

**RESOLUTION NO. 2019-17**

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

18  
19 **WHEREAS**, in 2014, the State of Florida enacted Florida Statute  
20 381.986, A/K/A the Compassionate Medical Cannabis Act, which provided a  
21 regulatory frame work for the cultivation, transportation, processing and  
22 dispensing of low THC cannabis for limited medical use treatment only; and  
23

24 **WHEREAS**, in 2015 those same rules were expanded to include full  
25 strength medical marijuana for the treatment of individuals diagnosed with a  
26 terminal illness and/or are undergoing chemotherapy; and  
27

28 **WHEREAS**, on November 8, 2016, the residents of the State of Florida  
29 approved by referendum, expanded use for medical marijuana and low TCH  
30 cannabis to extend to a greater range of ailments; and  
31

32 **WHEREAS**, the Florida Legislature amended Florida Statute 381.986  
33 by adopting bill SB 8-A during a 2017 Special Session that among other  
34 provisions, outlined the conditions under which local municipalities may  
35 regulate the location of cannabis dispensaries and medical marijuana  
36 treatment centers; and  
37

38 **WHEREAS**, Florida Statute 381.986(8)(b) permits “[a] municipality [to]  
39 determine by Ordinance the criteria for the number and location of, and other  
40 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 medical marijuana and low THC cannabis  
7 dispensaries within its jurisdictional boundaries, and therefore directs the  
8 Village Manager to return within 90 days of this action, with either a report  
9 detailing the need for a ban or to bring forward an Ordinance which provides  
10 zoning standards for medical marijuana and low THC cannabis dispensaries;  
11 and

12  
13 **WHEREAS**, to preserve the status quo is necessary to establish a  
14 Zoning-In-Progress prohibition on the issuance of building permits for  
15 developments, and/or certificates of uses within the Village for medical  
16 marijuana and low THC cannabis dispensaries for a 120-day period.

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

21  
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  
31 of 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.

34  
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.  
6

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.  
11

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 shall be issued.  
15

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

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

25  
26 **PASSED AND RESOLVED** this 28<sup>th</sup> day of January 2019.  
27

28 Attest:

29 DocuSigned by:  
30 *Missy Arocha*  
31 Missy Arocha  
32 Village Clerk

DocuSigned by:  
*Karyn Cunningham*  
Karyn Cunningham  
Mayor

33  
34 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
35 AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:  
36

37 DocuSigned by:  
38 *Dexter W. Lehtinen*  
39 Dexter W. Lehtinen  
40 Village Attorney

1 **FINAL VOTE AT ADOPTION:**

2

3 Council Member Patrick Fiore YES

4

5 Council Member David Singer YES

6

7 Council Member Marsha Matson YES

8

9 Vice Mayor John DuBois YES

10

11 Mayor Karyn Cunningham YES