

ORDINANCE No. 2020-01

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 53, ARTICLE II, DIVISION 5, SECTION 53-128, ENTITLED "USE COMPATIBILITY TABLE", OF THE CITY OF DORAL LAND DEVELOPMENT CODE; PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER DISPENSARIES WITHIN ALL ZONING DISTRICTS IN THE CITY OF DORAL; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 2014, the Florida Legislature passed the "Compassionate Medical Cannabis Act" creating Section 381.986, Florida Statutes ("Senate Bill 1030"), which specified the conditions under which low tetrahydrocannabinol (low-THC) may be ordered and dispensed to, and used by, an individual patient for medical use; and

WHEREAS, on November 8, 2016 a State Constitutional Amendment, Amendment 2, entitled "Use of Medical Marijuana for Debilitating Medical Conditions," passed with 71 percent of the vote in Florida allowing broader medical use of marijuana; and

WHEREAS, to implement Amendment No. 2, Governor Scott signed Senate Bill 8-A into law on June 23, 2017, which substantially amended Florida Statute Section 381.986, and among other things, authorized municipalities to ban Medical Marijuana Treatment Center Dispensing Facilities or regulate them in the same manner as pharmacies; and,

WHEREAS, on March 21, 2018, the City Council adopted Ordinance No. 2018-03, establishing a one-year moratorium on the acceptance of new applications for Medical Marijuana Treatment Center Dispensing Facilities; and

WHEREAS, on April 10, 2019, the City Council adopted Ordinance No. 2019-08, extending the moratorium for one (1) additional year while the State of Florida continued to develop and modify provisions relating to medical marijuana and addressed legal challenges; and

WHEREAS, the City Council, pursuant to the authority provided to the City in Section 381.986(11)(b), Florida Statutes, finds that banning the establishment of

Medical Marijuana Treatment Center Dispensing Facilities within all zoning districts in the City of Doral is in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2. The City Council of the City of Doral hereby approve the text amendment to Chapter 53, “Administration”, Article II, “Planning and Development”, Division 5, “Summary of Uses and Development Standards”, Section 53-128 entitled “Use Compatibility Table”, prohibiting Medical Marijuana Treatment Center Dispensing Facilities within all zoning districts in the City of Doral. The Land Development Code of the City of Doral, Florida is hereby amended to read as follows:

CHAPTER 53 – ADMINISTRATION

ARTICLE II. – PLANNING AND DEVELOPMENT

DIVISION 5. SUMMARY OF USES AND DEVELOPMENT STANDARDS

Section 53-128 – Use Compatibility Table

(a) Category Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Auto, Truck, and Van Sales. The term “auto, truck and van sales” means the sale or lease of new or used automobile, trucks or vans to the general public or private entity.

Carwash. The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Commercial Vehicle Storage. The parking and storage for a fee of operable, non-disabled, licensed commercial motor vehicles as defined in section 320.01, Florida Statutes, construction equipment, agricultural equipment, and incidental temporary parking of operable, non-disabled, licensed passenger automobiles to

serve such allowable uses on the same parcel (but not to include stand-alone automobile parking and storage uses such as car rental facilities).

Medical Marijuana Treatment Center Dispensing Facilities. Refers to the building or structure where low-THC cannabis or medical cannabis, as well as cannabis delivery devices, are dispensed at retail.

Educational Facility. An institution devoted solely to tutoring and test preparation, vocational or professional education or training, an institution of higher education, a community college, junior college and a four-year college or university.

Hotels. The term "hotel" means a building in which lodging, or boarding and lodging, are provided as the more or less temporary residence of individuals who are lodged therein and in which ingress and egress to and from all rooms are made through an inside lobby supervised by a person in charge at all times. As such, it is open to the public in contradistinction to a boardinghouse, lodginghouse or an apartment building. Keys to the rooms and mail for the occupant of the hotel are received and generally kept by the attendant at the desk in the lobby. Daily linen service and other normal and customary hotel services shall be offered to the individuals lodged therein. No more than five percent of the individual hotel units shall be occupied for more than six months. Kitchen facilities in individual units may be offered.

