes to ban further facilities within the
31 Village boundaries; and

33 **WHEREAS**, the Council recognizes the rights of the existing facility
34 and that of the facility with an approved application; and

36 **WHEREAS**, the two facilities shall continue to follow all
37 requirements of Section 381.986, Florida Statutes.

1 NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND
2 VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,
3 FLORIDA, AS FOLLOWS:
4

5 **Section 1.** The above recitals are incorporated as if set forth in full.
6

7 **Section 2.** Section 30-60-32 of the Code of Ordinances of the
8 Village of Palmetto Bay is hereby repealed in its entirety.
9

10 **Section 3.** That the existing facility located at 14499 South Dixie
11 Highway, Palmetto Bay, Florida, and the approved facility located at
12 14011-15 South Dixie Highway, Palmetto Bay, Florida are deemed
13 permitted nonconforming uses and shall continue to be regulated by the
14 provisions and requirements of Section 381.986, Florida Statutes.
15

16 **Section 4. Severability.** The provisions of this Ordinance are
17 declared to be severable, and if any sentence, section, clause, or phrase
18 of this Ordinance shall, for any reason, be held to be invalid or
19 unconstitutional, such decision shall not affect the validity of the
20 remaining sentences, sections, clauses, or phrases of the Ordinance.
21

22 **Section 5. Codification.** It is the intention of the Village Council,
23 and it is hereby ordained that the provisions of this Ordinance shall
24 become and be made part of the Code of Ordinances of the Village of
25 Palmetto Bay, Florida, that sections of this Ordinance may be
26 renumbered or re-lettered to accomplish such intentions, and that the
27 word "Ordinance" shall be changed to "Section" or other appropriate
28 word.
29

30 **Section 6. Effective Date.** This Ordinance shall take effect
31 immediately upon enactment at Second Reading.
32

33 **PASSED ON FIRST READING** this 9th day of September, 2024.
34

35 **PASSED AND ADOPTED ON SECOND READING** this 7th day of
36 October, 2024.
37
38
39

1 Attest: _____
2 **Missy Arocha** **Karyn Cunningham**
3 **Village Clerk** **Mayor**
4
5

6 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**
7
8

9 _____
10 **John C. Dellagloria**
11 **Village Attorney**
12
13

14 **VOTE ON FIRST READING:**

15
16 Mayor Karyn Cunningham YES
17
18 Council Member Steven Cody YES
19
20 Council Member Marsha Matson YES
21
22 Vice-Mayor Leanne Tellam YES
23
24 Council Member Patrick Fiore YES
25

26 **FINAL VOTE AT ADOPTION ON SECOND READING:**
27

28 Mayor Karyn Cunningham YES
29
30 Council Member Steven Cody YES
31
32 Council Member Marsha Matson YES
33
34 Vice-Mayor Leanne Tellam YES
35
36 Council Member Patrick Fiore YES