

**RESOLUTION NO. 2019-105**

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**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING IN PROGRESS (ZIP) PURSUANT TO SECTION 30-30.10; DURING WHICH TIME THE COUNCIL WILL REVIEW AND CREATE SECTION 30-60.32; THIS SECTION SHALL ADDRESS REGULATION OF MEDICAL CANNABIS DISPENSARIES, MEDICAL MARIJUANA TREATMENT FACILITIES, AND INDEPENDENT TESTING LABORATORIES WITHIN THE MUNICIPAL BOUNDARIES OF THE VILLAGE OF PALMETTO BAY BY THE EARLIER OF 120 DAYS OR THE FINAL ADOPTION OF THE VILLAGE REVISIONS TO THE LAND DEVELOPMENT CODE; FOR THE DURATION OF THE ZIP, NO DEVELOPMENT ORDERS OF ANY KIND IN RELATION TO MEDICAL MARIJUANA SHALL BE ISSUED; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Mayor Cunningham)***

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

**WHEREAS**, in 2015 those same rules were expanded to include full strength medical marijuana for the treatment of individuals diagnosed with a terminal illness and/or are undergoing chemotherapy; and

**WHEREAS**, on November 8, 2016, the residents of the State of Florida approved by referendum, expanded use for medical marijuana and low TCH cannabis to extend to a greater range of ailments; and

**WHEREAS**, the Florida Legislature amended Florida Statute 381.986 by adopting Bill SB 8-A during a 2017 special session that among other provisions, outlined the conditions under which local municipalities may regulate the location of cannabis dispensaries and medical marijuana treatment centers; 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

1 for, dispensing facilities of dispensing organizations located within its  
2 municipal boundaries;” and

3  
4 **WHEREAS**, the Village Council, now desires to exercise its’ right to  
5 research and study those districts and zoning standards necessary to  
6 appropriately locate and regulate or prohibit medical marijuana and low THC  
7 cannabis dispensaries within its jurisdictional boundaries, and therefore  
8 directs the Village Manager to return within 90 days of this action, with either  
9 a report detailing the need for a ban or to bring forward an ordinance which  
10 provides zoning standards for medical marijuana and low THC cannabis  
11 dispensaries; and

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13 **WHEREAS**, to preserve the status quo it is necessary to establish a  
14 zoning-in-progress (ZIP) prohibition on the issuance of building permits for  
15 developments, and/or certificates of use within the Village for medical  
16 marijuana and low THC cannabis dispensaries for a 120-day period.

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

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22 **Section 1.** Upon the date of approval of this Resolution, staff shall  
23 comply with Section 30-30.10 and return within 90 days of this action, with  
24 an ordinance which bans the use of, or to bring forward an ordinance which  
25 provides zoning standards for medical marijuana and low THC cannabis  
26 dispensaries. During the 120 days following adoption of this resolution, no  
27 building permits, certificates of use, development orders, including but not  
28 limited to site plans, shall be submitted or issued for developments for  
29 medical marijuana and low THC cannabis dispensaries within the Village.  
30 This zoning in progress resolution shall expire within 120 days of the date of  
31 this resolution or upon the first reading of zoning provisions for the  
32 regulations of a medical marijuana and low THC cannabis dispensary  
33 ordinance.

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35 **Section 2.** The Village Council approves this proposed zoning-in-  
36 progress resolution. The Village Council has determined that a zoning in  
37 progress resolution will allow the preparation of a detailed and  
38 comprehensive analysis of the area in question, which reasonably necessary  
39 and desirable; and as such, the Village Council approves this zoning-in-

1 progress resolution and order a fixed time, not to exceed 90 calendar days,  
2 within which Village staff shall report to the Village Council  
3 with its findings regarding the need for a moratorium, or a proposed  
4 ordinance creating regulations for medical marijuana and low THC cannabis  
5 dispensaries.

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7 **Section 3.** Upon adoption of the zoning-in-progress resolution, the  
8 Village Clerk shall publish the adopted resolution in a newspaper of general  
9 circulation published in the Village, or Miami-Dade County, Florida within ten  
10 days following the date of adoption.

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12 **Section 4.** During the 120-day zoning-in-progress period of time no  
13 permit(s), certificate(s) of use, or development order(s) of any kind in  
14 connection with medical marijuana or low THC cannabis dispensereries shall  
15 be issued.

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17 **Section 5.** Nothing in this resolution should be construed or applied to  
18 abrogate the vested right of a property owner to develop or utilize his/her  
19 property in any other way commensurate with zoning and other regulations,  
20 including any required renewal of permits for existing legally erected  
21 premises.

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23 **Section 6.** This Resolution shall take effect immediately upon  
24 enactment.

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26 **PASSED AND RESOLVED** this 1st day of July 2019.

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28 Attest:

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31 DocuSigned by:  
32 *Missy Arocha*  
33 \_\_\_\_\_  
34 **Missy Arocha**  
35 **Village Clerk**

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38 DocuSigned by:  
39 *Karyn Cunningham*  
40 \_\_\_\_\_  
**Karyn Cunningham**  
**Mayor**

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2 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
3 AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:  
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6 DocuSigned by:  
7 *Dexter W. Lehtinen*  
8 1B1D06E71321445...  
9 **Dexter W. Lehtinen**  
10 **Village Attorney**

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13 **FINAL VOTE AT ADOPTION:**

- 14 Council Member Patrick Fiore YES  
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16 Council Member David Singer YES  
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18 Council Member Marsha Matson YES  
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20 Vice Mayor John DuBois YES  
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22 Mayor Karen Cunningham YES  
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