Manufacturing. The transformation of materials or substances into new products, including the assembly of component parts, and the production or refining of goods, materials, or substances into new products, including the assembly of component parts, but not including research and technology production uses.

Medical Use. Those uses concerned with the diagnosis, treatment, and care of human beings. These include hospitals; dental services; medical services or clinics; nursing, convalescent homes; orphan's homes; rest homes; sanitariums.

Manufacturing, heavy. The term "heavy manufacturing" means the manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

Manufacturing, light. The term "light manufacturing" means the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing.

Manufacturing, medium. The term "medium manufacturing" means the processing and manufacturing of materials or products predominately from

extracted or raw materials. These activities may include outdoor assembly and storage of products. Outdoor manufacturing of raw materials into compost, primarily for commercial resale, is a medium manufacturing activity. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process.

Professional Offices. Office means a use involving a business, profession, service or government activity including laboratories which do not involve retail activities on site.

Religious Institution. The term religious institution means a church or house of worship with related facilities such as the following in any combination; rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery.

School. An elementary, middle, or high school, and exceptional learning center.

Warehouse. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment,

(b) The uses for each district are as stated in the following table:

- (1) P means permitted use;
- (2) S means permitted with special regulations;
- (3) E means special exception use;
- (4) (-) means not permitted

Category	Description	O-1	O-2	O-3	NC	CC	IC	I	I-R
Professional Offices	Accountant	P	P	P	P	P	P	P	P
	Architect	P	P	P	P	P	P	P	P
	Engineer	P	P	P	P	P	P	P	P
	Attorney	P	P	P	P	P	P	P	P
	Consultant	P	P	P	P	P	P	P	P
	Engineer	P	P	P	P	P	P	P	P
	Surveyor	P	P	P	P	P	P	P	P

	Interior designer	P	P	P	P	P	P	P	P
	Paralegal	P	P	P	P	P	P	P	P
Medical	Medical center	P	P	P	—	P	P	P	P
	Rehab centers	P	P	P	—	P	P	P	P
	Hospitals	P	P	P	—	P	P	P	P
	Emergency facilities	P	P	P	—	P	P	P	P
Low Intense Medical	Doctor offices (any practice)	P	P	P	P	P	P	P	P
	Clinic	P	P	P	P	P	P	P	P
	Dialysis center	P	P	P	P	P	P	P	P
	Health testing invasive	P	P	P	P	P	P	P	P
	Health testing noninvasive	P	P	P	P	P	P	P	P
	Home health care provider	P	P	P	P	P	P	P	P
	Home health care agency	P	P	P	P	P	P	P	P
	Massage/physical/occupational therapist center	P	P	P	P	P	P	P	P
	Weight loss center	<u>P^c</u>	<u>P^c</u>	<u>P^c</u>	P	P	<u>P^b</u>	<u>P^a</u>	<u>P^a</u>
Real estate and mortgage offices	Real estate broker	P	P	P	P	P	P	P	P
	Appraiser	P	P	P	P	P	P	P	P

CODING

Words in ~~strike-through~~ type are deletions from existing law
Words in underscored type are additions

	Mortgage company	P	P	P	P	P	P	P	P
Auto/Truck/Van Sales	Retail sale	—	—	—	—	S	S	S	S
	Wholesale	—	—	—	—	—	S	S	S
	Export only	—	—	—	—	—	S	S	S
Gas Stations	Gas stations	—	—	—	—	S	S	S	S
Auto/Trucks Storage and Repairs	Body shop	—	—	—	—	—	S	S	S
	General mechanical service	—	—	—	—	—	S	S	S
	Car rental	—	—	—	—	—	S	S	S
Carwash	Inside building	—	—	—	S	P	P	P	P
	Exterior washing	—	—	—	S	P	P	P	P
Educational/Training	Public schools	P	P	P	P	P	P	P	P
	Schools	S	S	S	S	P	P	P	P
	University	S	S	S	S	P	P	P	P
	Tutoring/instructions (up to five students)	S	S	S	S	P	P	P	P
	Trade Schools	S	S	S	S	P	P	P	P

