



Pinellas County

Staff Report

File #: 23-0847A, Version: 1

Subject:

Resolution superseding, repealing, and replacing Resolution 22-7, which assigned the review of requests 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 the Pinellas County Board of Adjustment and Appeals.

Recommended Action:

Approval of a resolution superseding, repealing, and replacing Resolution 22-7, which assigned the final decision on any request 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 (BAA).

- Florida Statutes require that local governments hold a formal proceeding open to the public to review proposed locations of medical marijuana treatment center dispensing facilities that are within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school.
- To approve, the local government must determine that the location promotes the public health, safety, and general welfare of the community.
- On January 11, 2022, the Board of County Commissioners (Board) approved Resolution 22-7, which gave the authority to review such proposed locations to the BAA.
- The current resolution would remove that authority from the BAA and assign it to the Board.

Strategic Plan:

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to create and enhance a safe, secure, and healthy community.

Deliver First-Class Services to the Public and our Customers

5.4 Strive to serve the needs of all Pinellas County residents and customers.

Summary:

Section 381.986(11)(c), Florida Statutes states: 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 or municipality approves the location through a formal proceeding open to the public at which the County or municipality determines that the location promotes the public health, safety, and general welfare of the community.

The County is required by statute to provide a formal proceeding that is open to the public in determining its decision on requests to locate a medical marijuana treatment center dispensing facility within 500 feet of a property containing a school facility. If the Board wishes to allow such

requests, the required proceeding could be before the Board itself or the Board could assign such authority to another reviewing body. Resolution 22-7, approved on January 11, 2022, assigned that authority to the BAA based on Pinellas County Land Development Code Section 138-66(c)(4), which states that the BAA has the authority to decide on matters assigned by the Board or the County Administrator. This current Resolution would supersede, repeal, and replace Resolution 22-7 and place the authority to hear such matters solely with the Board.

Background Information:

The Pinellas County Land Development Code does not contain regulations for medical marijuana treatment centers. The distance separation requirement from schools is based solely on Florida Statutes.

Fiscal Impact:

N/A

Staff Member Responsible:

Carol Stricklin, Director, Housing and Community Development Department

Partners:

N/A

Attachments:

Resolution repealing Resolution 22-7

Resolution 22-7

Excerpt from Florida Statutes Section 381.986

Pinellas County Land Development Code Section 138-66