

ORDINANCE NO. 997

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING SUBPART B, "LAND DEVELOPMENT CODE," OF PART II OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES, AMENDING ARTICLE II, "ZONING DISTRICTS, USES AND LOT REQUIREMENTS," PART 2-2, "ZONING DISTRICT USES," SECTION 2-2.2, "ALLOWABLE USES," PROHIBIT CARWASHES, MINI WAREHOUSES/SELF STORAGE AND MEDICAL MARIJUANA TREATMENT CENTERS AND MODIFYING ARTICLE XI, "DEFINITIONS;" PART 11-1, "CONTENTS," SECTION 11-1.2., TO ADD "MEDICAL MARIJUANA TREATMENT CENTERS;" PROVIDING FOR CONFLICTS AND REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Brooksville, Florida, ("City") is a municipal corporation duly created and existing pursuant to the Constitution and laws of the State of Florida; and,

WHEREAS, the City of Brooksville, Florida is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to enact ordinances; and,

WHEREAS, pursuant to Section 1.03 of the Charter of the City of Brooksville, the City may exercise any power for municipal purposes except when expressly prohibited by law; and,

WHEREAS, the City Council of the City of Brooksville has the authority to prepare, adopt and enforce this Ordinance pursuant to the Florida Constitution, Chapter 163 Florida Statutes, Chapter 166 Florida Statutes, the City of Brooksville Comprehensive Plan, and such other authorities and provisions established in statutory or common law; and

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, it is the purpose of the City Council of the City of Brooksville to establish the standards, regulations and procedures for review and approval of all proposed development of property in the City of Brooksville and to provide a development review process that will be comprehensive, consistent, and efficient in the implementation of the goals, objectives, and

policies of the City of Brooksville Comprehensive Plan; and

WHEREAS, the City Council of the City of Brooksville has determined this Land Development Code is consistent with the City’s Comprehensive Plan and it is in the best public interest for all development to be conceived, designed, and built in accordance with good planning and design practices and the minimum standards set forth in the Land Development Code.

SECTION 1. CONFLICTS AND REPEALER. The following provisions of Subpart B, “Land Development Code,” of Part II of the City of Brooksville Code of Ordinances are hereby amended: Article II, “Zoning Districts, Table 2-2 Allowable Uses and Article XI, “Definitions.” All ordinances, or parts thereof, and resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 2. LAND DEVELOPMENT CODE.
Article II, “Table 2-2 Allowable Uses shall be amended as follows:

TABLE OF ALLOWABLE USES																		
Legend: P=Permitted Use; SU=Special Use; SE=Special Exception Use; C=Conditional Use; A=Accessory Use																		
	RESIDENTIAL						OFFICE		COMMERCIAL			COMMERCIAL AND INDUSTRIAL			OVERLAYS			
AG	R-1A	R-1B	R-1C	R-1D	R-2	R-3	PR	P-1	C-1	C-2	C-4	CIS-1	I-1	I-2	PFS	HCBRD	HCC	
Neighborhood, general and high intensity business and commercial uses																		
Accessory retail										C		P	P	P		C	C	C
Canopies and gasoline pump islands as accessory uses													C	C	C		C	C
Car wash facilities—Self service													E	E	E			
Car wash facilities—Full service													E	E	SE			
Mail order office										P	P	P	P	P		P	P	
Mail order pickup facilities													P	P	P			
Medical Marijuana Treatment Centers																		
Mini warehouses/self-storage													E	E	E	E	E	E

and Article XI, “Definitions to add:

Medical Marijuana Treatment Centers: A Facility as defined in Art X, §29, Florida Constitution, to mean an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department of Health or its successor agency.

SECTION 3. CODIFICATION. It is the intention of the City Council of the City of Brooksville that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Brooksville, Florida. The Code codifier is granted authority to codify the provisions of this Ordinance. Where ordinance changes incorporate color photo exhibits that will not be included in the online ordinance version, the original exhibits will be maintained in the City Clerk's office.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid, unlawful or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by the Brooksville City Council.

**CITY OF BROOKSVILLE
Ordinance No. 997**

Attest: _____
Jennifer J. Battista, CMC
City Clerk

By: _____
Christa Tanner
Mayor

PASSED on First Reading:
FIRST NOTICE published on:
SECOND NOTICE published on:
PASSED on Second and Final Reading:

APPROVED AS TO FORM FOR THE RELIANCE OF
THE CITY OF BROOKSVILLE ONLY:

Vose Law Firm, LLP
City Attorney

VOTE OF COUNCIL:

Erhard	_____
Hallal	_____
McKethan	_____
Vice Mayor Bronson	_____
Mayor Tanner	_____