



# Pinellas County

## Staff Report

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**File #:** 17-559A, **Version:** 1

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### **Subject:**

Ordinance amending the County Code providing for locations, zoning, operating conditions, and number of medical marijuana dispensing facilities and treatment centers (final hearing).

### **Recommended Action:**

Following a public hearing, approve the ordinance amending the Pinellas County Code to provide for locations, zoning, operating conditions and number of medical marijuana dispensing facilities and treatment centers in unincorporated Pinellas County.

Alternatively, the Board may consider another approach discussed in the Summary Section, below.

### **Strategic Plan:**

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

### **Summary:**

The proposed ordinance establishes new definitions related the various uses/aspects of medical marijuana, and establishes appropriate zoning districts and approval process for the associated uses. The ordinance also establishes required distance separation requirements for such uses from schools, churches, and public parks, as well as distance separation requirements from other medical marijuana uses.

The Local Planning Authority (LPA) voted 6-0 to recommend adoption of the ordinance at its March 9, 2017 meeting.

First reading of this Ordinance by the Board of County Commissioners (Board) occurred at its April 11, 2017 regular meeting. The Board conducted a second public hearing on April 25, at which the Board instructed staff to bring the Ordinance back for final consideration at its May 23 meeting, which follows the conclusion of the state legislative session.

### **Optional Alternative:**

When a new/specific use is not referenced in the zoning section of the Land Development Code, it is customary (and allowable) to equate that unspecified use to a similar use that is already identified in the Code, and to treat the new use in a similar manner.

Therefore, the types of uses proposed to be regulated in the draft ordinance (cultivating, processing, manufacturing, and dispensing) of medical marijuana can justifiably be regulated in accordance with the existing zoning within the Land Development Code.

Cultivation, processing and manufacturing may be considered as a like use to limited industrial uses and dispensing of marijuana to the public may be considered as a like use to a retail pharmacy. In this interpretation, an ordinance is unnecessary, unless specific performance criteria are desired.

**Background Information:**

As a result of a constitutional amendment (Amendment 2, establishing Article X, Section 29 of the Florida Constitution), passed in November 2016, the 2017 State Legislature is currently drafting legislation greatly expanding the operation of medical marijuana treatment centers and greater availability of medical marijuana for debilitating conditions.

Currently, under Florida Statutes medical marijuana is limited to low THC products (Charlotte's Web) and for those patients that are terminally ill.

Under current law, Section 381.986(8)(b), Fla. Stat., 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." While it is expected that additional changes may occur to Section 381.986 as a result of Amendment 2, the County desires to move forward with establishing zoning and performance standards for medical marijuana facilities.

The Board passed a 180 day moratorium on applications for new medical dispensing facilities and marijuana treatment centers on January 27, 2017 to allow time to draft new zoning regulations and performance standards for this new and unique use. Upon adoption of this ordinance, the current moratorium will be removed simultaneously.

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Renea Vincent, Director, Planning

**Partners:**

N/A

**Attachments:**

LPA Report

Ordinance (clean version)

Ordinance (underline/strike thru version)

Map-schools, churches & libraries in Pinellas County

Power Point Presentation

Legal Ad