



COUNTY ATTORNEY'S OFFICE
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03-31-17 11:4 AM RCV

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MEMORANDUM

DATE: March 31, 2017

TO: Katie Smith, Manager
Comptroller Clerk's Office

THROUGH: Cheryl Gillespie, Supervisor
Agenda Development Office, BCC

FROM: Whitney E. Evers, Assistant County Attorney

CONTACT PERSON: **Whitney E. Evers, Assistant County Attorney**
County Attorney's Office
407-836-7321; email to:
whitney.evers@ocfl.net

SUBJECT: Request for Public Hearing at 2:00 p.m. on
April 25, 2017; Ordinance Regarding
Extension of Moratorium on all Medical
Cannabis Activities

Must be scheduled
for ~~April~~
April 25.
Thanks

JHE

Title of Ordinance: **AN ORDINANCE AMENDING SECTION 38-80, ORANGE COUNTY CODE, TO EXTEND A TEMPORARY MORATORIUM ON ANY AND ALL MEDICAL CANNABIS ACTIVITIES DURING THE MORATORIUM PERIOD FOR ANY PROPERTY WITHIN ANY UNINCORPORATED AREAS OF ORANGE COUNTY; AND PROVIDING AN EFFECTIVE DATE**

Applicant: Staff

Location: All Districts

Estimated time required for public hearing: 2 minutes

LEGISLATIVE FILE # 17-411

April 25, 2017
@ 2pm

Hearing controversial: No

Advertising requirements: Publish once in the *The Orlando Sentinel* in the portion of the newspaper where legal notices and classified advertisements appear.

Advertising timeframe: Not later than April 15, 2017, so that the ad appears at least 10 days prior to the public hearing at 2:00 p.m. on April 25, 2017.

Applicant/Abutters to be notified: Not applicable.

Hearing required by Fla. Statute: Section 125.66(2)(a), Florida Statutes.

Spanish Contact Person: Para más información en español acerca de estas reuniones publicas o de cambios por ser efectuados, favor de llamar a la Oficina de los Abogados del Condado, Roberta Alfonso, at 407-836-7320.

Materials enclosed: None. Draft ordinance attached.

SPECIAL INSTRUCTIONS TO CLERK:

1. Please verify hearing date and time with Agenda Development.
2. Please publish advertisement by not later than April 15, 2017.

WEE:sac

cc: Joel D. Prinsell, Deputy County Attorney
Carol Burkett, Director, Office of Drug-Free Communities
Carol Knox, Manager, Zoning Division

ORDINANCE NO. 2017-__

AN ORDINANCE AMENDING SECTION 38-80, ORANGE COUNTY CODE, TO EXTEND A TEMPORARY MORATORIUM ON ANY AND ALL MEDICAL CANNABIS ACTIVITIES DURING THE MORATORIUM PERIOD FOR ANY PROPERTY WITHIN ANY UNINCORPORATED AREAS OF ORANGE COUNTY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on August 23, 2016, the Board of County Commissioners adopted Ordinance No. 2016-18, effective on August 25, 2016, to place a temporary moratorium on Medical Cannabis Activities, as defined therein, for a period of time reasonably necessary for the County to determine the best way to regulate Medical Cannabis Activities for the benefit of the public health, safety, and welfare and to promulgate reasonable regulations relating to such activities if deemed advisable by the County; and

WHEREAS, in 2016 Florida voters approved Amendment 2, codified as Section 29, Article X of the Florida Constitution, which legalized medical marijuana for a broader group of patients than had previously been authorized under Florida law; and

WHEREAS, prior to the start of the 2017 legislative session, the Florida Legislature introduced at least six bills proposing to amend existing laws regulating the use of medical marijuana; and

WHEREAS, pursuant to Amendment 2, the Department of Health was given six months to undertake and complete rulemaking to implement Amendment 2; and

WHEREAS, given the rapidly changing laws regarding medical marijuana, and pending bills in the Florida Legislature proposing to amend existing laws regulating medical marijuana, the Board of County Commissioners hereby finds that this ordinance to extend the existing moratorium is in the best interest of the public health, safety, and welfare.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
COUNTY:

Section 1. Amendment to Section 38-80. The Orange County Code, Section 38-80, Moratorium Regarding Medical Cannabis Activities Within Unincorporated Areas of Orange County, is hereby amended as set forth below, with the new language indicated by underlining and the deleted language being struck through:

Sec. 38-80. Moratorium Regarding Medical Cannabis Activities Within Unincorporated Areas of Orange County.

* * *

(c) *Moratorium Period.* Until the effective date of an ordinance establishing new or amended land development regulations concerning Medical Cannabis Activities within unincorporated Orange County, or until ~~May~~ November 23, 2017, whichever date is earlier, no development permits shall be issued for any Medical Cannabis Activities. Furthermore, the review of any applications for such Medical Cannabis Activities that may be pending on August 23, 2016, the date of adoption of this ordinance, shall be abated, and no new applications for such permits shall be accepted or processed during the moratorium period.

Section 2. Effective date. This ordinance shall become effective pursuant to general law.

ADOPTED THIS 25th DAY OF APRIL, 2017.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: Teresa Jacobs, Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk to the Board of County Commissioners

By: _____
Deputy Clerk