



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Agenda

Planning Commission

Monday, October 23, 2017

7:00 PM

Council Chambers

MEMORANDUM TO:

Members of the Planning Commission
City of Jacksonville Beach, Florida

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the Planning Commission.

1. **Call to Order**
2. **Roll Call:** Greg Sutton (Chair), Dave Dahl (Vice-Chair), Bill Callan, Georgette Dumont, Britton Sanders
Alternates: Margo Moehring, Jason Lee
3. **Approval of Minutes:** None
4. **Correspondence:** None
5. **Old Business:** None
6. **New Business:**

(A) **PC#48-17 Land Development Code Text Amendment**

Amend Land Development Code Article IV to add related definitions and amend Land Development Code Article VIII, Division 2. Supplemental Standards to instate a prohibition on Medical Marijuana Treatment Center Dispensing Facilities within the City of Jacksonville Beach.

7. **Planning Department Report:**

(A) The next meeting is scheduled for November 13, 2017.

NOTICE

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, extension 10, no later than one business day before the meeting.

MEMORANDUM



TO: Planning Commission Members
FROM: Heather Ireland, Senior Planner
DATE: October 16, 2017
RE: October 23, 2017 - Planning Commission Meeting

The following information is provided for your consideration regarding one agenda item for the upcoming October 23, 2017 Planning Commission meeting.

NEW BUSINESS:

PC#48-17 Land Development Code Text Amendment Application

Applicant: Planning and Development Department
11 North 3rd Street
Jacksonville Beach, FL 32250

Request: **Approve a Prohibition** on the operation of “Medical Marijuana Treatment Center Dispensing Facilities” within the City of Jacksonville Beach.

Comments: On November 8, 2016, voters adopted an amendment to the Florida Constitution (*Amendment 2*) that legalizes the use of medically certified marijuana in the State of Florida and authorizes the cultivation, processing, distribution and sale of related products by licensed “Medical Marijuana Treatment Centers” (MMTCs). While “dispensing facilities” are part of the new state regulations, the State has preempted to itself the regulation of all facilities. The State has decided that local jurisdictions can chose from only two available options for local regulation of dispensing facilities: 1) medical marijuana treatment center dispensing facilities can be regulated no more stringently than pharmacies are regulated, or 2) medical marijuana treatment center dispensing facilities can be banned altogether. Pharmacies currently are permitted in *C-1*, *C-2*, and *CBD* zoning districts, and also in commercial PUD zoning districts. The City currently has a moratorium on dispensaries in place until December 5, 2017.

Staff feels that there is a high likelihood of future State legislation regarding medical marijuana and the potential for legal challenges to the State legislation as it is currently adopted. For example, future constitutional amendments and legislation may further expand the legal use of cannabis in Florida. A prohibition on medical marijuana treatment center dispensing facilities would allow time for the State to make any changes to the current statutes, and for the City to respond accordingly and appropriately.

The City wants to ensure that in the event of a change to the State regulations that would strike or alter any local ban on dispensaries, that applications can be processed in a reasonable timeframe after consideration is given to the application process. The proposed draft ordinance language serves to prohibit any medical marijuana treatment center dispensing facilities within the City limits. This prohibition allows the City time to develop procedures, if necessary, to process applications, in the event that the State changes the

adopted legislation to prohibit dispensing facility bans, or a court of law enters a final order striking or altering the authority of local jurisdictions to ban dispensing facilities.



REZONING/TEXT AMENDMENT APPLICATION

PC No. 48-17

AS/400# 17-100187

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change to the text of the LDC is not intended to relieve a particular hardship, nor to confer special privileges or rights on any person, but to make necessary adjustments in light of changed conditions. No rezoning or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a \$1,000.00 filing fee, as required by City Ordinance.

APPLICANT INFORMATION

Land Owner's Name: _____

Telephone: _____

Mailing Address: _____

Fax: _____

E-Mail: _____

Applicant Name: Planning and Development Department

Telephone: (904) 247-6231

Mailing Address: 11 N 3rd Street, Jacksonville Beach, FL 32250

Fax: _____

E-Mail: planning@jaxbchfl.net

NOTE: Written authorization from the land owner is required if the applicant is not the owner.

Agent Name: _____

Telephone: _____

Mailing Address: _____

Fax: _____

E-Mail: _____

Please provide the name, address and telephone number for any other land use, environmental, engineering, architectural, economic, or other professional consultants assisting with the application on a separate sheet of paper.

REZONING DATA

Street address of property and/or Real Estate Number: NA

Legal Description (attach copies of any instruments references, such as but not limited to deeds, plats, easements, covenants, and restrictions): NA

Current Zoning Classification: NA Future Land Use Map Designation: NA

TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: Article IV, and Article VIII, Division 2.

REQUESTED INFORMATION

	Attached?	
	Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;		✓
2. An 8½" x 11" vicinity map identifying the property proposed for amendment;		✓
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;		✓
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.		✓
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.	✓	

Applicant Signature:

Date: 10/2/17

Florida Statutes 381.986

381.986 Medical use of marijuana. —

(11) PREEMPTION.—Regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state except as provided in this subsection.

(a) A medical marijuana treatment center cultivating or processing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school.

(b)

1. A county or municipality may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality. A county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality.

2. A municipality may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, medical marijuana treatment center dispensing facilities located within the boundaries of that municipality. A county may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, all such dispensing facilities located within the unincorporated areas of that county. Except as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465. A municipality or county may not charge a medical marijuana treatment center a license or permit fee in an amount greater than the fee charged by such municipality or county to pharmacies. A dispensing facility location approved by a municipality or county pursuant to former s. 381.986(8)(b), Florida Statutes 2016, is not subject to the location requirements of this subsection.

(c) A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location through a formal proceeding open to the public at which the county or municipality determines that the location promotes the public health, safety, and general welfare of the community.

(d) This subsection does not prohibit any local jurisdiction from ensuring medical marijuana treatment center facilities comply with the Florida Building Code, the Florida Fire Prevention Code, or any local amendments to the Florida Building Code or the Florida Fire Prevention Code.