

MEETING DATE
August 28, 2017
Subject: Ordinance - Temporary Moratorium - Medical Marijuana Treatment Center Dispensaries



AGENDA REPORT

AGENDA
Section: Public Hearings
Item #: 1

Department/Office: Community Development

Requested Action or Motion: Move to adopt an ordinance on second reading establishing a temporary moratorium within the City of Maitland prohibiting the establishment and operation of medical marijuana treatment center dispensaries during the 180 day moratorium period.

Summary Explanation & Background:

The Governor signed a bill adopting regulations for the production, sale and dispensing of medical marijuana. From a local government regulatory standpoint, the following applies:

- 1) The law permits the City to completely ban Medical Marijuana dispensing facilities from being located within the City (F.S. 381.986(11)(b)(1)). It appears that many of the surrounding cities are preparing to adopt this in response to the new statutory requirements.
- 2) If Maitland chooses not to ban dispensing facilities, the City is not permitted to regulate the number of facilities within the jurisdiction.
- 3) If Maitland does not ban dispensing facilities, the City is not permitted to regulate the dispensaries any more strictly than a pharmacy. For example, if pharmacies are allowed to be next to a daycare facility, the City cannot adopt an ordinance prohibiting a medical marijuana dispensary from being next to a daycare facility.
- 4) The State prohibits dispensaries from being within 500 feet of a school.
- 5) The City cannot charge a higher permitting fee for a dispensary than we charge for a pharmacy.
- 6) The City can make sure the dispensary complies with Florida Building Code, Florida fire code, or any local amendment to those codes. All other regulations are pre-empted by the State.

Based upon these parameters and the fact that the legislative session is beginning early this year with committee meetings beginning in September and October, the Council determined that the most prudent approach would be to enact a moratorium on the establishment of these types of facilities to determine how best to approach any new local regulation while monitoring the situation in the capitol as the session progresses.

To accomplish this, the City Attorney has drafted an Ordinance to establish a 180-day moratorium prohibiting the establishment and operation of medical marijuana treatment center dispensaries.

- Ø City Council introduced the ordinance on July 24, 2017.
- Ø Planning and Zoning Commission held a public hearing and unanimously voted to forward the

proposed Ordinance to City Council with a recommendation of approval on August 3, 2017.

Fiscal Impact:

N/A

Exhibits: Ord Medical Marijuana Moratorium 2017
(PDF)

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Commission/Board:

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Reviewed by City Attorney

Yes N/A