



Legislation Text

File #: ORD 2017-009, Version: 1

AGENDA ITEM REPORT

TITLE:

AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 2, "ZONING CLASSIFICATIONS AND GENERAL REQUIREMENTS," BY ENACTING A NEW SECTION 13-321, "MEDICAL MARIJUANA TREATMENT CENTERS," IN ORDER TO PROVIDE FOR MEDICAL MARIJUANA TREATMENT CENTERS TO LOCATE IN THE MEDICAL SERVICES OVERLAY AREA SUBJECT TO SPECIAL LAND USE APPROVAL; PROVIDING FOR APPLICATION REQUIREMENTS, DEVELOPMENT STANDARDS, AND PROCEDURES FOR DENIAL AND REVOCATION. (SECOND READING)(PUBLIC HEARING)

BACKGROUND:

This item was approved on First Reading at the March 23, 2017, Commission Meeting.

In November of 2016, voters in the State of Florida approved an amendment to the Florida Constitution, entitled "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 State-licensed Medical Marijuana Treatment Centers. In an effort to be proactive in our approach to addressing these land uses, on December 8, 2016, the City Commission approved a temporary ninety (90) day moratorium on the submittal, processing, and issuance of local business tax receipts and/or land use approvals for medical marijuana dispensing organizations in order to allow City staff the time to adequately study the local effects of medical marijuana distribution and propose appropriate local regulations to address the land use. On February 22, 2017, the City Commission held a Workshop Meeting on this topic and provided guidance to City staff. The Planning and Zoning Board considered this Ordinance at their meeting on March 8, 2017, and voted 5-0 to recommend approval subject to the request that all medical marijuana treatment centers take access only from county or state arterial roadways.

DISCUSSION:

Based on research and the direction of the City Commission, City staff proposes an amendment to the City's Land Development Code that is intended to address Medical Marijuana Treatment Centers and serve the best interests of the City's residents. The proposed enactment of Section 13-321 is very comprehensive in that it addresses development specifications, i.e. safety, security, hours of operation, noise, traffic, parking, and odor, and requires that all Medical Marijuana Treatment Centers

be located within the Medical Services Overlay Area. In addition, the proposed ordinance prohibits locating a Medical Marijuana Treatment Center within 500 feet of an elementary, middle, or secondary school, and within 1,000 feet of another Medical Marijuana Treatment Center. Furthermore, the approval process for such a use will be through an enhanced special land use approval process.

RECOMMENDATION:

Staff recommends approval of this Ordinance.

FISCAL IMPACT: N/A