



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 06-17

City Council

2/9/2017

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council Member Andy Terhaar

**SUBJECT:**

PROPOSED ORDINANCE NO. 06-17 - PROPOSED AMENDMENT TO SECTION 12-2-8 (B) (1) OF THE LAND DEVELOPMENT CODE - ADDITION OF MEDICAL MARIJUANA DISPENSARY

**RECOMMENDATION:**

That City Council approve Proposed Ordinance No. 06-17 on second reading.

AN ORDINANCE AMENDING SECTION 12-2-8 (B) (1) OF THE CODE OF THE CITY OF PENSACOLA; AMENDING THE LAND DEVELOPMENT CODE, ADDITION OF MEDICAL MARIJUANA DISPENSARY; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

**HEARING REQUIRED:** No Hearing Required

**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 held first public hearing

February 9, 2017- City Council held second public hearing and adopted Proposed Ordinance No. 06-17 on first reading

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 06-17

**PRESENTATION:** No