

# City of Coconut Creek

## InterOffice Memorandum

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**To:** Planning and Zoning Board  
**From:** W. SCOTT SToudenMIRE, AICP  
Deputy Director of Sustainable Development  
**Date:** December 13, 2017  
**Subject:** Land Development Code  
Amendment – Medical Marijuana

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The City desires to amend Chapter 13, "Land Development Code," of the City's Code of Ordinances to revise recently adopted regulations pertaining to Medical Marijuana Treatment Centers in order to comport with recent changes to state law.

As you are aware, in November of 2016, voters in the State of Florida approved an amendment to the Florida Constitution, titled "Use of Marijuana for Debilitating Medical Conditions," commonly referred to as Amendment 2. As approved, this amendment further legalizes the use of marijuana for medical purposes throughout the State for those individuals with specified "debilitating" conditions. The amendment also authorized the cultivation, processing, distribution and sale of marijuana and related activities by licensed "Medical Marijuana Treatment Centers." In an effort to be proactive in the City's approach to addressing this issue, the City Commission approved comprehensive regulations for all Medical Marijuana Treatment Centers on April 13, 2017. The Planning and Zoning Board reviewed and recommended approval of these regulations at the March 8, 2017 meeting.

Since the approval of these regulations, state legislation was passed that provided that Medical Marijuana Dispensaries must be treated the same as pharmacies. This new legislation has made it necessary to prepare amendments to different sections of Chapter 13 of the City's Code of Ordinances so that our regulations are consistent with the state's regulations. The City's adopted regulations addressed the industry under the single definition of "Medical Marijuana Treatment Centers", which includes everything from cultivation/processing to dispensing. The state legislation speaks to local government authority to regulate and distinguishes between cultivation/processing and dispensing. As a result, the City must now specifically define a "Medical Marijuana Dispensary" and provide regulations consistent with those of a pharmacy.

The first proposed ordinance (Attachment A) addresses the necessary amendments within the previously adopted Section 13-321, "Medical Marijuana Treatment Centers" to specifically reference and distinguish the use, "Medical Marijuana Dispensaries". The second proposed ordinance (Attachment B) addresses the necessary changes to the City's Master Business List, to provide for "Medical Marijuana Dispensary" uses as a special land use, similar to pharmacies, in B-2, B-3, B-4, O-2, O-3, and MSOA zoning districts while "Medical Marijuana Treatment Centers" are still limited to being located in the MSOA.

This proposed draft is presented by Staff to the Planning and Zoning Board for final recommendation to the City Commission.

WSS/jw  
Attachments