



Department of Economic and Development Services
Planning and Zoning Division

Memorandum

To: Board of County Commissioners
From: Edward Lehman
Date: January 12, 2018
Re: Proposed Ordinances to Address Medical Marijuana Treatment Center Dispensing Facilities

Background

On January 24, 2017, the Board of County Commissioners adopted a temporary moratorium on the operation of medical marijuana treatment centers and licensed dispensing organizations within Clay County for a period of one year due to the approval of Amendment 2 by Florida voters and the need to address the County's land development regulations.

Since adoption of the moratorium, the 2017 Florida Legislature adopted substantial amendments to Florida Statutes § 381.986 – Medical use of marijuana. The amendments specifically preempted regulation of medical marijuana treatment centers to the state except provided that a county may either ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county, or may determine the location of dispensing facilities which may not be more restrictive than its ordinances for the location for pharmacies. If a county does not ban dispensing facilities, the amendments provide that it may not place specific limits on the number of dispensing facilities.

At the November 28th Board of County Commissioners meeting, staff presented the following options for the Board to consider in addressing location criteria for medical marijuana treatment center dispensing facilities:

- 1) a ban on medical marijuana treatment center dispensing facilities,
- 2) providing for medical marijuana treatment center dispensing facilities in locations where pharmacies are currently zoned, or
- 3) revising the zoning regulations for pharmacies to provide new or revised locations for pharmacies and medical marijuana treatment center dispensing facilities.

The Board directed staff to present two ordinances to be considered, and these draft ordinances are included for your review. The first ordinance proposes a ban on treatment center dispensing facilities in unincorporated Clay County, with a sunset provision of 24 months. The second ordinance proposes that these facilities be added to the Land Development Code as a conditional use, with conditions that are allowed in Section 381.986, Florida Statutes.

Recommendation

The Planning Commission voted 3-2 to recommend that the Board adopt the ordinance that establishes medical marijuana dispensary facilities as a conditional use. Staff recommends that the Board adopt one of the ordinances to determinate if and, if so, where and under what conditions Medical Marijuana Dispensing Facilities should be allowed in Clay County.