

Proposed Amendment to the Pinellas County Land Development Code

Local Planning Agency
March 9, 2017

PROPOSED ORDINANCE REGARDING MEDICAL MARIJUANA USES

An ordinance amending the Pinellas County Code providing for locations, zoning, operating conditions and number of medical marijuana dispensing facilities and treatment centers

PROPOSED ORDINANCE

- CURRENTLY MEDICAL MARIJUANA IS LIMITED TO LOW THC PRODUCTS AND FOR THOSE PATIENTS THAT ARE TERMINALLY ILL
- AMENDMENT 2, PASSED IN NOVEMBER 2017, GREATLY EXPANDS THE OPERATIONS OF FACILITIES AND PATIENT AVAILABILITY
- PROPOSED ORDINANCE ADDRESSES EXISTING LAW AND ANTICIPATED NEW LAWS BEING DRAFTED
- UPON ADOPTION, CURRENT MORATORIUM ON NEW OR EXPANDED FACILITIES WILL BE SIMULTANEOUSLY REPEALED

PROPOSED ORDINANCE

- ESTABLISHES NEW DEFINITIONS RELATED TO VARIOUS USES/ASPECTS OF MEDICAL MARIJUANA
- ESTABLISHES APPROPRIATE ZONING DISTRICTS
- ESTABLISHES DISTANCE SEPARATION REQUIREMENTS
- GENERAL PERFORMANCE STANDARDS

REGULATED FACILITY TYPES

- MEDICAL MARIJUANA TREATMENT CENTER
 - Defined by Florida Constitution, Amendment 2
- MEDICAL MARIJUANA DISPENSING CENTER
 - Defined by Current Florida Statute Section 381.986
- STAND-ALONE RETAIL
 - Local definition

TREATMENT CENTES AND DISPENSING CENTERS ARE FUNCTIONALLY THE SAME, BUT BOTH ARE INCLUDED SINCE THE DEFINITIONS ARE SLIGHTLY DIFFERENT

ZONING DISTRICTS

- MEDICAL MARIJUANA TREATMENT CENTER & MEDICAL MARIJUANA DISPENSING CENTERS WILL BE A PERMITTED USE IN THE M-1 AND C-ZONING DISTRICTS
 - ACCESSORY RETAIL SALES WILL BE PERMITTED INSIDE PRIMARY BUILDING ONLY
- STAND ALONE RETAIL WILL BE PERMITTED AS A SPECIAL EXCEPTION USE IN C-2 ZONING ONLY

PERFORMANCE STANDARDS

- FACILITIES MUST BE APPROVED/REGISTERED AT THE STATE LEVEL
- NO DRIVE THROUGH SERVICE OR MOBILE VENDING
- NO ONSITE USE/CONSUMPTION
- NO OTHER USES ALLOWED IN/WITHIN FACILITY
- DISTANCE SEPARATION REQUIREMENTS
 - 500 FEET FROM PRE-EXISTING SCHOOL (K-12), RELIGIOUS FACILITY, PUBLIC PARK OR LIBRARY
 - 1000 FEET SEPARATION BETWEEN DISPENSING/TREATMENT FACILITIES

PERFORMANCE STANDARDS

- 7:00 A.M. TO 9:00 P.M HOURS OF OPERATION
- CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)
- FREE-STANDING BUILDINGS ONLY
- LIMITATION ON NUMBER OF FACILITIES
 - ONE DISPENSING/TREATMENT CENTER PER APPROVED AND REGISTERED ENTITY
 - ONE FREE-STANDING RETAIL FACILITY PER APPROVED AND REGISTERED ENTITY

Staff Findings and Recommendation

- Proposed amendment is appropriate and necessary to respond to changing State Statutes
- Proposed amendment is consistent with Goal One of the Future Land Element:

THE PATTERN OF LAND USE IN PINELLAS COUNTY SHALL PROVIDE A VARIETY OF URBAN ENVIRONMENTS TO MEET THE NEEDS OF A DIVERSE POPULATION AND THE LOCAL ECONOMY, CONSERVE AND LIMIT DEMANDS ON NATURAL AND ECONOMIC RESOURCES TO ENSURE SUSTAINABLE BUILT AND NATURAL ENVIRONMENTS, BE IN THE OVERALL PUBLIC INTEREST, AND EFFECTIVELY SERVE THE COMMUNITY AND ENVIRONMENTAL NEEDS OF THE POPULATION.

- STAFF RECOMMENDATION IS FOR THE LPA TO RECOMMEND APPROVAL OF THE ORDINANCE TO THE BCC