**CITY OF ORLANDO**

**COUNCIL AGENDA ITEM**

<table>
<thead>
<tr>
<th>Items Types:</th>
<th>For Meeting of:</th>
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<tbody>
<tr>
<td>Hearings/Ordinances/2nd Read</td>
<td>June 5, 2017</td>
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<tr>
<td><strong>District:</strong> 4</td>
<td></td>
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<tr>
<td><strong>Contract ID:</strong></td>
<td></td>
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<td><strong>Exhibits:</strong> Yes</td>
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<tr>
<td><strong>Grant Received by City?: No</strong></td>
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</tbody>
</table>

**Document Number:**

**On File (City Clerk) : Yes**

**Draft Only: No**

**Subject:**

An Ordinance No. 2017-25 Adding Medical Cannabis Dispensary Location Criteria and Performance Standards to Chapter 58 of the Land Development Code (Economic Development)

**Summary:**

This proposed Land Development Code amendment adds location criteria, performance standards and creates specific definitions for Medical Cannabis dispensaries to Chapter 58 of the Land Development Code. The new regulations are proposed for Medical Cannabis dispensaries within the City to allow reasonable access to these products to treat patients with debilitating conditions, while protecting sensitive land uses (e.g. schools, child care, residential uses, parks, places of worship) from the potential negative secondary effects of such a use. It also includes a mile separation between such uses so that they do not concentrate in any particular section/neighborhood of the City.

The proposal also limits the total number of dispensaries to seven; this is also the same amount of authorized dispensing organizations within the State of Florida (i.e. one per organization). This "cap" also ensures that the City is not overburdened with accommodating all of the dispensaries within Central Florida, while allowing adequate access to such products for our residents.

The proposal includes a grandfathering provision for dispensary locations previously approved as "Charlotte's Web" dispensaries to allow the full range of cannabis products currently allowed under state law (including Amendment 2), so long as such locations have applied for and are actively securing a building permit as of the effective date of this ordinance.

Additionally, hospitals over 100 beds dispensing such products are proposed to be exempted from the location criteria.

This item was recommended for approval at the April 18, 2017 Municipal Planning Board; the item was also approved by the City Council on first reading at its May 15, 2017 meeting.

**Fiscal & Efficiency Data:** N/A

**Recommended Action:**

Adopt the attached ordinance number 2017-25 and authorize the Mayor and City Clerk or Mayor Pro Tempore and City Clerk to execute on behalf of the City upon its final review and approval by the City Attorney.

**Agenda Item attachment(s) on file in the City Clerks Office.**

**Note:** All agenda items must be in the City Clerk's office by Noon Friday, six (6) business days prior to the regular Monday City Council meeting.

**Contact:** Jason.Burton@cityoforlando.net, Chief Planner, and Kyle.Shephard@cityoforlando.net, Chief Assistant City Attorney

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"Enhance the quality of life in the City by delivering public services in a knowledgeable, responsive and financially responsible manner."
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO MEDICAL MARIJUANA DISPENSARIES; AMENDING CHAPTER 58, ORLANDO CITY CODE, TO PROVIDE ZONING REGULATIONS FOR MEDICAL MARIJUANA DISPENSARIES; PROVIDING A CAP ON THE NUMBER OF DISPENSARIES, SPECIAL USE SEPARATION REGULATIONS, AND SPECIAL OPERATIONAL REGULATIONS; FURTHER PROVIDING DEFINITIONS, FOR THE GRANDFATHERING OF CERTAIN EXISITING NONCONFORMITIES, AND THE TERMINATION OF THE TEMPORARY MORATORIUM ON MEDICAL MARIJUANA DISPENSARIES; PROVIDING LEGISLATIVE FINDINGS, AND FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, section 163.3202(1), Florida Statutes, requires that the city of Orlando, Florida (the “city”), adopt or amend and enforce land development regulations that are consistent with and implement the city’s adopted comprehensive plan; and

WHEREAS, section 163.3202(3), Florida Statutes, encourages the use of innovative land development regulations and requires that all land development regulations be combined into a single land development code for the city; and

WHEREAS, from time to time, amendments and revisions to the city’s adopted comprehensive plan (the “Growth Management Plan”), progress in the field of planning and zoning, or changes to state law make it necessary or desirable to amend the land development regulations of the city; and

