

RESOLUTION NO. 22 - 7

A RESOLUTION OF THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS ASSIGNING THE FINAL DECISION TO THE PINELLAS COUNTY BOARD OF ADJUSTMENT AND APPEALS ON REQUESTS AND APPLICATIONS TO REDUCE THE STATE REQUIREMENT FOUND IN SECTION 381.986(11)(c), FLORIDA STATUTES THAT A MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY MAY NOT BE LOCATED WITHIN 500 FEET OF THE REAL PROPERTY THAT COMPRISES A PUBLIC OR PRIVATE ELEMENTARY SCHOOL, MIDDLE SCHOOL, OR SECONDARY SCHOOL UNLESS THE COUNTY APPROVES THE LOCATION THROUGH A FORMAL PROCEEDING OPEN TO THE PUBLIC; MANDATING THAT THE PINELLAS COUNTY DEVELOPMENT REVIEW COMMITTEE MAKE A RECOMENDATION ON SAID APPLICATION TO THE PINELLAS COUNTY BOARD OF ADJUSTMENT AND APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in Section 381.986(11), Florida Statutes, the regulation of the cultivation, processing, and delivery of marijuana by Medical Marijuana Treatment Centers is preempted to the State; and

WHEREAS, Section 381.986(11)(c), Florida Statutes states that a Medical Marijuana Treatment Center Dispensing Facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, and secondary school unless the county approves the location through a formal proceeding open to the public at which the county determines that the location promotes the public health, safety, and general welfare of the community; and

WHEREAS, Pinellas County has received a request and application to reduce the distance requirement for a Medical Marijuana Treatment Center Dispensing Facility to an elementary, middle, or secondary public or private school to less than 500 feet; and

WHEREAS, Pinellas County Land Development Code Section 138-66(c)(4) states that the Pinellas County Board of Adjustment and Appeals has the authority to review and decide on matters assigned by the Pinellas County Board of County Commissioners; and

WHEREAS, pursuant to Section 381.986(11)(c), Florida Statutes, the Pinellas County Board of County Commissioners desires to assign the final decision on any request and application to reduce the State distance requirement for a Medical Marijuana Treatment Center Dispensing Facility from an elementary, middle, or secondary public or private school to less than 500 feet to the Pinellas County Board of Adjustment and Appeals; and

WHEREAS, the Pinellas County Board of County Commissioners mandates that the Pinellas County Development Review Committee make a recommendation on any above request and application to the Pinellas County Board of Adjustment and Appeals.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners in a regular session duly assembled this 11th day of January, 2022, that:

1. Pursuant to Section 381.986(11)(c), Florida Statutes, the final decision on any request and application to locate a Medical Marijuana Treatment Center Dispensing Facility within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school is assigned to the Pinellas County Board of Adjustment and Appeals to be heard at a formal proceeding open to the public.
2. Prior to the formal proceeding, the Pinellas County Development Review Committee must make a recommendation on any such request and application to the Pinellas County Board of Adjustment and Appeals.
3. This Resolution shall become effective immediately upon its adoption.

Commissioner Gerard offered the foregoing resolution and moved its adoption, which was seconded by Commissioner Long upon the roll call the vote was:

Ayes: Justice, Long, Eggers, Flowers, Gerard, and Peters.

Nays: Seel.

Absent and not voting: None.

APPROVED AS TO FORM

By: David S. Sadowsky
Office of the County Attorney