CODING

Words in ~~strike-through~~ type are deletions from existing law
 Words in underscored type are additions

Commercial Vehicle Storage	Taxis	—	—	—	—	S	S	P	P
	Buses	—	—	—	—	S	S	P	P
	Towing	—	—	—	—	S	S	P	P
	Limousine	—	—	—	—	S	S	P	P
	Parking garage, commercial	P	P	P	—	P	P	P	P
	Parking lots, commercial	P	P	P	—	P	P	P	P
	Parking lots, noncommercial	—	—	—	—	—	—	S	—
Care Facilities	Adult day care center	—	—	—	S	P	P	P	P
	Day care center	—	—	—	S	P	P	P	P
	Assisted living facility	—	—	—	—	—	S	S	S
Religious Institution	Religious facility	P	P	P	P	P	P	P	P
Funeral Services	Embalmer	—	—	—	—	P	P	P	P
	Funeral homes	—	—	—	—	P	P	P	P
Admission facilities	Auditoriums	—	—	—	—	P	P	P	P
	Theatres	—	—	—	—	P	P	P	P

	Museums	—	—	—	—	P	P	P	P
	Art Galleries	—	—	—	—	P	P	P	P
	Film Studios	—	—	—	—	P	P	P	P
Hotels/Motels	Hotels/motels (stand-alone)	P	P	P	S	S	P	P	P
	Hotels/motels (mixed use)	S	S	S	S	S	S	S	S
Eating establishments	Drive-in restaurant	—	—	—	—	P	P	P	P
	Restaurant/cafeteria	S	S	S	P	P	P	P	P
	Restaurant	S	S	S	P	P	P	P	P
	Wine/cafe	S	S	S	S	P	P	P	P
	Wine cafe with retail sale	—	—	—	S	P	P	P	P
Entertainment Establishments	Liquor sales with wine tasting	—	—	—	—	P	P	P	P
	Bars and pubs	S	S	S	E	P	P	P	P
	Night clubs	—	—	—	—	S	P	P	P
	Billiards	—	—	—	S	P	P	P	P
	Bingo hall	—	—	—	—	P	P		
	Banquet hall	S	S	S	P	P	P	P	P

	Brewpubs	—	—	—	S	S	P	P	P
	Micro-brewery	—	—	—	—	S	S	S	S
	Clubs, private	—	—	—	—	—	P	P	P
Warehouse	Freight forwarding	—	—	—	—	—	P	P	P
	Cargo service	—	—	—	—	—	P	P	P
	Custom brokerage	—	—	—	—	—	P	P	P
	Warehouse, membership	—	—	—	—	—	S	S	S
	Miniwarehouse or self-storage facilities	—	—	—	—	S	P	P	—
	Vertical in-door farms	—	—	—	—	—	P	P	P
Manufacturing Uses									
Manufacturing Light Uses									
	Artisan/Craft product manufacturing	—	—	—	—	—	P	P	P
	Audio and video equipment manufacturing	—	—	—	—	—	P	P	P
	Animal hospitals within soundproof, air-conditioned buildings	—	—	—	—	—	P	P	P
	Bakeries, wholesale only with incidental retail uses	—	—	—	—	—	P	P	P
	Bottling plants	—	—	—	—	—	P	P	P

