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TO: City Plan Board **Item Number: 2**

FROM: Planning & Development Services Department **DATE: Sept. 24, 2015**
Staff

SUBJECT: Petition PB-15-80 TCH. City Plan Board. Amend the Land Development Code to allow the operation of medical marijuana dispensaries as a permitted use in the following zoning districts: OR (20 units /acre office residential district), OF (General office district), BUS (General business district), MU-1 (8 – 30 units/acre mixed-use low intensity), MU-2 (12-30 units/acre mixed-use medium intensity), UMU-1 (8-75 units/acre, and up to 25 additional units/acre by special use permit, urban mixed-use district), UMU-2 (10-100 units/acre, and up to 25 additional units/acre by special use permit, urban mixed-use district), CCD (Up to 150 units/acre central city district), MD (Medical services district), and CP (Corporate park district).

Recommendation

Staff recommends approval of Petition PB-15-80 TCH.

Discussion

On May 7, 2015, the City Commission directed the Planning and Development Services Department to initiate a petition to amend the Land Development Code to allow and provide regulations for low-THC (“Charlotte’s Web”) medical marijuana (cannabis) and retail facilities that operate in accordance with state law. This petition amends the Land Development Code to define *low-THC cannabis* (marijuana) and *medical marijuana dispensary*, and to allow medical marijuana dispensaries in accordance with state law.

The Florida legislature in 2014 enacted the “Compassionate Medical Cannabis Act of 2014” (codified in Section 381.986, F.S.), which authorizes licensed physicians to order low-THC cannabis for specified patients. See [Exhibit B-1](#): “Compassionate Medical Cannabis Act of 2014” (Section 381.986, F.S.), and [Exhibit B-2](#): FAQs on low-THC Cannabis.

Among other restrictions, the Compassionate Medical Cannabis Act of 2014 (hereinafter, the “Act”) provides that a physician may only order low-THC cannabis (marijuana) for a patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms, and only if no other satisfactory alternative treatment options exist for that patient. “Low-THC Cannabis,” as defined in this staff report and in the draft ordinance (see Exhibit B-3) is in accordance with the Act and means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol (THC) and more than 10 percent of cannabidiol weight for weight.

In accordance with the Compassionate Medical Cannabis Act of 2014, Florida Statutes and Chapter 64-4 F.A.C., the City has the authority to provide zoning regulations for the dispensing of low-THC cannabis permissible under the Act. These proposed amendments to the land development code will allow within various zoning districts the dispensing of low-THC cannabis strictly in accordance with and as limited by the Act (Section 381.986 F.S.)

Recommended Changes to Land Development Code:

Sec. 30-23(c). Definitions.

Low-THC cannabis means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a Medical Marijuana Dispensary. The term does not include the possession, use, or administration of cannabis by burning or igniting and inhaling the smoke.

Medical marijuana dispensary means a dispensary organization approved by the Florida Department of Health pursuant to and according to the regulations of the “Compassionate Medical Cannabis Act of 2014” (codified in Section 381.986, Florida Statutes) to cultivate, process, and dispense low-THC cannabis to Florida residents who have been added to the state compassionate use registry by a physician licensed under Chapter 458 or Chapter 459, Florida Statutes, because the patient is suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms with no other satisfactory alternative treatment options.

Sec. 30-59. – Office districts (OR and OF).

(c) *Permitted uses, OR district (office residential district).*

SIC	Use	Conditions
	USES BY RIGHT:	
	<u>Medical marijuana dispensaries</u>	<u>Only when accessory to and in the same building as health services or offices of physicians, dentists and other health practitioners</u>

(e) *Permitted uses, OF (general office district).*

SIC	Use	Conditions
	USES BY RIGHT:	

	<u>Medical marijuana dispensaries</u>	<u>Only when accessory to and in the same building as health services or offices of physicians, dentists and other health practitioners</u>
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Sec. 30-61. – General business district (BUS).

(c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<u>Medical marijuana dispensaries</u>	

Sec. 30-64. – Mixed use low intensity district (MU-1).

(g) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<u>Medical marijuana dispensaries</u>	

Sec. 30-65. – Mixed use medium intensity district (MU-2).

(e) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<u>Medical marijuana dispensaries</u>	

Sec. 30-65.1. – Urban mixed-use district 1 (UMU-1).

(c) *Permitted uses.*

SIC	Uses	Conditions
	<u>Medical marijuana dispensaries</u>	

Sec. 30-65.2. – Urban mixed-use district 2 (UMU-2).

(c) *Uses.*

(1) Permitted uses by right are as follows:

SIC	Uses	Conditions
	<u>Medical marijuana dispensaries</u>	

Sec. 30-66. – Central city district (CCD).

(c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<u>Medical marijuana dispensaries</u>	

Sec. 30-74. – Medical services district (MD).

(c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<u>Medical marijuana dispensaries</u>	

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Sec. 30-78. – Corporate park district (CP).

(c) Permitted uses.

(1) *Uses by right:*

SIC	Uses	Conditions
	Medical marijuana dispensaries	Accessory to and in the same building as health services and comprising less than 25 percent of the gross floor area of the building

Respectfully submitted,



Ralph Hilliard
Planning Manager

Prepared by:



Dean Mimms, AICP
Lead Planner

List of Appendices

Appendix A Application

Exhibit A-1 Application

Appendix B Supplemental Documents

Exhibit B-1 “Compassionate Medical Cannabis Act of 2014” (Section 381.986, F.S.)

Exhibit B-2 FAQs on low-THC Cannabis

Exhibit B-3 Draft Ordinance