

**Summary of Ordinance**

The purpose of this Ordinance is to establish a temporary moratorium concerning medical cannabis activities, also referred to as medical marijuana, in the Town of Windermere until May 23, 2017, or until such time as the Town has determined the impacts and regulations, if necessary, regarding such activities.

**ORDINANCE 2016 -07**

**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA  
PERTAINING TO HEALTH, SAFETY AND WELFARE; ESTABLISHING  
A TEMPORARY MORATORIUM PROHIBITING MEDICAL CANNABIS  
ACTIVITIES DURING THE MORATORIUM PERIOD; PROVIDING FOR  
INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.**

*Whereas*, in 2014, the Florida legislature passed the Compassionate Medical Cannabis Act (“Compassionate Use Act”) legalizing the cultivation, processing and dispensing of low-THC cannabis by a qualified dispensing organization for qualified patients.

*Whereas*, in 2016, the Florida legislature amended the Right to Try Act, amending the Compassionate Use Act and legalizing the cultivation, production and dispensing of medical cannabis, and derived products, by a qualified dispensing organization for eligible patients.

*Whereas*, future constitutional amendments and legislation may further expand the legal use of medical cannabis in Florida.

*Whereas*, businesses licensed pursuant to the law have begun cultivating cannabis for processing and dispensing.

*Whereas*, the Town Council of the Town of Windermere desires to discuss the impacts of medical cannabis dispensing facilities on residents and evaluate whether regulations pertaining to the location and number of dispensing facilities are justified and appropriate.

*Whereas*, the Town Council of the Town of Windermere finds that regulation of the cultivating and dispensing of cannabis will benefit the health, safety and welfare of the Town of Windermere residents and will reduce adverse impacts on the community.

*Whereas*, the purpose of this ordinance is to place a temporary moratorium on cannabis dispensing businesses, as defined herein, for a period of time that is reasonably necessary for the Town Council to determine proper regulations regarding such businesses and facilities, if deemed advisable.

**BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:**

1 **Section 1. Recitals.** The recitals set forth above are true and correct and constitute the  
2 legislative findings of the Town Council.

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4 **Section 2. Amendments to the Town of Windermere’s Code of Ordinances.** The following  
5 new article entitled “Medical Cannabis Activities” is hereby included as a new Article VII in  
6 Chapter 8 of the Town of Windermere’s Code of Ordinances as indicated by the addition of the  
7 underlined language:  
8

9 **ARTICLE VII. MEDICAL CANNABIS ACTIVITIES.**

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11 **Sec. 8-160. Definitions.**

12 For the purposes of this article, the following terms, whether appearing in the singular or  
13 plural form, shall have the following meanings:

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

19 Medical cannabis activities means the growing, plating, harvesting, drying, processing  
20 and wholesale and retail sale of Medical cannabis, including Low-THC cannabis and  
21 derivative products, or any subset of such activities, or any related activities.

22 Medical cannabis means the substance defined in section 381.986 of the Florida Statutes,  
23 as may be amended.

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25 **Sec. 8-161. Moratorium.**

26 (a) As of the effective date of this article, a moratorium shall exist until May 23, 2017, or  
27 sooner as provided herein, during which time the Town shall not issue any  
28 development permit or new local business tax receipt to any person or entity for the  
29 purpose of engaging in, operating, or managing a business or facility for medical  
30 cannabis activities.

31 (b) The moratorium shall expire upon the earlier of the following:

32 (1) On May 23, 2017;

33 (2) The effective date of an ordinance, adopted by the town council of the Town of  
34 Windermere, to address medical cannabis activities in the Town of Windermere;  
35 or

36 (3) At such time as the town council receives a report from town staff regarding the  
37 impact of medical cannabis activities in the Town of Windermere and votes by  
38 majority vote to repeal this moratorium.

39 (c) The on-site sale, provision, or dispensing of medical cannabis, low-THC and  
40 cannabis derivative products in the Town of Windermere is prohibited during the  
41 moratorium period, except as set forth in applicable federal, state or local law.

1 **Section 3. Severability.** If any provision or portion of this ordinance is declared by a court of  
2 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining  
3 provisions and portions of this ordinance shall remain in full effect.  
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5 **Section 4. Codification.** The provisions of this Ordinance shall become and be made a part of  
6 the Town's Code of Ordinances.  
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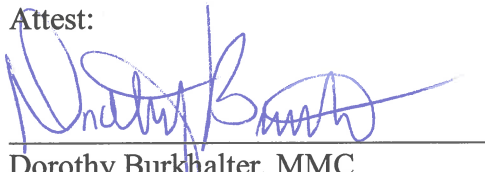
8 **Section 5. Effective Date.** This Ordinance takes effect immediately upon its enactment.  
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10 ENACTED this 22<sup>nd</sup> day of November, 2016, at a regular meeting of the Town Council of  
11 the Town of Windermere, Florida.  
12

13  
14 Town of Windermere, Florida  
15 by: Town Council

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18 by:   
19 Gary Bruhn, Mayor

20 Attest:

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22  
23  
24 Dorothy Burkhalter, MMC  
25 Town Clerk  
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27 First reading: October 25, 2016  
28 Second reading: November 22, 2016  
29