Brewery (not farm related)	—	—	—	—	—	P	P	P
Cold storage warehouses and pre-cooling plants	—	—	—	—	—	P	P	P
Computer and peripheral manufacturing	—	—	—	—	—	P	P	P
Concrete, clay or ceramic products, hand manufacture or involving only small mixer	—	—	—	—	—	P	P	P
Contractors' offices and yards	—	—	—	—	—	P	P	P
Distillery (not farm related)	—	—	—	—	—	P	P	P
Dry cleaning and dyeing plants	—	—	—	—	—	P	P	P
Electric substation	—	—	—	—	—	P	P	P
Renewable energy development and distribution	—	—	—	—	—	—	P	P
Engine sales and service, gas, oil, steam, etc.	—	—	—	—	—	P	P	P
Fertilizer storage	—	—	—	—	—	P	P	P
Food products, including the grinding, cooking, roasting, preserving, drying, smoking or airing of meats, fish, fruits or vegetables	—	—	—	—	—	P	P	P
Furniture refinishing.	—	—	—	—	—	P	P	P
Garages (storage mechanical, including trucks, buses, heavy equipment)	—	—	—	—	—	P	P	P
Glass installations	—	—	—	—	—	P	P	P

CODING

Words in ~~strike through~~ type are deletions from existing law
Words in underscored type are additions

Laboratories, material testing	—	—	—	—	—	P	P	P
Leather goods manufacturing, excluding tanning	—	—	—	—	—	P	P	P
Machine shops	—	—	—	—	—	P	P	P
Marine warehouses	—	—	—	—	—	P	P	P
Mattress manufacturing and renovating	—	—	—	—	—	P	P	P
Medical equipment and supplies manufacturing	—	—	—	—	—	P	P	P
Metalizing processes	—	—	—	—	—	P	P	P
Milk or ice distributing station from which extensive truck or wagon deliveries are customarily made	—	—	—	—	—	P	P	P
Motion picture production studios	—	—	—	—	—	P	P	P
Oxygen storage and filling of cylinders	—	—	—	—	—	P	P	P
Pharmaceutical storage	—	—	—	—	—	S	P	P
Police and fire stations	—	—	—	—	—	P	P	P
Printing shops	—	—	—	—	—	P	P	P
Public transportation facility	—	—	—	—	—	P	P	P
Radio and television transmitting stations and studios	—	—	—	—	—	P	P	P
Research and technology uses	—	—	—	—	—	P	P	P
Salesrooms and storage showrooms,	—	—	—	—	—	S	P	P

CODING

Words in ~~strike through~~ type are deletions from existing law
Words in underscored type are additions

	wholesale								
	Salesrooms and showrooms	—	—	—	—	—	S	P	P
	Semiconductor and other electronic component manufacturing	—	—	—	—	—	P	P	P
	Ship chandlers	—	—	—	—	—	P	P	P
	Sign painting shops	—	—	—	—	—	P	P	P
	Storage warehouse for food, fodder, etc.	—	—	—	—	—	P	P	P
	Telephone service unit yards	—	—	—	—	—	P	P	P
	Textile, hosiery and weaving mills	—	—	—	—	—	P	P	P
	Tobacco manufacturing	—	—	—	—	—	P	P	P
	Upholstery shops	—	—	—	—	—	P	P	P
	Utility work centers, power and telephone, etc.	—	—	—	—	—	P	P	P
	Vending machine sales and service	—	—	—	—	—	P	P	P
	Warehouses for storage or products in the form sold in a business district	—	—	—	—	—	P	P	P
	Welding supplies	—	—	—	—	—	P	P	P
	Winery (not farm related)	—	—	—	—	—	P	P	P
Manufacturing Medium Uses									
	Aircraft hangars and repair shops, aircraft assembling and	—	—	—	—	—	—	P	P

