



## Memorandum

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File #: Item # 2019-182, Version: 1

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## MEMORANDUM

To: Honorable Members of the Town Council

From: Honorable Mayor Tim Meerbott

Date: September 18, 2019

Re: Amending TC, Town Center Zoning District to Permit Medical Marijuana Dispensaries in the TC Edge Sub-District (*First Reading*)

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### 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 3-60 TC, TOWN CENTER DISTRICT TO PERMIT MEDICAL MARIJUANA DISPENSARIES WITHIN THE TC, TOWN CENTER EDGE SUB-DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

### BACKGROUND AND ANALYSIS

The Town of Cutler Bay Town Council adopted Ordinance No. 18-01 (March 21, 2018) to address Pharmacies and Medical Marijuana Dispensaries in certain Zoning Districts. 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 Town Center zoning district to permit medical marijuana dispensaries in the TC Edge Sub-district.

No other regulations or distance requirements are impacted by this change.

In the Town Center District the following amendment is proposed:

**Sec. 3-60. - TC, Town Center District.**

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(1)   *Permitted Uses.*

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- i. Medical marijuana dispensary (TC Center and Edge sub-districts only, minimum 275 feet from a pharmacy or another medical marijuana dispensary, measured nearest property line to nearest property line).

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**RECOMMENDATION**

It is recommended that the Town Council adopt the approval of the attached Ordinance amending TC, Town Center Zoning District to permit medical marijuana dispensaries in the TC Edge Sub-District.

**ATTACHMENTS**

- Attachment “A” - Town Center District Future Land Use Map
- Attachment “B” - Miami Herald Local Section Advertisement  
(dated September 5, 2019)