WHEREAS, at its regularly scheduled meeting of April 18, 2017, the Municipal Planning Board recommended to the City Council of the City of Orlando, Florida (the “Orlando City Council”), that the provisions of this ordinance are consistent with the applicable provisions of the city’s adopted Growth Management Plan, are in the best interest of the public health, safety, and welfare, are in harmony with the purpose and intent of the Land Development Code of the City of Orlando, Florida (the "Land Development Code"), will not result in disorderly and illogical development patterns, and will not result in incompatible land uses; and

WHEREAS, the Orlando City Council hereby finds and determines that this ordinance is consistent with the applicable provisions of the city’s adopted Growth Management Plan, is in the best interest of the public health, safety, and welfare, is in harmony with the purpose and intent of the city’s Land Development Code, will not result in disorderly and illogical development patterns, and will not result in incompatible land uses; and

WHEREAS, section 381.986(8), Florida Statutes, provides that “[a] municipality may 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 Orlando City Council hereby finds that the land development
regulations of this ordinance reasonably balance the needs of patients seeking medical
products with the legitimate public interests in mitigating and limiting the potential
negative secondary land use effects of medical marijuana dispensaries; and

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

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY
OF ORLANDO, FLORIDA, AS FOLLOWS:

SECTION 1. PART 4R(2), CHAPTER 58, CREATED. Part 4R(2), Chapter 58,
Code of the City of Orlando, Florida, is hereby created to read as follows:

4R(2) – MEDICAL MARIJUANA DISPENSARIES

Sec. 58.873. General Requirements.

(a) Zoning use. For purposes of the Land Development Code, including the
tables of allowable, prohibited, and conditional uses (Figures 2A.LDC – 2D.LDC,
Chapter 58, Orlando City Code), medical marijuana dispensaries are hereby categorized
as a light retailing use as defined in section 66.200, Orlando City Code. In the Southeast
Orlando Sector Plan area, medical marijuana dispensaries must comply with the land
development regulations applicable to the Village Center land use category.

(b) Cultivation and processing. Medical marijuana cultivation facilities and
medical marijuana processing facilities are hereby prohibited in the City.

(c) Dispensaries. Medical marijuana dispensaries are hereby prohibited in
the City unless the dispensary is approved by the Florida Department of Health pursuant
to applicable state laws and regulations.

(d) Cap on dispensaries. Only seven medical marijuana dispensaries are
allowed in the City, without regard for the number of dispensing organizations approved
by the State of Florida. As of the effective date of this Part, there are seven state-
approved dispensing organizations, and each of them may have one dispensary in the
City.

Sec. 58.874. Special Location Regulations

(a) Use separations. In addition to complying with the land development
regulations of the table of allowable, prohibited, and conditional uses, medical marijuana
dispensaries are prohibited within:
ORDINANCE NO. 2017-25

1. 200' of a residential zoning district; and

2. 200' of a residential land use in the Southeast Orlando Sector Plan area; and

3. 1,000' of a religious institution; and

4. 1,000' of a school; and

5. 1,000' of a park; and

6. 1,000' of a child day care center; and

7. 1,000' of a treatment and recovery facility; and

8. 5,280' of another medical marijuana dispensary.

(b) Hospital exception. Notwithstanding subsection 58.874(a), medical marijuana dispensaries may locate, operate, and undertake substantial improvements and enlargements if the dispensary is an auxiliary use to a hospital with at least 100 beds. To be an "auxiliary use" for purposes of this subsection, the dispensary must be located within the hospital or on land owned or operated by the hospital (or a closely-related corporate entity) and within 1,000' of the parcel of land on which the hospital is located.

(c) Neighboring jurisdictions. The use separation regulations of subsection 58.874(a) apply only to such uses located in the City of Orlando, except that medical marijuana dispensaries in the City are prohibited within 200' of a residential zoning district located in unincorporated Orange County or a neighboring municipality and within 5,280' of another medical marijuana dispensary located in unincorporated Orange County or a neighboring municipality. The planning official or permitting official should, upon receipt of any application proposing a medical marijuana dispensary within 1,000' of unincorporated Orange County or a neighboring municipality, provide written notice of the application to the planning or permitting official of the applicable neighboring jurisdiction. This notice is a courtesy notice and failure to make such notice shall not invalidate any approvals issued by the City.

(d) Method of measuring distance. For the purposes of this Part, distance shall be measured by the shortest, straight line between property or district boundaries.

