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ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

**ORDINANCE 16-15**  
(Unified Land Development Code Amendment)

9 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA  
10 COUNTY FLORIDA AMENDING THE UNIFIED LAND DEVELOPMENT CODE IN THE  
11 ALACHUA COUNTY CODE OF ORDINANCES, PART III, RELATING TO THE  
12 REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE  
13 UNINCORPORATED AREA OF ALACHUA COUNTY, FLORIDA; INCLUDING  
14 AMENDMENTS TO CHAPTER 404 USE REGULATIONS, ARTICLE 2 USE TABLE,  
15 ARTICLE 9 HEALTH AND MEDICAL FACILITIES AND CHAPTER 410 DEFINITIONS  
16 ARTICLE 3 DEFINED TERMS FOR MEDICAL MARIJUANA DISPENSARIES;  
17 PROVIDING A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING  
18 FOR INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS;  
19 PROVIDING FOR LIBERAL CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.

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21  
22 WHEREAS, the Board of County Commissioners of Alachua County, Florida, is  
23 authorized, empowered and directed to adopt land development regulations to implement the  
24 Comprehensive Plan and to guide and regulate the growth and development of the County in  
25 accordance with the Local Government Comprehensive Planning and Land Development  
26 Regulation Act (Section 163.3161 et seq.,) Florida Statutes; and

27 WHEREAS, the Board of County Commissioners of Alachua County adopted its 2001-  
28 2020 Comprehensive Plan, which became effective on May 2, 2005; and

29 WHEREAS, the Board of County Commissioners of Alachua County adopted its Unified  
30 Land Development Code, which became effective on January 30, 2006; and

31 WHEREAS, the Board of County Commissioners of Alachua County, Florida, wishes to  
32 make amendments to the Alachua County Code of Ordinances Part III, Unified Land  
33 Development Code, relating to development of land in Alachua County; and

1           WHEREAS, the Board of County Commissioners, acting as the Land Development  
2 Regulation Commission, has determined that the land development regulations that are the  
3 subject of this ordinance are consistent with the Alachua County Comprehensive Plan; and,

4           WHEREAS, the Board of County Commissioners, acting as the Land Development  
5 Regulation Commission, has determined that regulations for the location of medical marijuana  
6 dispensaries are necessary to aid in the prevention of cannabis distribution to minors; and,

7           WHEREAS, duly noticed public hearings were conducted on such proposed amendments  
8 on July 12, 2016 and August 9, 2016 by the Board of County Commissioners, with the hearings  
9 being held after 5:00 o'clock p.m.;

10           BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
11 ALACHUA COUNTY, FLORIDA:

12           Section 1. Legislative Findings of Fact. The Board of County Commissioners of  
13 Alachua County, Florida, finds and declares that all the statements set forth in the preamble of  
14 this ordinance are true and correct.

15           Section 2. Unified Land Development Code. The Unified Land Development Code of  
16 the Alachua County Code of Ordinances Part III is hereby amended as shown in Exhibits "A"  
17 and "B" attached hereto.

18           Section 3. Modification. It is the intent of the Board of County Commissioners that the  
19 provisions of this ordinance may be modified as a result of considerations that may arise during  
20 public hearings. Such modifications shall be incorporated into the final version of the ordinance  
21 adopted by the Board and filed by the Clerk to the Board.

22           Section 4. Repealing Clause. All ordinances or parts of ordinances in conflict herewith  
23 are, to the extent of the conflict, hereby repealed.

1           Section 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of  
2 County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time  
3 as the Development Regulations of Alachua County are codified, the provisions of this ordinance  
4 shall become and be made part of the Unified Land Development Code of Alachua County,  
5 Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such  
6 intention, and the word "ordinance" may be changed to "section," "article," or other appropriate  
7 designation. The correction of typographical errors that do not affect the intent of the ordinance  
8 may be authorized by the County Manager or designee, without public hearing, by filing a  
9 corrected or re-codified copy of the same with the Clerk of the Circuit Court.

10           Section 6. Ordinance to be Liberally Construed. This ordinance shall be liberally  
11 construed in order to effectively carry out the purposes hereof which are deemed not to adversely  
12 affect public health, safety, or welfare.

13           Section 7. Severability. If any section, phrase, sentence or portion of this ordinance is  
14 for any reason held invalid or unconstitutional by any court of competent jurisdiction, such  
15 portion shall be deemed a separate, distinct and independent provision, and such holding shall  
16 not affect the validity of the remaining portions thereof.

17           Section 8. Effective Date. A certified copy of this ordinance shall be filed with the  
18 Department of State by the Clerk of the Board of County Commissioners within ten (10) days  
19 after enactment by the Board of County Commissioners, and shall take effect upon filing with  
20 the Department of State.

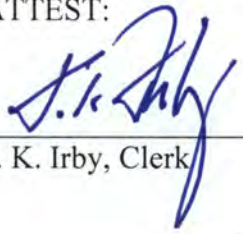
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DULY ADOPTED in regular session, this 9<sup>th</sup> day of August, 2016.

BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

ATTEST:

  
\_\_\_\_\_  
J. K. Irby, Clerk

By:   
\_\_\_\_\_  
Robert Hutchinson, Chair

APPROVED AS TO FORM

  
\_\_\_\_\_  
County Attorney

(SEAL)

APPROVED AS TO CONTENT

  
\_\_\_\_\_  
Steven Lachnicht, Director  
Growth Management

1 Exhibit A

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3 **404.45 Medical Marijuana Dispensary**

4  
5 Medical marijuana dispensaries distributing low-THC and medical cannabis for therapeutic  
6 purposes are allowed as limited uses in the BR, BR-1, BH, BA, BA-1 and HM districts, subject to  
7 the following standards.

8 (a) **Separation Requirements for Medical Marijuana Dispensaries**

9 1. **Generally**

10 Medical marijuana dispensaries shall be permitted only in those zoning  
11 districts in which a medical marijuana dispensary is listed as a limited use in  
12 this Chapter.

13  
14 **Minimum Separation Standards for Medical Marijuana Dispensaries**

<b><u>Existing Use or District</u></b>	
School	750 ft

15 2. **Measurement**

16 Measurements shall be made from the nearest property line of the use that  
17 is not a medical marijuana dispensary to the nearest property line of the  
18 medical marijuana dispensary. If the medical marijuana dispensary is  
19 located in a multi-tenant building, then the distance shall be measured  
20 from the nearest property line of the use that is not a medical marijuana  
21 dispensary to the nearest line of the leasehold or other space actually  
22 controlled or occupied by the medical marijuana dispensary.

23 3. **Limitations**

24 a. **School**

25 The separation requirement from a "school" shall apply only if one or  
26 more of the following applies:

- 27 1. the school is an educational facility (public) as defined in Chapter  
28 410, Article 3 of the Unified Land Development Code; or
- 29 2. the school has been in operation at the same location for one year  
30 or more; or
- 31 3. the location at which the school is now operating is owned by the  
32 organization operating the school.

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1 **Chapter 410 - Article 3 Defined Terms**

2 **Cannabis (Low-THC)** – A plant of the genus, *Cannabis*, the dried flowers of which contain 0.8  
3 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for  
4 weight; the seeds thereof; the resin extracted from any part of such a plant; or any compound,  
5 manufacture, salt derivative, mixture or preparation of such plant or its seeds that is dispensed  
6 only from a medical marijuana dispensary

7  
8 **Cannabis (Medical)** – A plant of the genus, *Cannabis*, whether growing or not; the resin  
9 extracted from any part of such a plant; or any compound, manufacture, salt derivative, mixture  
10 or preparation of such plant or its seeds that is dispensed only from a dispensing organization  
11 for medical use by an eligible patient as defined in s. 499.0295 F.S.

12  
13 **Medical Marijuana Dispensary** – A dispensary organization approved by the Florida  
14 Department of Health pursuant to and in accordance with the regulations set forth in the  
15 ‘Compassionate Medical Cannabis Act of 2014’ (as amended on March 25, 2016 and codified in  
16 Section 381.986, Florida Statutes) to dispense low-THC and medical cannabis to Florida  
17 residents who have been added to the state compassionate use registry by a physician licensed  
18 under Chapter 458 or Chapter 459, Florida Statutes, because the patient is suffering from cancer  
19 or a physical condition that chronically produces symptoms of seizures or severe and persistent  
20 muscle spasms with no other satisfactory alternative treatment options or has a terminal  
21 condition as defined in s. 499.0295 F.S.

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## Exhibit B

### Chapter 404. Use Regulations Article 2. Use Table

Use Categories	Specific Uses	A	A-RB	C-1	RE, RE-1	R1-aa, R-1a	R-1b	R-1c	R-2, R-2a, R-3	RM	RM-1	RP	AP	HM	BP	BR	BR-1	BH	BA, BA-1	BW	ML	MS, MP	MB	Standards	
Key: P = Permitted Use   L = Limited Use   SE = Special Exception   SU= Special Use   A = Accessory Use   NA = Not Applicable																									
<b>Health and Medical Facilities</b>	Hospital													P											
	Medical clinic or lab	SE	P									P	P	P	P	P	P	P	P	P	P	P	P	P	
	<b>Medical Marijuana Dispensary</b>														L		L	L	L	L					\$404.45
	Veterinary clinic or hospital	SE	L										L		L	L	L	L	L	L		L		L	\$404.46
	Massage therapist															L	L	L	L	L	L			L	\$404.47

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## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

August 11, 2016

Honorable J. K. "Buddy" Irby  
Clerk of the Circuit Court  
Alachua County  
201 East University Avenue  
Post Office Box 939  
Gainesville, Florida 32602

Attention: Bob Decker, Deputy Clerk

Dear Mr. Irby:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Alachua County Ordinance No. 16-15, which was filed in this office on August 11, 2016.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb