

RESOLUTION NO. 2017-01

A RESOLUTION OF THE TOWN OF CINCO BAYOU, FLORIDA, DECLARING ZONING IN PROGRESS RELATING TO THE ESTABLISHMENT OF MEDICAL CANNABIS DISPENSING FACILITIES; DETERMINING THAT APPLICATIONS FOR THE ESTABLISHING OF MEDICAL CANNABIS DISPENSING FACILITIES SHALL BE SUBJECT TO THE ZONING IN PROGRESS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and section 166.021(1), Florida Statutes, the Town of Cinco Bayou, Florida (the “Town”), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, the Town of Cinco Bayou determines that it is in the best interest of its residents, businesses and visitors to enact sufficient zoning regulations to ensure their health, safety and welfare; and

WHEREAS, Medical Cannabis dispensing facilities are a new and unique use which is not currently addressed by the Town’s Land Development Code or its Code of Ordinances; and

WHEREAS, section 381.986(8)(b), Fla. Stat., permits municipalities to “determine by ordinance the criteria for the number, location, 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 Town Council is considering the adoption of a temporary moratorium on the acceptance of applications for, the processing of, and the issuance of development

permits, development orders or any other official action of the Town of Cinco Bayou permitting or having the effect of permitting new Medical Cannabis dispensing facilities will allow time to review, study, hold public hearings, prepare and adopt provisions to the Town's Land Development Code and its Code of Ordinances to address this new and unique use; and

WHEREAS, until the Town Council has time to review, study and hold public hearings, prepare and adopt provisions, it finds it is in the best interests to declare that there is "zoning in progress" relating to these issues and that any application, inquiry or submittal shall be made subject to the ultimate determination to be made by the Town Council.

NOW THEREFORE, the Town Council of the Town of Cinco Bayou, Florida does hereby determine that:

1. The Town Council and the Town of Cinco Bayou is currently engaged in "zoning in progress" relating to the establishment of criteria for the number, location, and other permitting requirements that do not conflict with state law or department rule for dispensing facilities of dispensing organizations located within the municipal boundaries of the Town.

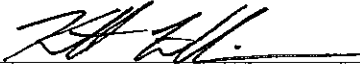
2. Any applications for, the processing of, and the issuance of development permits, development orders or any other official action of the Town of Cinco Bayou permitting or having the effect of permitting new Medical Cannabis dispensing facilities shall be subject to the zoning which is in progress even though not finalized and adopted at the time a particular application was submitted. Applicants for such facilities are hereby deemed to be on notice of the applicability of these provisions.

3. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED in Regular Session this 12 day of January, 2017.

THE TOWN OF CINCO BAYOU,
FLORIDA

ATTEST:

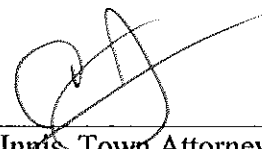


Keith Williams Town Manager/Clerk

By: 

Jean Hood, Mayor

The form and legal sufficiency of the foregoing
has been reviewed and approved by the Town
Attorney.



C. Jeffrey McInnis, Town Attorney