Sec. 58.875. Special Operational Regulations

(a) Security system. To ensure the safety and security of medical marijuana dispensaries, and to maintain adequate controls against the diversion, theft, and loss of low-THC cannabis, medical cannabis, and cannabis delivery devices, section 381.986, Florida Statutes, and Chapter 64-4, Florida Administrative Code, require dispensing organizations to implement and maintain specified security systems and techniques. The security plan approved by the Florida Department of Health for the dispensary must be filed with the police chief before the dispensary opens for business and any changes to the security plan must be filed with the police chief within seven days of approval by the Florida Department of Health. It is unlawful and a violation of this subsection to operate,
own, or control a medical marijuana dispensary except in compliance with the applicable
security plan approved by the Florida Department of Health.

(b) **Site plan and appearance approval.** Before a certificate of occupancy or
certificate of completion is issued by the permitting official (whichever is applicable, and
if neither are applicable then before the dispensary opens for business) for a medical
marijuana dispensary, the dispensary must be reviewed and approved by planning
official determination. The planning official determination must review and approve the
proposed site for zoning use compliance, for compliance with applicable site
development standards (including parking and pedestrian and automobile circulation),
and for compliance with applicable appearance and architectural standards (including
signs).

(c) **Outdoor lighting.** Medical marijuana dispensaries are hereby made
exempt from Part 2M, Chapter 63, Orlando City Code, but only to the extent minimally
necessary to achieve compliance with state laws and regulations relating to sufficient
outdoor lighting.

(d) **Hours of operation.** Medical marijuana dispensaries may not dispense
low-THC cannabis, medical cannabis, or cannabis delivery devices between the hours of
7:00 p.m. and 8:00 a.m. This subsection applies only to the onsite dispensing of low-
THC cannabis, medical cannabis, or cannabis delivery devices, and does not purport to
regulate the delivery of low-THC cannabis, medical cannabis, or cannabis delivery
devices, nor does this subsection prohibit the use of the dispensary between the hours
of 7:00 p.m. and 8:00 a.m. for business purposes other than the dispensing of low-THC
cannabis, medical cannabis, or cannabis delivery devices.

(e) **Drive-in facilities prohibited.** Drive-in facilities are prohibited at medical
marijuana dispensaries.

**Sec. 58.876. Definitions**

For the purposes of this Part, the following words, terms, and phrases (and their
derivations) have the meanings provided hereinafter, except where the context clearly
requires otherwise.

(a) "Cannabis delivery device" has the same meaning provided at section
381.986(1)(a), Florida Statutes.

(b) "Dispensing organization" has the same meaning provided at section
381.986(1)(b), Florida Statutes.

(c) "Low-THC cannabis" has the same meaning provided at section
381.986(1)(e), Florida Statutes.

(d) "Medical cannabis" has the same meaning provided at section
381.986(1)(f), Florida Statutes.

(e) "Medical marijuana cultivation facility" has the same meaning as
"cultivation facility" as provided at Rule 64-4.001(11)(a), Florida Administrative Code.
ORDINANCE NO. 2017-25

and includes any area approved by the Florida Department of Health for the cultivation of medical cannabis.

(f) "Medical marijuana processing facility" has the same meaning as "processing facility" as provided at Rule 64-4.001(11)(b), Florida Administrative Code, and includes any area approved by the Florida Department of Health for the processing of medical cannabis.

(g) "Medical marijuana dispensary" has the same meaning as "dispensing facility" as provided at Rule 64-4.001(11)(c), Florida Administrative Code, and includes any area approved by the Florida Department of Health for the dispensation of medical cannabis.

(h) "Park" means all public and private property specifically designated as being used for principally recreational purposes.

Secs. 58.877 – 58.879. Reserved.

SECTION 2. GRANDFATHERED DISPENSARIES. Notwithstanding anything in this ordinance to the contrary, medical marijuana dispensaries approved by a site-specific zoning official determination issued before the effective date of this ordinance and the subject of a complete building permit application to construct the dispensary (pursuant to the Florida Building Code) submitted to the permitting official before the effective date of this ordinance are hereby made conforming and lawful under this ordinance as to the locational regulations of this ordinance. Medical marijuana dispensaries approved by a site-specific zoning official determination issued before the effective date of this ordinance but not the subject of a complete building permit application to construct the dispensary (pursuant to the Florida Building Code) submitted to the permitting official before the effective date of this ordinance are hereby made wholly subject to the provisions of this ordinance.

SECTION 3. MORATORIUM TERMINATED. The temporary moratorium on cannabis dispensaries established by City Ordinance No. 2016-58 and extended by City Ordinance No. 2016-92 is hereby terminated.