	manufacturing								
	Biofuel production	—	—	—	—	—	—	S	S
	Boat or yacht repairing or overhauling, or boat building	—	—	—	—	—	—	P	P
	Cabinet shops	—	—	—	—	—	—	P	P
	Canning factories	—	—	—	—	—	—	P	P
	Fruit packing and fruit preserving	—	—	—	—	—	—	P	P
	Furniture manufacturing	—	—	—	—	—	—	P	P
	Grinding shops	—	—	—	—	—	—	P	P
	Ice manufacturing	—	—	—	—	—	—	P	P
	Insecticide, mixing, packaging and storage	—	—	—	—	—	—	P	P
	Lumberyards	—	—	—	—	—	—	P	P
	Millwork shops	—	—	—	—	—	—	P	P
	Novelty works	—	—	—	—	—	—	P	P
	Ornamental metal workshops	—	—	—	—	—	—	P	P
	Steel fabrication	—	—	—	—	—	—	S	S
	Taxidermy	—	—	—	—	—	—	S	S
	Telecommunications hubs	—	—	—	—	—	—	S	S
	Welding shops	—	—	—	—	—	—	S	S

Manufacturing Heavy uses									
	Soap manufacturing, vegetable byproducts only	—	—	—	—	—	—	P	P
	Petroleum products storage tank	—	—	—	—	—	—	S	—
RETAIL SERVICES									
Banks	Banking facility	P ^c	P ^c	P ^c	P	P	P	P	P
	Drive through	P ^c	P ^c	P ^c	P	P	P	P	P
	Savings and loans	P ^c	P ^c	P ^c	P	P	P	P	P
	Trust companies	P ^c	P ^c	P ^c	P	P	P	P	P
	Cash/check cashing	P ^c	P ^c	P ^c	P	P	P	P	P
Tangible Sales	Retail	P ^c	P ^c	P ^c	P	P	P ^b	P ^a	P ^a
	Showroom/office sales	P ^c	P ^c	P ^c	P	P	P ^b	P ^a	P ^a
	Wholesale	—	—	—	—	P	P	P ^a	P ^a
	Regional mall	—	—	—	—	P	—	—	—
	Retailing of secondhand items and Pawnshops	—	—	—	—	—	S	—	—
Fitness/Sports	Fitness center (gyms)	P	P	P	P	P	—	—	—
	Sports membership	P ^c	P ^c	P ^c	P	P	—	—	—
	Sports rental	P ^c	P ^c	P ^c	P	P	—	—	—

	Indoor sports club	p ^c	p ^c	p ^c	p	p	—	—	—
	Health/ exercise centers (karate, dancing, gymnastics, etc.)	—	—	—	p	p	—	—	—
Animal Service	Pet shop	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
	Grooming	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
	Kennel	—	—	—	—	—	p	p	—
	Animal training	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
	Veterinarian	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
Firearms	Retail	—	—	—	—	—	p ^b	p ^a	p ^a
	Wholesale	—	—	—	—	—	p ^b	p ^a	p ^a
	Shooting range	—	—	—	—	—	p ^b	p ^a	p ^a
Beauty Services	Barber shop/chair	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
	Spa	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
	Beauty salon	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
	Nail salon	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
	Electrolysis	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
	Body wrap, massage establishments	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a

	Tattoo studio	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
Other Services	Caterers	—	—	—	—	—	p	p	p
	Locksmith	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
	Janitorial	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
	Cleaning	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
	Pest control	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
	Laundry/cleaning plant	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
	Laundry/cleaning pickup/drop off	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
	Laundromat	p ^c	p ^c	p ^c	p	p	p ^b	p ^a	p ^a
Adult Uses	Adult uses	—	—	—	—	—	—	E	—
Other Uses	Low voltage security electric fence	—	—	—	—	—	E	E	E
	<u>Medical Marijuana Treatment Center Dispensing Facilities</u>	=	=	=	=	=	=	=	=

* * * * *

Section 3. That if any section, subsection, sentence, clause, phrase, work or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 6. This Ordinance shall be effective immediately upon passage by the City Council on second reading.

The foregoing Ordinance was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Councilmember Cabral upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Christi Fraga	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Claudia Mariaca	Yes

PASSED AND ADOPTED on FIRST READING this 29 day of January, 2020.

PASSED AND ADOPTED on SECOND READING this 13 day of May, 2020.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY