

## ORDINANCE NO. 2016-\_\_\_

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4 AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF  
5 THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO  
6 THE PARKS AND RECREATION USER FEE SCHEDULE;  
7 CREATING SECTION 20-4, TO REQUIRE A QUADRENNIAL  
8 REPORT AND RECOMMENDATION REGARDING THE PARKS  
9 AND RECREATION USER FEE SCHEDULE; PROVIDING FOR  
10 ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION,  
11 AND AN EFFECTIVE DATE. (Sponsored by Councilwoman Larissa  
12 Siegel Lara)  
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14  
15 WHEREAS, the Parks and Recreation User Fee Schedule should be based upon rational  
16 and uniform criteria; and  
17

18 WHEREAS, the User Fee Schedule should be adjusted periodically to reflect changing  
19 costs and demands.  
20

21 NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND VILLAGE  
22 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:  
23

24 **Section 1.** Section 20-4 of Chapter 20, Parks and Recreation, of the Palmetto Bay  
25 Village Code is created as follows:  
26

27 Sec. 20-4 Quadrennial Fee Schedule Studies and Recommendations:  
28

29 (a) The Village Manager shall conduct, or cause to be conducted by an outside entity  
30 pursuant to contract approved by the Village Council, a User Fee Study (with recommendations  
31 for appropriate adjustments to the User Fee Schedule) on a quadrennial basis (every four years).  
32 Such report and recommendations shall be presented to the Village Council during the first  
33 quarter of the calendar year (second quarter of the fiscal year), beginning in 2017 and every  
34 fourth year thereafter.  
35

36 (b) The report and recommendations shall contain the following information:  
37

38 (1) The fees charged for similar services or activities provided by both other  
39 public entities (public market fee rates) and private entities (private market fee rates), and the  
40 quality of such services or activities;  
41

42 (2) The costs to the Village of providing the services or activities, including  
43 capital outlay based on an appropriate amortization schedule and maintenance related to the  
44 specific services or activities, and excluding Village overhead, general Village administration,  
45 general park maintenance, and parking costs. These calculation costs shall be based generally

1 upon the principles of activity-based cost accounting which seeks to identify the marginal cost of  
2 the services or activities of the Village;

3  
4 (3) Data requiring the volume of usage of particular services and activities,  
5 including usage by Village residents and non-Village residents;

6  
7 (4) A recommended User Fee Schedule based upon (i) cost-based  
8 recommended fees which are determined by multiplying a recommendation cost recovery rate (or  
9 a cost recovery rate which may from time to time be suggested or adopted by the Council)  
10 [alternative – based upon a 50% cost recovery rate] by the costs to the Village for any particular  
11 service or activity; and (ii) any recommended adjustments to the cost-based recommended fees  
12 upon identified and articulated factors, such as usage rates, public market fee rates, and/or  
13 private market fee rates.

14  
15 (c) The Council shall consider the Quadrennial Report and Recommendations during  
16 the second quarter of the calendar year (third quarter of the fiscal year). If any part or all of the  
17 recommended User Fee Schedule, the appropriate Ordinance shall be considered for First  
18 Reading within such second calendar quarter (third fiscal year).

19  
20 (1) If any changes to the User Fee Schedule are adopted, such changes shall take  
21 effect not earlier than fifteen days and not later than thirty days from adoption on second  
22 reading.

23  
24 **Section 2. Conflicting Provisions.** The provisions of the Code of Ordinances of  
25 the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the  
26 provisions of this ordinance are hereby repealed.

27  
28 **Section 3. Severability.** The provisions of this Ordinance are declared to be  
29 severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be  
30 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining  
31 sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being  
32 the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

33  
34 **Section 4. Codification.** It is the intention of the Village Council and it is hereby  
35 ordained the provisions of this Ordinance shall become and be made part of the Code of  
36 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be  
37 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be  
38 changed to "Section" or other appropriate word.

39  
40 **Section 5. Effective Date.** This Ordinance shall take effect immediately upon  
41 enactment.