SECTION 4. CODIFICATION. The city clerk and the city attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 5. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 6. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.
SECTION 7. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, the 15th day of May, 2017.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the city clerk of the City of Orlando, Florida, the 23rd day of May, 2017.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, the 5th day of June, 2017.

BY THE MAYOR OF THE CITY OF ORLANDO, FLORIDA:

[Billy Nunn]
Mayor

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:

[Denise Aldridge]
City Clerk

DENISE ALDRIDGE
Print Name

THIS ORDINANCE DRAFTED BY AND APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF ORLANDO, FLORIDA:

[Kyle Shephard]
Print Name

*[Remainder of page intentionally left blank.]*
MEDICAL CANNABIS—ADDENDUM
LOCATION AND PERFORMANCE STANDARDS
LAND DEVELOPMENT CODE AMENDMENT

SUMMARY

<table>
<thead>
<tr>
<th>Owner</th>
<th>Description of the Request: Amend Chapter 58 of the Land Development Code to add Medical Cannabis dispensary performance standards, and define Medical Cannabis and related terms in Chapter 63.</th>
</tr>
</thead>
</table>
| N/A        | Public Comment
| Applicant  | Staff posted this item on the City’s website, and placed a classified ad in the Orlando Sentinel. No public comments have been received as of the date of the Staff Report. |
| City of Orlando | Staff’s Recommendation: Approval of the request. |
| Project Planner     | |
| Shannan Stegman    | |
| Updated: April 17, 2017 | |

ANALYSIS

ADDENDUM.
Certificate of Compliance. The project description for this Land Development Code amendment previous contemplated a “Certificate of Compliance” process for dispensaries operating within the City that would be potentially be reviewed annually. Since the current State regulations for growing, transporting and dispensing medical cannabis is limited to seven companies—with extremely strict requirements—staff is recommending that we not include a certificate of compliance process, as the City would be duplicating the efforts of the State. Staff inadvertently left the concept in the project description.

Location Standards. Staff would like to clarify some of the location standards:

- A 1000-ft separation from places of worship is also included in the staff proposal. These buffers are similar to the current citywide separation in place for bars that sell alcohol—however, unlike bars, cannabis dispensaries are ineligible for conditional use permits to modify that buffer distance. Staff feels that these separations are best suited to place future dispensaries away from sensitive uses, such as houses of worship, schools (both public and private), child daycares, and parks.

- The proposed 200-ft separation from exclusive residential zoning districts (the “R” Districts) is being pursued in order to separate dispensaries from residential areas of the City, which can be sensitive to this use. The separation is the minimal distance to ensure neighborhood compatibility of these uses, and is approximately the size of our smallest city block. This distance also accommodates a reasonable amount of eligible sites throughout the City in which dispensaries could locate.

Hospitals. Staff is also clarifying that hospitals over 100 beds would be able to dispense medical cannabis to their patients, and are exempted from the location standards and performance standards, should the state allow them to dispense these products.

Current State Legislation Update. Current tracking of statewide bills in Tallahassee include the possibility of the state requiring that location standards by all local jurisdictions (counties and cities) be at least as restrictive as their standards for off-site alcohol sales and drinking establishments. Additionally, a potential minimum 500-ft separation from schools may apply statewide.
Medical Cannabis
Location and Performance Standards
Land Development Code Amendment

Summary

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Updated: May 1, 2017

Analysis

Background.
U.S. - Marijuana/cannabis has been illegal under federal law since the enactment of the Controlled Substances Act in 1970. The Act defines it as having no accepted medical use and made it illegal to import, manufacture, distribute, possess or use marijuana in the United States.

Florida – The Florida Compassionate Medical Cannabis Act (SB1030) was approved by the Florida Legislature and signed by the Governor on June 18, 2014. The Act made it legal for people suffering from qualifying medical conditions to possess and purchase low THC (“Charlotte’s Web”) medical cannabis. Following a lengthy rules making process, six organizations were ultimately approved by the State to begin cultivating and dispensing low THC cannabis in July 2016. On November 8, 2016, Florida voters overwhelmingly approved Amendment 2, making it the 28th state to legalize medical marijuana/cannabis. A seventh dispensing organization was approved by the state in December, 2016. The Florida Department of Health - Office of Compassionate Use (OCU) is charged with overseeing the regulatory infrastructure for medical cannabis in the state. This infrastructure includes, but is not limited to, licensing of patients, healthcare providers and Medical Cannabis Treatment Centers (dispensaries). To date, seven organizations have been licensed by the state to cultivate and distribute medical cannabis within the state.

