

ORDINANCE NO. 612-2022

**AN ORDINANCE AMENDING ORDINANCE NO. 51-96
OF THE CITY OF SPANISH FORT, ALABAMA**

WHEREAS, on May 17, 2021, Alabama Governor Kay Ivey signed the Darren Wesley “Ato” Hall Compassion Act into law, codified as *Alabama Code* (1975) § 20-2A-1, et seq.; and

WHEREAS, the Darren Wesley “Ato” Hall Compassion Act legalizes the medical use of marijuana for patients with a qualifying medical condition and a valid medical cannabis card; and

WHEREAS, a medical marijuana dispensary may only be operated in a city which authorizes and approves the operation of dispensaries within the city’s corporate limits; and

WHEREAS, medical marijuana dispensary operation is and will be heavily regulated by the Medical Cannabis Commission to ensure safe and legal operation of dispensaries.

WHEREAS, it has been determined that the Table of Permitted Uses of the Zoning Ordinance should be amended in order to add the use of medical marijuana dispensary in certain zoning districts; and

WHEREAS, the Planning Commission of the City of Spanish Fort held a public hearing on November 14, 2022, and the City Council of the City of Spanish Fort held a meeting on December 5, 2022, for the purpose of receiving public comments on proposed amendments to the Zoning Ordinance of the City of Spanish Fort; and

WHEREAS, the City Council has determined that said Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Section 6.4, Table of Permitted Uses and Conditions, of Ordinance No. 51-96, as amended, is hereby amended by adding the use of medical marijuana dispensary in certain zoning districts as set forth in the attached Exhibit A.

SECTION 2. Except as expressly amended herein, all terms and provisions contained in Ordinance No. 51-96, as amended, shall remain in full force and effect.

SECTION 3. If any part, section or subdivision of this Ordinance shall be held unconstitutional invalid for any reason, such holding should not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 4. This Ordinance shall become effective upon its adoption or as otherwise required by state law.

ADOPTED and APPROVED this 5th day of December, 2022.



Michael M. McMillan
Mayor



Rebecca A. Gaines
City Clerk

EXHIBIT 'A'
6.4 - TABLE OF PERMITTED USES AND CONDITIONS

	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
Medical marijuana dispensary.									P	P	P				

R = BY RIGHT; P = PLANNING COMMISSION APPROVAL; S = SPECIAL EXCEPTION; PC = PLANNING COMMISSION + CITY COUNCIL APPROVAL