42  
43 First Reading: \_\_\_\_\_

44 Second Reading: \_\_\_\_\_

45

1 **PASSED and ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

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Attest: \_\_\_\_\_  
Missy Arocha  
Village Clerk

\_\_\_\_\_  
Eugene Flinn  
Mayor

9 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
10 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

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\_\_\_\_\_  
Dexter W. Lehtinen  
Village Attorney

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18 FINAL VOTE AT ADOPTION:

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20 Council Member Karyn Cunningham \_\_\_\_\_  
21  
22 Council Member Tim Schaffer \_\_\_\_\_  
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24 Council Member Larissa Siegel Lara \_\_\_\_\_  
25  
26 Vice-Mayor John DuBois \_\_\_\_\_  
27  
28 Mayor Eugene Flinn \_\_\_\_\_

## ORDINANCE 2016 - \_\_\_\_\_

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2  
3 AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF  
4 THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO  
5 COUNCIL MEETINGS; AMENDING SECTION 2.44(a) AND  
6 SECTION 2.47(A)(2), PROVIDING FOR PROCLAMATIONS,  
7 PRESENTATIONS, AWARDS AND PRESENTATIONS TO OCCUR AT  
8 6:30 PM ON REGULAR COUNCIL MEETING DAYS, IF  
9 DETERMINED BY COUNCIL RESOLUTION; AMENDING SECTION  
10 2.50(2), PROVIDING FOR PROCEDURES FOR CREATING  
11 PROCLAMATIONS, AWARDS, AND PRESENTATIONS; AMENDING  
12 SECTIONS 2.47(10), 2.47(12), 2.50(9), AND 2.50(11), PROVIDING FOR  
13 SECOND READING OF ORDINANCES TO OCCUR PRIOR TO FIRST  
14 READING OF ORDINANCES; AMENDING SECTIONS 2.47(12),  
15 2.47(13), 2.50(11), AND 2.50 (12), PROVIDING FOR PUBLIC COMMENT  
16 FOR RESOLUTIONS AND FOR FIRST READING OF ORDINANCES;  
17 CREATING SECTION 2.50(1)(d), PROVIDING FOR THE DECORUM  
18 STATEMENT TO BE OPTIONAL AT THE DISCRETION OF THE  
19 MAYOR; AMENDING SECTIONS 2.47(a) AND 2.50, PROVIDING FOR  
20 CONSISTENT NUMBERING AMONG THESE TWO SECTIONS;  
21 PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Council  
22 Member Larissa Siegel-Lara)  
23

24 WHEREAS, the Village Council wishes to assure public participation in the adoption of  
25 resolutions and in the consideration of ordinances on first reading; and  
26

27 WHEREAS, the Village Council wishes to reorder the agenda for Council meetings for  
28 the convenience of the public, so that the second reading of ordinances precedes the first reading  
29 of ordinances; and  
30

31 WHEREAS, the Village Council wishes to provide a specific opportunity for  
32 proclamations, awards and presentations and a specific procedure for creating such  
33 proclamations, awards, and presentations; and  
34

35 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE  
36 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:  
37

38 Section 1 - Article II, Council, Division 2, Meetings, Section 2.44, Meetings, Subsection  
39 (a), Regular Meetings, is hereby amended as follows:  
40

41 .... Unless otherwise announced at a prior regular meeting, all council regular meetings  
42 shall commence at 7:00 pm and shall be held at Village hall ~~the Deering Estate Visitor's center~~ or at  
43 any other location that may be designated by the council. If the Council so designates in the  
44 Resolution specifying meeting dates, the portion of a regular meeting devoted to agenda item #3,  
45 proclamations, awards and presentation (section 2.47(a)(2)) shall begin at 6:30 pm with a  
46 subsequent recess of the meeting, if necessary, so that the remainder of the regular meeting  
47 commencing at 7:00 pm or later, with agenda item #1, call to order, roll call, pledge of allegiance

1 (section 2.47(a)(1)), being repeated at both 6:30 and 7:00 pm. All regular meetings shall be  
2 publicly noticed by advertisement in a local newspaper in accordance with Florida law. ....  
3

4 **Section 2** - Article II, Council, Division 2, Meetings, Section 2.47, Agenda Procedures,  
5 Subsection (a), Regular Meetings, is hereby amended as follows:  
6

7 (1) Call to order, roll call, pledge of allegiance and decorum statement (unless decorum  
8 statement is suspended by the Mayor);  
9

10 ~~(2) Decorum statement;~~  
11

12 (2) ~~(3)~~ Proclamations, awards, presentations (subject to repositioning pursuant to section  
13 2.44(a));  
14

15 ~~(3) (4)~~ Approval of minutes;  
16

17 ~~(4) (5)~~ Consent agenda;  
18

19 ~~(5) (6)~~ Requests, petitions, and public comments;  
20

21 ~~(6) (7)~~ Village manager's report;  
22

23 ~~(7) (8)~~ Village attorney's report;  
24

25 ~~(8) (9)~~ Board and committee reports;  
26

27 ~~(9) (10)~~ Resolutions with public comment;  
28

29 ~~(10) (11)~~ Resolutions requiring public hearings;  
30

31 ~~(11)~~ Ordinances for second reading and public hearing;  
32

33 ~~(12)~~ Ordinances for first reading with public comment (or public hearing when required  
34 by law) and emergency ordinances with public hearing;  
35