Orlando – Following the enactment of the Florida Compassionate Medical Cannabis Act, three state approved dispensing organizations applied to open dispensaries within the City of Orlando. All three organizations received a Zoning Official Determination allowing them proceed through the permitting process. On July 25, 2016 the City enacted a moratorium on new medical cannabis dispensaries while it developed guidelines for appropriately locating dispensaries and procedures for permitting and reviewing such uses. Due to the complexity of the issue, the moratorium was extended on November 14, 2016 and is set to expire on July 1, 2017. While the State of Florida is still in the process of finalizing its regulations and rule making process with regards to Amendment 2, it is anticipated that local regulatory oversight will be permitted so long as it does not conflict with state regulations. Thus, the City needs to move forward with developing its own regulations prior to the expiration of the moratorium.

Overview.
With the passage of Amendment 2, there is a need to consider regulating medical cannabis dispensaries, specifically with regards to location and performance, within the City limits. Based on extensive research of other communities that permit medical cannabis dispensaries, staff recommends treating dispensaries similar to other pharmaceutical uses (light retail) and permitting them where
retail uses are allowed, as long as certain anti-concentration requirements are met. While some communities have determined dispensaries should be located far from commercial activity, even relegating them to industrial sites, staff wants to ensure that people in chronic pain, cancer patients, and others suffering from a variety of illnesses and symptoms have safe and reasonable access to this treatment option, just like other medicines they may require. Treating dispensaries like pharmaceutical uses ensures this accommodation is provided.

Location Standards.
Base on nationwide research of other jurisdictions across the United States that have existing regulations for the sale of medical cannabis, staff recommends the following:

1. Medical cannabis dispensaries are considered a light retailing use for zoning purposes.
2. Light retailing is a permitted use in the MU and AC zoning districts, as well as the Village Center land use designation within the Southeast Sector Plan.
3. A medical cannabis dispensary shall not be established within two hundred feet (200') of a residential zoning district, or land use within the Southeast Sector Plan area.
4. A medical cannabis dispensary shall not be established within one thousand feet (1,000') from any public or private school, park, childcare center, drug or alcohol treatment facility.
5. A medical cannabis dispensary shall not be established within five thousand two hundred eighty feet (5,280') of any other medical cannabis dispensary.
6. A medical dispensary shall be permitted within hospitals (100+beds) without regard to distance separation and/or zoning regulations listed above.
7. The three dispensary locations with a Zoning Official Determination issued prior to July 25, 2016, and who subsequently submit for building permits prior to the enactment of these regulations, shall be considered "grandfathered" and thus not subject to the location requirements, with the exception of required distance from other dispensaries, of these regulations.
8. Residential uses and other dispensaries within adjacent jurisdictions will be considered when siting a new dispensary according to the above.
9. A medical cannabis dispensary proposed within one thousand feet (1,000') of Orange County or another city will be referred to the appropriate jurisdiction for consultation.

Performance Standards.
The following are the minimum development criteria and operational standards proposed for any new medical cannabis dispensary:

1. The building in which the dispensary is located shall comply with all applicable local, state and federal rules, regulations and laws including, but not limited to, building codes and accessibility requirements.
2. The dispensary shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. The applicant shall submit a security plan for review and approval by the Orlando Police Department. The Security Plan shall remain confidential.
3. The site plan, circulation, parking, lighting, facility exterior, and any signage shall be subject to appearance review and approval by the Planning Official.
4. No person shall be allowed onto the premises unless they are an employee, vendor or contractor of the dispensary, a primary caregiver, and/or a qualified patient or an employee of an agency having jurisdiction monitoring or investigating the terms of regulatory compliance. If the dispensary denies entry for monitoring and inspection to any employee of an agency having jurisdiction, the dispensary may be closed. All persons entering the site shall present photo identification and shall establish proof of doctor's recommendation except as representing a regulatory agency. The operating plan submitted as part of the use permit application shall specify how this provision will be complied with and enforced.
5. No dispensary shall hold or maintain a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on premises.
6. No cannabis shall be smoked, ingested or otherwise consumed on the premises. The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other immediate surroundings.
7. No dispensary shall house raw cannabis product on site. Likewise, cultivation of medical cannabis is prohibited within a dispensary.
8. Operating days and hours shall be limited to Monday through Saturday from 8:00 am to 7:00 pm, including deliveries, or as otherwise allowed. Operating hours may be further restricted through the Appearance Review process, where needed, to provide additional land use compatibility.
9. Medical cannabis delivery service is permitted. The delivery operation must be affiliated with and located on the same property as the permitted dispensary. Third party delivery service is prohibited.
10. Dispensaries must be properly licensed with the State of Florida and must comply with all applicable state and local laws, rules and regulations.
Number of Dispensaries.
The State of Florida conducted a thorough application and licensing process prior to approving seven dispensing organizations. Staff recommends that each of the state approved organizations be permitted to open one medical cannabis dispensary within the City limits, subject to the location and performance standards above. If the three previously approved “Charlotte’s Web” locations have submitted for permits prior to these regulations being adopted, they will be grandfathered and permitted to expand to full scale medical cannabis sales. They will be included as part of the maximum seven dispensaries. If more than seven dispensaries were permitted to operate, concerns regarding over saturation and difficulty monitoring/enforcing regulatory compliance could begin to emerge. In addition, limiting the number to seven will allow each organization equal access to the Orlando market, while ensuring the City of Orlando does not become the regional “hub” for medical cannabis dispensaries, protecting the health, safety and welfare of its residents.

