

**CITY OF BONITA SPRINGS
ORDINANCE NO. 17- 15**

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; EXTENDING BONITA SPRINGS ORDINANCE NO. 17-01; THE TEMPORARY MORATORIUM ON CANNABIS DISPENSING BUSINESSES; PROVIDING FOR GEOGRAPHIC AREA COVERED; PROVIDING FOR PENALTIES, CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY, SCRIVENER'S ERRORS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Bonita Springs, Lee County, Florida is authorized, directed and empowered to guide and regulate growth and development of the City pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Florida Statutes §166.01 authorizes municipalities to establish, coordinate and enforce zoning regulations necessary for the protection of the public; and

WHEREAS, Bonita Springs City Council on June 21, 2017 reviewed Senate Bill 8-A, in which the Florida legislature amended Florida Statutes §381.986, limiting local governments zoning and locational requirements to being no more restrictive to pharmacy regulations; and

WHEREAS, currently, the Land Development Code defines drugstores as the following in §4-2 and permits them, either as a primary or a subordinate use, in most commercial and retail zoning classifications, and planned developments, within the City of Bonita Springs:

Drugstore means an establishment wherein the principal use is the dispensing of prescription and patent medicines and drugs and related products, but where nonmedical products such as greeting cards, magazines, cosmetics and photographic supplies may also be sold. The term "drugstore" includes the term "pharmacy"; and

WHEREAS, cannabis businesses licensed pursuant to the law have begun cultivating cannabis for processing and dispensing; and

WHEREAS, a local government may ban, but its permitting and zoning capabilities are significantly amendment by the revised Florida Statutes § 381.986; and

WHEREAS, Florida laws relating to the cultivation, production, and dispensing of cannabis products are rapidly changing – raising substantial questions about whether cannabis-related land uses, as a category of commercial use, may have deleterious and negative secondary effects on surrounding land uses and communities; and

WHEREAS, the purpose of this ordinance is to extend the temporary moratorium on the opening of cannabis dispensing facilities, until City Council formulates a policy as to whether to ban dispensing facilities within its jurisdiction pursuant to Florida Statutes

§381.986 or to create new pharmacy requirements in the Bonita Springs Land Development Code; and

WHEREAS, the City hereby finds that the temporary moratorium imposed by this ordinance is intended to give the City the time reasonably necessary to investigate the impacts of cannabis dispensing facilities, and if necessary, to promulgate reasonable regulations relating to such establishments; and

WHEREAS, the City hereby finds that this ordinance advances an important government purpose by reducing the likelihood of the unregulated negative secondary effects of cannabis dispensing facilities; and

WHEREAS, the City hereby finds that this ordinance is in the best interest of the public health, safety, and welfare; and

WHEREAS, the City has determined it is in the public interest to adopt this Ordinance pursuant to the City police powers to protect the health, safety, and welfare of the public.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section One: Purpose and Intent; Recitals

The purpose of this Ordinance is to provide the City with the opportunity to review the impact of recent changes in law including passage of the constitutional amendment, as well as the impact of cannabis dispensing in other jurisdictions, including coordination with bordering local governments, to determine whether to ban or to create new regulations within the City. The recitals set forth above, incorporated herein, are hereby found true and correct.

Section Two: Extension of the Temporary Moratorium

This ordinance will extend the Temporary Moratorium on Cannabis Dispensing Businesses, Bonita Springs Ordinance No. 17-01, for an additional period of time, beginning August 4, 2017 and will remain in effect through March 2, 2018, unless extended by formal action of the City Council for the City of Bonita Springs. All terms of the temporary moratorium remain in effect, as if set forth in full below.

Nothing in this temporary moratorium shall be construed to prohibit the use of cannabis pursuant to the Compassionate Use Act or other applicable Florida Law, or the delivery of cannabis in compliance with the Compassionate Use Act or other applicable Florida Law.

Section Three: Conflicts of Law

Whenever the requirements or provisions of this amending ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements shall apply.

Section Four: Severability

If any part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reasons, such part, section, subsection, or other portion or the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision or application.

Section Five: Scrivener's Errors

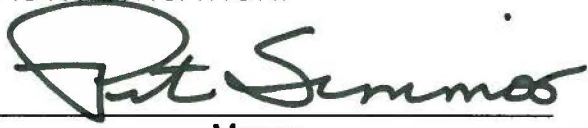
Sections of this ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

Section Six: Effective Date

The effective date of this ordinance shall be thirty (30) days from its adoption date, pursuant to §29(c) of the City Charter, which requires ordinances to have effective dates of thirty days after its adoption or at any later date as specified in the ordinance.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 19th day of July, 2017.


AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM: 

City Attorney

Vote:

DeWitt	Aye	Quaremba	Absent
Forbes	Absent	Simmons	Aye
Gibson	Aye	Slachta	Aye
O'Flinn	Aye		

Date filed with City Clerk: 7/24/17