



Pinellas County

Staff Report

File #: 16-2268A, Version: 1

Subject:

Ordinance declaring zoning in progress and imposing a moratorium on the establishment of medical marijuana dispensing facilities and treatment centers for a period of 180 days (final hearing).

Recommended Action:

Conduct the second public hearing for and approve an ordinance declaring zoning in progress and imposing a moratorium on the establishment of medical marijuana dispensing facilities and treatment centers for a period of 180 days; providing for severability; providing for area embraced; providing for conflict with state law; and providing for an effective date.

Strategic Plan:

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community

Summary:

The Ordinance establishes a 180 day moratorium during which time the County will not take any action on any application for development permit or issue any development order or take other official action which would have the effect of allowing or permitting the development of medical marijuana dispensing facilities or treatment centers, except as provided in the Ordinance. The Ordinance seeks to allow sufficient time to review, study, hold public hearings, and prepare and adopt amendments to the Pinellas County Code as necessary relating to the appropriate locations for medical marijuana dispensing facilities and treatment centers in unincorporated Pinellas County.

The authority to advertise for this public hearing was approved at the December 13, 2016, Board of County Commissioners (BCC) Meeting.

Pursuant to Florida Statutes Section 125.66(4)(b), two public hearings are required before adoption of this ordinance. The first public hearing was held at the January 10, 2017, BCC meeting, at 9:30 a.m.

Background Information:

Medical Marijuana has been approved for specific treatment uses within the State of Florida under the Medical Marijuana Act of 2014. More recently, the approval of Florida Constitutional Amendment 2 (Amendment 2) provides for expansion of these treatment uses and new definitions relating to Medical Marijuana.

Under Amendment 2, the Florida Department of Health has up to six (6) months from the effective date of January 3, 2017 to promulgate rules for expanded Medical Marijuana within the state. Rules and/or legislative action around the implementation of Amendment 2 are pending and require further clarification for areas such as the number and placement of dispensing locations, along with clarification on the definitions contained within Amendment 2.

The proposed ordinance provides for additional time to allow for rules and clarifications by the State and to review potential local land use impacts of Medical Marijuana Treatment Centers as defined in Amendment 2 to ensure responsible implementation of the Medical Marijuana treatment infrastructure.

Florida Statutes Section 381.986(8)(b) permits counties to “determine by ordinance the criteria for the number, location, and other permitting requirements that do not conflict with state law or department rule for all dispensing facilities of dispensing organizations located within the unincorporated areas of that county.”

Staff will be reviewing the zoning and land use codes to provide for amendments if necessary, to propose adoption for local criteria for the placement of medical marijuana facilities in the County. It is anticipated that a draft ordinance will be prepared in early 2017.

Fiscal Impact:

There is no direct fiscal impact associated with this ordinance. Minimal staff time is expected for review and enforcement of the moratorium.

Staff Member Responsible:

Lourdes Benedict, Director, Human Services
Renea Vincent, Director, Planning

Partners:

Florida Department of Health
Local Law Enforcement Agencies
Local Municipalities

Attachments:

Zoning Moratorium Ordinance
Notice of Public Hearing