

ORDINANCE NO. 20-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, ADDING TO THE LAND DEVELOPMENT CODE OF THE CODE OF ORDINANCES, IN ARTICLE II, ZONING, CHAPTER 30-60, PROHIBITING THE SALE, MANUFACTURING, CULTIVATION, DISTRIBUTION, AND WAREHOUSING OF RECREATIONAL MARIJUANA IN ALL ZONING DISTRICTS IN THE CITY OF MARCO ISLAND; AND AMENDING IN ARTICLE 1, GENERAL, CHAPTER 30-10, SUB-SECTION (C) TO PROVIDE A DEFINITION FOR "RECREATIONAL MARIJUANA"; PROVIDING A CONFLICTS CLAUSE, SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Marco Island's Land Development Code needs to be updated and revised to "PROHIBIT THE SALE, MANUFACTURING, CULTIVATION, DISTRIBUTION, AND WAREHOUSING OF RECREATIONAL MARIJUANA IN ALL ZONING DISTRICTS IN THE CITY OF MARCO ISLAND"; and

WHEREAS, the City Council of the City of Marco Island, Florida, finds the enclosed ordinance is consistent with the latest version of the Marco Island Comprehensive Plan.

WHEREAS, the City Council of the City of Marco Island has determined that the proposed revisions to the Land Development Code are in the best interests of the general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, that:

Section 1. The above recitals are true and correct and are hereby incorporated into this Ordinance as if fully restated herein.

Section 2. Section 30-10, sub-paragraph (c) of the Land Development Code of the Code of Ordinances of the City of Marco Island, Florida, Definitions, shall hereby be amended to include the following definition:

Recreational Marijuana – The cultivation, manufacture, warehousing, distribution and sale of Marijuana or any derivative or synthetic form of Marijuana, and paraphernalia associated with Marijuana use, excepting any Hemp derived products (including CBD products) containing 0.3% or less of THC (dry weight), as defined and described in the Federal Agricultural Act of 2018. Also exempted is Medical Marijuana, as defined in the State of Florida Statutes.

Section 3. Section 30-60 of the Land Development Code of the Code of Ordinances of the City of Marco Island, Florida, shall hereby be added to read as follows;

Marco Island Ordinance titled "Prohibit Selling, Cultivating, Distributing Recreational Marijuana on Marco Island, excluding Medical Marijuana and CBD Products"

33 Section 30-60.-Restricted Uses

**34 (a) Uses specifically prohibited in all zoning districts, as listed in the Marco Island Code of
35 Ordinances, Chapter 30, Article II, Zoning, Division 2 through Division 13, including
36 prohibiting uses resulting from any Variances and/or Conditional Uses and/or Planned
37 Unit Developments. The following uses are deemed highly inappropriate for the small,
38 urbanized, island of Marco Island, Florida, and are inimical to the public health, safety,
39 welfare and morals and may not be established in any of the above referenced zoning
40 districts:**

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42 (1) Recreational Marijuana as defined in Land Development Code Section 30-10, sub-
43 section (c).
44

**45 Section 4. Section 30-222 of the Land Development Code of the Code of Ordinances of the
46 City of Marco Island, Florida, shall be amended as follows;**

**47 Delete NAICS Code 453998 (defined as "Medical and Recreational Marijuana") from item
48 number 29 and insert Medical Marijuana as a permitted use, as shown directly below:**

**49 (29) Miscellaneous store retailers (Groups 45311, 45321, 45322, 45331, 45391,
50 45392, 453991, ~~453998~~) and Medical Marijuana.**

**51 Section 5. All ordinances or parts of ordinances in conflict herewith be, and the same are
52 hereby repealed.**

**53 Section 6. This Ordinance shall become effective immediately upon its passage on second
54 and final reading of the Marco Island City Council.**

**55 Section 7. The Ballot Title of this Ordinance is "Prohibit Selling, Cultivating, Distributing
56 Recreational Marijuana on Marco Island, excluding Medical Marijuana and CBD Products"**

**57 Section 8. In accordance with Florida Statute 106.161(1), the Ballot Summary (for Ballot use only) is
58 provided for the subject Ordinance as "Shall the City of Marco Island enact an Ordinance of the City, adding
59 to the Marco Island Land Development Code of the Code of Ordinances, Article II, Zoning, Chapter 30-60,
60 prohibiting the sale, manufacturing, cultivation, distribution, warehousing of Recreational Marijuana in all
61 zoning districts in the City. Amending Article I, General, Chapter 30-10, Sub-Section (c) providing definition
62 for "Recreational Marijuana", and excluding Medical Marijuana and CBD products from the Prohibition"**

63 Yes ()

64 NO ()

Marco Island Ordinance titled "Prohibit Selling, Cultivating, Distributing Recreational Marijuana on Marco Island, excluding Medical Marijuana and CBD Products"

65 **PASSED AND ADOPTED** in regular session on second and final reading on this
66 _____ day of 2020.

67 **ATTEST:**

68 **City Clerk**

69 **First Reading**

70 **Second Reading**

71 **Approved as to form and legal sufficiency:** _____

72 **City Attorney**

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