36 ~~(11) Ordinances for second reading and public hearing;~~  
37

38 ~~(13) (14)~~ Other business;  
39

40 ~~(14) (15)~~ Council comments;  
41

42 ~~(15) (16)~~ Next meeting and adjournment.  
43

44 **Section 3** - Article II, Council, Division 2, Meetings, Section 2.50(1)(d) is added as  
45 follows:  
46

47 (d) Decorum statement. At the direction of the Mayor, the Clerk will read the decorum  
48 statement, or the decorum statement may be omitted by the Mayor.

1  
2           **Section 4** - Article II, Council, Division 2, Meetings, Section 2.50(2) is amended as  
3 follows:

4  
5           (2) Proclamations, awards, presentations. This section of the agenda is reserved for  
6 presentations, proclamations, or special recognitions made by the mayor on his/her own behalf  
7 or on behalf of the vice-mayor or on behalf of any council member. Every such presentation,  
8 proclamation or special recognition must meet the following requirements: (a) approval by the  
9 mayor following his/her own initiative, or following the suggestion or request by the vice-mayor  
10 or any council member; (b) signed by the mayor; (c) state in the appropriate certificate that the  
11 presentation, proclamation, or special recognition is initiated "at the request of [name mayor,  
12 vice-mayor, council member, or each requester if more than one request is made, or the council if  
13 all five council members request], the Village of Palmetto Bay [presents, recognizes, or proclaims  
14 the appropriate description, as approved by the mayor]". Requests or suggestions for such  
15 presentations, proclamations or special recognitions shall be made to the mayor, through the  
16 clerk, no later than 10 days prior to a regular meeting, with the requested or suggested wording.  
17 This agenda item may be set for 6:30 pm by resolution of the Council pursuant to section 2.44(a).  
18

19           **Section 5** - Article II, Council, Division 2, Meetings, Section 2.50(9) is amended as  
20 follows:

21  
22           (9) Resolutions. Resolutions not included on the consent agenda shall be placed on this  
23 portion of the agenda. After the resolution title is read the matter shall be placed on the floor for  
24 consideration upon a motion and a second to the motion. The staff shall provide a report on the  
25 item, which shall be followed by public comment, discussion and action by the council. The  
26 agenda for each such resolution shall state that public comment will be taken.  
27  
28

29           **Section 6** - Article II, Council, Division 2, Meetings, Section 2.50(12), Ordinances for  
30 second reading is renumbered as (11) and Section (2.50(11) ia amended as follows:

31  
32           (12) ~~(11) Ordinances for first reading. After the ordinance title is read the matter shall be~~  
33 ~~placed on the floor for consideration upon a motion and a second to the motion. The staff shall~~  
34 ~~provide a report on the item, which shall be followed by public comment, discussion and action~~  
35 ~~by the council. The agenda for each such ordinance shall state that public comment will be taken.~~  
36 ~~Ordinances may be introduced and listed by title and shall be read by title only before consideration by the~~  
37 ~~council on first reading. On first reading of ordinances, there shall be no discussion by either the council,~~  
38 ~~village staff or members of the public unless discussion is requested by a council member. Any such request by~~  
39 ~~a council member shall open the item to the floor for public comment. On first reading only, the council may~~  
40 ~~either vote for all ordinances in one vote or may vote separately on each ordinance.~~  
41

42           **Section 7. Conflicting Provisions.** The provisions of the Code of Ordinances of  
43 the Village of Palmetto Bay, Florida and all Ordinances or parts of Ordinances in conflict with  
44 the provisions of this Ordinance are hereby repealed.  
45

46           **Section 8. Severability.** The provisions of this Ordinance are declared to be  
47 severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be

1 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining  
2 sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being  
3 the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.  
4

5 **Section 9. Codification.** It is the intention of the Village Council and it is hereby  
6 ordained the provisions of this Ordinance shall become and be made part of the Code of  
7 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be  
8 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be  
9 changed to "Section" or other appropriate word.

10  
11 **Section 10. Effective Date.** This Ordinance shall take effect immediately upon  
12 enactment.

13  
14 **PASSED and ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

15  
16  
17 First Reading: \_\_\_\_\_

18  
19 Second Reading: \_\_\_\_\_

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22 Attest: \_\_\_\_\_  
23 Missy Arocha  
24 Village Clerk

\_\_\_\_\_ Eugene Flinn  
Mayor

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26  
27 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
28 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

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31 \_\_\_\_\_  
32 Dexter W. Lehtinen  
33 Village Attorney

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35  
36 FINAL VOTE AT ADOPTION:

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38 Council Member Karyn Cunningham \_\_\_\_\_

39  
40 Council Member Tim Schaffer \_\_\_\_\_

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42 Council Member Larissa Siegel Lara \_\_\_\_\_

43  
44 Vice-Mayor John DuBois \_\_\_\_\_

45  
46 Mayor Eugene Flinn \_\_\_\_\_

## ORDINANCE 2016-\_\_\_\_

1  
2  
3 AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF  
4 THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE  
5 VILLAGE SEAL; CREATING SECTION 2.1(f), PROHIBITING  
6 CERTAIN USES OF THE VILLAGE SEAL BY COUNCIL MEMBERS;  
7 PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY,  
8 CODIFICATION, AND AN EFFECTIVE DATE. (Sponsored by  
9 Council Member Larissa Siegel Lara)

10  
11 WHEREAS, the use of the Village Seal (also known as Village Logo) should be limited  
12 to official use and its use is restricted to authorized uses under the Palmetto Bay Code (section  
13 2.1); and

14  
15 WHEREAS, the official Village Seal is created and protected by Ordinance (section 2.1).

16  
17 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE  
18 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:  
19

20 Section 1 - Section 2.1(f) is hereby created as follows:  
21

22 (f) Restrictions on Council Member Use of Seal. The Village Seal represents the Village  
23 as a whole and the Council as a whole, and the Seal shall not be used by Council Members,  
24 whether in paper or electronic communications, including print or electronic newsletters or print  
25 or electronic mass communications of any type, except in newsletters or other communications  
26 posted on the Village website by the Manager at the request of the Council Member and except  
27 for use of Village letterhead for letters sent by mail at Village expense.  
28

29 Section 2. Conflicting Provisions. The provisions of the Code of Ordinances of  
30 the Village of Palmetto Bay, Florida and all Ordinances or parts of Ordinances in conflict with  
31 the provisions of this Ordinance are hereby repealed.  
32

33 Section 3. Severability. The provisions of this Ordinance are declared to be  
34 severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be  
35 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining  
36 sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being  
37 the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.  
38

39 Section 4. Codification. It is the intention of the Village Council and it is hereby  
40 ordained the provisions of this Ordinance shall become and be made part of the Code of  
41 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be  
42 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be  
43 changed to "Section" or other appropriate word.  
44

45 Section 5. Effective Date. This Ordinance shall take effect immediately upon  
46 enactment.  
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**PASSED and ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Attest: \_\_\_\_\_  
Missy Arocha  
Village Clerk  
Eugene Flinn  
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

\_\_\_\_\_  
Dexter W. Lehtinen  
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham \_\_\_\_\_  
Council Member Tim Schaffer \_\_\_\_\_  
Council Member Larissa Siegel Lara \_\_\_\_\_  
Vice-Mayor John DuBois \_\_\_\_\_  
Mayor Eugene Flinn \_\_\_\_\_



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To: Honorable Mayor and Village Council      Date: July 11, 2016  
From: Edward Silva, Village Manager      Re: Medical Cannabis Dispensaries -  
Ordinance for First Reading

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**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; CREATING SECTION 30-50.17(b)(19), PERMITTING MEDICAL CANNABIS DISPENSARIES WITHIN THE B-2 ZONING DISTRICT, SUBJECT TO SPECIFIC CONDITIONS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**BACKGROUND:**

In 2014, the State of Florida enacted Florida Statute 381.986, AKA the Compassionate Medical Cannabis Act, which provided a regulatory frame work for the cultivation, transportation, processing and dispensing of low THC cannabis for medical use treatment. Since that time the State has been vetting applications from potential growers and distributors. The state anticipates many of these companies will achieve licensure this year and commence operations for the cultivation, transportation, processing and dispensing of low THC cannabis for medical use treatment. As such, it is expected that those companies licensed to operate within the Southeast Region will begin to look for retail locations to setup shop.

Florida Statute 381.986(8)(b) permits “[a] municipality [to] determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries.” Zoning provisions cannot preclude such operations, however other standards may be applied to accommodate such uses in a manner that best serves the interests of maintaining the health, safety and welfare of the Village’s residents and visitors. The proposed ordinance seeks to strike such a balance.

**PROPOSED ORDINANCE:**

The proposed Ordinance seeks to accommodate the potential siting of a low TCH cannabis dispensary facility in a manner that does not lead to a concentration of such uses within the Village. Such uses shall be limited to the Village’s most intense zoning district of B-2, Business District, be at least 500 feet away from any district zoned, R-1, E-M, E-S, E-1, E-1C, and E-2, as measured from the closest property lines, and be at least 5,000 feet away from another dispensary facility.

**ANALYSIS:**

The following is a review of the request pursuant to the criteria found at Section 30-30.7(b) of the Land Development Code. The Background and the Proposed Ordinance sections of this report are hereby incorporated by reference into this Analysis.

**Criteria (1)** Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the Village's concurrency management program.

**Analysis:** In reviewing the Village's Comprehensive Plan, the following Goals, Objectives, and Policies (GOP) below were identified within the Village's Comprehensive Plan as relating to this proposed ordinance. Each GOP is provided with a brief analysis. The finding of those analyses is provided at the end of this criterion.

**GOAL 1:** To guide the Village of Palmetto Bay from birth to early maturity as an outstanding and truly livable community in southeast Florida by building on, and improving, the existing land use blueprint through visionary planning and place-making, cost efficient provision of high quality facilities and services, quality neighborhood protection, and enhancement of its unique and beautiful coastal environmental resources.

**Analysis:** The proposed ordinance provides for the potential siting of a low THC cannabis dispensary in a manner that continues to provide for neighborhood protection. This is achieved by providing for distance separations from specified residential districts and between such facilities.

**Finding:** Consistent.

**Criteria (2)** Whether the proposal is in conformance with all applicable requirements of Chapter 30.

**Analysis:** There is nothing within the proposed ordinance that violates any portion of Chapter 30.

As a result, the proposed provisions bring such uses into greater alignment with Chapter 30.

**Criteria (3)** Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether the changes support or work against the proposed change in land use policy.

**Analysis:** See Background and Proposed Ordinance sections, and Criteria 1. The proposed change is prompted by the State's enactment of Florida Statute 381.986, AKA the Compassionate Medical Cannabis Act, which provided a regulatory framework for the cultivation, transportation, processing and dispensing of low THC cannabis for medical use treatment. That law allowed for local jurisdiction to establish standards for the location and number of dispensary facilities permitted

within their jurisdiction. In the absence of the proposed ordinance, Low THC cannabis distribution facilities could potentially be located within any of the Village's zoning categories that accommodate retail uses. The proposed ordinance accommodates such uses while still providing for the health, safety and welfare of the Village's residents and Visitors.

**Finding:** Consistent.

**Criteria (4)** Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land uses.

**Analysis:** See Background and Proposed Ordinance sections and Criteria 1 and 3. The proposed ordinance does not result in incompatible land uses. By employing distance separations, low density residential neighborhoods are buffered and the dispensary uses are prevented from concentrating within the Village's commercial districts.

**Finding:** Consistent.

**Criteria (5)** Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services; would exceed the capacity of the facilities and services, existing or programmed, including: transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.

**Analysis:** The proposed ordinance does not impact the above systems.

**Finding:** Consistent.

**Criteria (6)** Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.

**Analysis:** The proposed ordinance does not impact the above systems.

**Finding:** Consistent

**Criteria (7)** Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.

**Analysis:** See Background and Proposed Ordinance sections, and Criteria 1, 3 and 4. The proposed ordinance is carefully crafted to both accommodate a dispensary use while also providing for neighborhood protection. This is achieved by the use of separations as described in this report.

Finding: Consistent.

**Criteria (8)** Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on land use pattern shall be identified.

Analysis: See Background and Proposed Ordinance sections, and Criteria 1, 2 and 4. In the absence of the proposed ordinance, low THC cannabis distribution facilities could potentially be located within any of the Village zoning categories that accommodates retail uses. The proposed ordinance accommodates such uses while still providing for the health, safety and welfare of the Village's residents and Visitors. The result lends itself to an orderly siting such uses.

Finding: Consistent.

**Criteria (9)** Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of Chapter 30.

Analysis: See Background and Proposed Ordinance sections, and Criteria 1, 2, 3, 4, 7 and 8.

Finding: Consistent.

**Criteria (10)** Other matters which the Local Planning Agency or the Village Council in its legislative discretion may deem appropriate.