Definitions.
The following terms are defined in s. 381.986 F.S. and are recommended to be included in the City’s proposed regulations.

“Dispensing organization” means an organization approved by the Florida Department of Compassionate Use to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to this section.

“Legal representative” means the qualified patient’s parent, legal guardian acting pursuant to a court’s authorization as required under s. 744.3215(4); health care surrogate acting pursuant to the qualified patient’s written consent or a court’s authorization as required under s. 765.113, or an individual who is authorized under a power of attorney to make health care decisions on behalf of the qualified patient.

“Low-THC cannabis” means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

“Medical cannabis” means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in s. 499.0295.

“Medical use” means administration of the ordered amount of low-THC cannabis or medical cannabis. The term does not include the:

1. Possession, use, or administration of low-THC cannabis or medical cannabis by smoking.
2. Transfer of low-THC cannabis or medical cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient’s legal representative on behalf of the qualified patient.
3. Use or administration of low-THC cannabis or medical cannabis:
   a. On any form of public transportation.
   b. In any public place.
   c. In a qualified patient’s place of employment, if restricted by his or her employer.
   d. In a state correctional institution as defined in s. 944.02 or a correctional institution as defined in s. 944.241.
   e. On the grounds of a preschool, primary school, or secondary school.
   f. On a school bus or in a vehicle, aircraft, or motorboat.

“Qualified patient” means a resident of this state who has been added to the compassionate use registry by a physician licensed by the state to receive low-THC cannabis or medical cannabis from a dispensing organization.

FINDINGS
In review of the proposed LDC amendment, it is found that:
1. The proposed Land Development Code amendment is consistent with the State Comprehensive Plan (Chapter 187, Florida Statutes).
2. The proposed Land Development Code amendment is consistent with the East Central Florida Strategic Regional Policy Plan.
3. The proposed Land Development Code amendment is consistent with the provisions of Chapter 163, Part II, Florida Statutes.
4. The proposed Land Development Code amendment is consistent with the objectives and policies of the City’s adopted Growth Management Plan (GMP).

RECOMMENDATION
Staff recommends approval of the proposed amendment to the Orlando Land Development Code.
STATE OF FLORIDA

COUNTY OF ORANGE

Before the undersigned authority personally appeared
Brandon DeLoach / Maria Torres, who on oath says that he or she is an
Advertising Representative of the ORLANDO SENTINEL, a DAILY newspaper
published at the ORLANDO SENTINEL in ORANGE County, Florida; that the
attached copy of advertisement, being a Legal Notice in the matter of 11150-Public
Hearing Notice, June 5, 2017 at 2:00 p.m., Ordinance #2017-25 was published
in said newspaper in the issues of May 23, 2017.

Affiant further says that the said ORLANDO SENTINEL is a newspaper published
in said ORANGE County, Florida, and that the said newspaper has heretofore been
continuously published in said ORANGE County, Florida, each day and has been
entered as periodicals matter at the post office in ORANGE County, Florida, in
said ORANGE County, Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant further says that he
or she has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing this advertisement for
publication in the said newspaper.

[Signature]
Affiant

[Printed Name]
Affiant

Sworn to and subscribed before me on this 24 day of May, 2017,
by above Affiant, who is personally known to me (X) or who has produced
identification ( ).

[Signature]
Notary Public

[Commission Number]
Notary Public

Name of Notary, Typed, Printed, or Stamped