



# Pinellas County

## Staff Report

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File #: 21-2406A, Version: 1

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### **Subject:**

Resolution assigning 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 assigning 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.
- The BAA hears similar requests on a regular basis regarding variances and Type 2 Use approvals.
- The Pinellas County Land Development Code states that the BAA has the authority to decide on matters assigned by the Board of County Commissioners or the County Administrator.

### **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:**

The purpose of this request is to seek an assignment of case #VAR-21-19 and other such future cases of the same type to the BAA. In case #VAR-21-19, the County received a request to locate a medical marijuana treatment center dispensing facility within 500 feet of a private school. Section 381.986(11)(c), Florida Statutes states:

(c) 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 the above request to locate a medical marijuana treatment center dispensing facility within 500 feet of a property containing a private school facility. The Planning Division Staff and the County Attorney's Office have determined that the BAA is the appropriate County board to hear the above request and others like it, since the request is similar to a variance, which the BAA hears on a regular basis. The County Land Development Code Section 138-66(c)(4) states that the BAA has the authority to decide on matters assigned by the Board of County Commissioners or the County Administrator. The Planning Division Staff is requesting that the Board of County Commissioners assign this matter to the BAA for a formal proceeding and final decision.

**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.

Authority for the Board of County Commissioners to assign the review of proposed locations for medical marijuana treatment centers to the BAA for the purposes identified in Section 381.986(11)(c), Florida Statutes is provided by 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.

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Carol Stricklin, Director, Housing and Community Development

**Partners:**

N/A

**Attachments:**

Resolution

Excerpt from Florida Statutes Section 381.986

Pinellas County Land Development Code Section 138-66