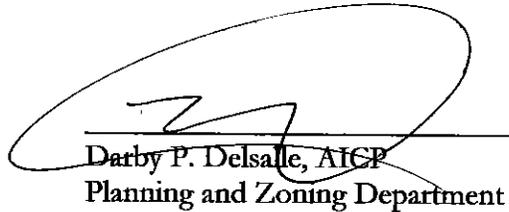
Finding: Decision for the Village Council.

**FISCAL/BUDGETARY IMPACT:**

There are no fiscal or budgetary impacts anticipated by the enactment of the Ordinance.

**RECOMMENDATION:**

Approval is recommended.

  
Darby P. Delsalle, AICP  
Planning and Zoning Department

ORDINANCE NO. 2016-\_\_

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; CREATING SECTION 30-50.17(b)(19), PERMITTING MEDICAL CANNABIS DISPENSARIES WITHIN THE B-2 ZONING DISTRICT, SUBJECT TO SPECIFIC CONDITIONS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, in 2014, the State of Florida enacted Florida Statute 381.986, AKA the Compassionate Medical Cannabis Act, which provided a regulatory frame work for the cultivation, transportation, processing and dispensing of low THC cannabis for medical use treatment only; and

WHEREAS, Florida Statute 381.986(8)(b) permits "[a] municipality [to] determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries;" and

WHEREAS, the Village Council finds this Ordinance does not violate any portion of Florida Statute 381.986, and is consistent with the criteria found at Section 30-30.7(b) of the Village's Land Development Code; and

WHEREAS, the Village Council, now desires to exercise its' right to properly zone and regulate the use and location of medical cannabis dispensaries within its jurisdictional boundaries, and by do so, to be in the interest of serving the general health and welfare of its residents.

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

**Section 1. Amendment.** Pursuant to 30-30.7(b) the Village Council finds the ordinance in compliance with the applicable standards; and, therefore, Section 30-50.17(b)(19) of the Code of Ordinances of the Village of Palmetto Bay is created to read as follows:

DIVISION 30-50. - ZONING DISTRICTS

\* \* \*

Sec. 30-50.1. - Districts and general provisions.

\* \* \*

1 Sec. 30-50.17. - B-2, Business District.

2  
3 \* \* \*

4  
5 (b) Uses permitted. No land, body of water and/or structure shall be used or permitted to be  
6 used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or  
7 maintained for any purpose in any B-2 District except for one or more of the following uses:

8  
9 (1) All uses permitted in the B-1 District.

10  
11 \* \* \*

12  
13 (19) Medical Cannabis Dispensary, subject to the following conditions:

- 14 a. Must be properly licensed by the State of Florida pursuant to
- 15 Florida Statute 381.986 to operate within the Southeast
- 16 Dispensing Regions as defined by the State of Florida.
- 17 b. Shall be no closer than 500 feet to any property zoned R-1, E-M,
- 18 E-S, E-1, E-1C, or E-2, as measured at the closest points of the
- 19 edges of the properties.
- 20 c. Shall be no closer than 5,000 feet from another medical cannabis
- 21 dispensary, as measured from the closest points of the edges of
- 22 the properties.
- 23 d. Operations shall be limited to retail sale activity of the Medical
- 24 Cannabis product.

25  
26 \* \* \*

27  
28 **Section 2. Conflicting Provisions.** The provisions of the Code of Ordinances of  
29 the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the  
30 provisions of this ordinance are hereby repealed.

31  
32 **Section 3. Severability.** The provisions of this Ordinance are declared to be  
33 severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be  
34 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining  
35 sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being  
36 the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

37  
38 **Section 4. Codification.** It is the intention of the Village Council and it is hereby  
39 ordained the provisions of this Ordinance shall become and be made part of the Code of  
40 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be  
41 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be  
42 changed to "Section" or other appropriate word.

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44 **Section 5. Effective Date.** This Ordinance shall take effect immediately upon  
45 enactment.

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First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

**PASSED and ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

Attest: \_\_\_\_\_  
Missy Arocha  
Village Clerk  
Eugene Flinn  
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

\_\_\_\_\_  
Dexter W. Lehtinen  
Village Attorney

**FINAL VOTE AT ADOPTION:**

Council Member Karyn Cunningham \_\_\_\_\_  
Council Member Tim Schaffer \_\_\_\_\_  
Council Member Larissa Siegel Lara \_\_\_\_\_  
Vice-Mayor John DuBois \_\_\_\_\_  
Mayor Eugene Flinn \_\_\_\_\_