



Office of the Town Manager

Rafael G. Casals
Town Manager

MEMORANDUM

To: Honorable Mayor and Town Council

From: Rafael G. Casals, Town Manager

Date: February 21, 2018

Re: Amending NC, TRC, and TC Zoning Districts to address Pharmacies and Medical Marijuana Dispensaries

REQUEST

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 3 LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES BY AMENDING SECTION 3-58 NC, NEIGHBORHOOD CENTER DISTRICT, SECTION 3-59 TRC, TRANSIT CORRIDOR DISTRICT, AND SECTION 3-60 TC, TOWN CENTER DISTRICT TO CHANGE THE LIST OF PERMITTED CONDITIONAL AND PROHIBITED USES TO ADDRESS PHARMACIES AND MEDICAL MARIJUANA DISPENSARIES AND TO PROVIDE CERTAIN REGULATIONS FOR SUCH USES; AND BY AMENDING SECTION 3-261, DEFINITIONS, TO PROVIDE NEW DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

The Town of Cutler Bay (the "Town") has adopted land development regulations to facilitate safe and orderly growth which forms an integral part of the community. Marijuana (Cannabis) is a Schedule I drug under the federal Controlled Substances Act, 21 U.S.C. §811; and according to the Controlled Substances Act, Marijuana has a high potential for abuse and has no currently accepted medical use for treatment in the United States. Notwithstanding federal law, the 2014 Florida Legislature approved and later amended legislation providing for the growing, processing, and distributing of specific forms of low-THC (non-euphoric) Cannabis to be supplied to qualified patients and their caregivers for the treatment of listed medical conditions.





In November 2016 the Florida voters approved a ballot initiative amending the Florida Constitution to allow for broader sale and use of marijuana for medical purposes within the State of Florida

To implement the Constitutional provisions for medical marijuana the state legislature adopted Senate Bill 8A during its 2017 Special Session which provides a framework for local government regulation of the dispensing of medical marijuana, allowing a local government to either ban medical marijuana retail centers or to regulate them similar to pharmacies. The Town Council desires to amend the Neighborhood Center zoning district the Town Center zoning district and the Transit Corridor zoning district to permit medical marijuana dispensaries; and the Town Council desires to amend the standards in the land development regulations relating to pharmacies and medical marijuana dispensaries in the Neighborhood Center zoning district, Town Center zoning district and in the Transit Corridor zoning district.

In the Neighborhood Center District the following will be added as permitted use:

Pharmacy (not exceeding 25,000 square feet as a single use; with a minimum distance of 275 feet from a medical marijuana dispensary or another pharmacy, measured nearest property line to nearest property line).

Medical marijuana dispensary (not exceeding 25,000 square feet as a single use; with a minimum distance of 275 feet from a pharmacy or another medical marijuana dispensary, measured nearest property line to nearest property line).

In the Neighborhood Center District the following will be added as a conditional use:

Pharmacy (exceeding 25,000 square feet but less than 55,000 square feet as a single use; with a minimum distance of 275 feet from a medical marijuana dispensary or another pharmacy, measured nearest property line to nearest property line).

Medical marijuana dispensary (exceeding 25,000 square feet but less than 55,000 square feet as a single use; with a minimum distance of 275 feet from a pharmacy or another medical marijuana dispensary, measured nearest property line to nearest property line).





In the Transit Corridor District the following will be added as a permitted use:

Pharmacy (not exceeding 55,000 square feet as a single use; 60,000 square feet for projects meeting green building program designation per article V of this chapter. Development bonuses shall not exceed the maximum permitted by the growth management plan. Must be located a minimum of 275 feet from a medical marijuana dispensary or another pharmacy, measured nearest property line to nearest property line).

Medical marijuana dispensary (not exceeding 55,000 square feet as a single use; 60,000 square feet for projects meeting green building program designation per article V of this chapter. Development bonuses shall not exceed the maximum permitted by the growth management plan. Must be located a minimum of 275 feet from a pharmacy or another medical marijuana dispensary, measured nearest property line to nearest property line).

In the Town Center District the following will be added as a permitted use:

Medical marijuana dispensary (TC Center Sub-District only, minimum 275 feet from a pharmacy or another medical marijuana dispensary, measured nearest property line to nearest property line).

Pharmacy (TC Center Sub-District only, minimum 275 feet from a medical marijuana dispensary or another pharmacy, measured nearest property line to nearest property line).

The following definitions will be added:

Marijuana means any strain of cannabis or Marijuana, in any form, that is authorized by State law to be dispensed or sold in the State of Florida for use by qualified users as defined by Florida Statutes. Also referred to as “Medical Marijuana.”

Medical marijuana dispensary means a retail establishment, licensed by the Florida Department of Health as a “Medical Marijuana Treatment facility,” “Medical Marijuana Treatment Center,” “dispensing organization,” “dispensing organization facility” or similar use, that sells and dispenses Medical Marijuana.

Pharmacy means any place, licensed under Chapter 465, Florida Statutes, where drugs and medicines are prepared, dispensed or compounded.





RECOMMENDATION

Staff recommends the Council adopt attached Ordinance.

ATTACHMENTS

- Attachment “A” – Advertisement Miami Herald Local Section (February 8, 2018)

