



Memorandum

File #: 16-00315

City Council

2/9/2017

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Andy Terhaar

SUBJECT:

PUBLIC HEARING: PROPOSED AMENDMENT TO SECTION 12-2-8 (B) (1) OF THE LAND DEVELOPMENT CODE - ADDITION OF MEDICAL MARIJUANA DISPENSARY

RECOMMENDATION:

That City Council conduct the second of two public hearings on February 9, 2017 to consider an amendment to the Land Development Code, Section 12-2-8 (B)(1), Commercial land use district, to add "Medical Marijuana Dispensary" under the uses permitted section.

HEARING REQUIRED: Public

SUMMARY:

The Land Development Code (LDC) is the principal means of planning and regulating the development and redevelopment of land in the City. The LDC was adopted by City Council in its present form in 1991 pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act. From time to time, it is necessary to amend the LDC to provide consistency with the Comprehensive Plan and to respond to community concerns, legal considerations, changes in development patterns and planning techniques as well as addressing Legislative considerations.

In 2014, the Florida Legislature passed, and Gov. Rick Scott signed, a bill that attempted to exempt a limited class of individuals with certain medical disorders and their legal representatives from criminal penalties for using and possessing low-THC cannabis that was ordered for the patients by their physicians. Then, in 2016, the legislature passed a bill intended to improve the law, which would also allow terminally ill patients to access all forms of medical cannabis, all of which has been codified under Section 381.986 Florida Statutes.

As part of this legislation, parameters were placed on the dispensing of Medical Marijuana with the onus being placed on the Department of Health. The Department of Health has issued authorizations to the five organizations permitted under current law to cultivate and dispense medical cannabis for and to qualified patients. The five organizations were required to be geographically dispersed, with one each in northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida.

In September of 2016, the City Council voted to refer this item to the Planning Board for review and recommendation. The Planning Board discussed this item at their October Planning Board meeting and recommended approval of this amendment to the Land Development Code.

PRIOR ACTION:

September 15, 2016 - City Council referred item to the Planning Board
October 11, 2016 - Planning Board recommends amendment to the Land Development Code
January 12, 2017 - City Council conducted the first public hearing.

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Sec_12_2_8 Medical Marijuana Commercial_Land_Use_Dist (002) rev
- 2) 10-11-16 - Planning Board Minutes - Medical Marijuana
- 3) PROOF OF PUBLICATION

PRESENTATION: No