



Memorandum

To: Collier County Planning Commission (CCPC)
From: Jeremy Frantz, LDC Manager
Date: April 20, 2018
Re: Medical Marijuana LDC Amendment

There is one LDC amendment for review at the April 30, 2018, meeting. No Environmental Advisory Committee review is needed for this amendment.

On February 2, 2017, the Board of County Commissioners (Board) initiated a moratorium for cannabis dispensing businesses to give staff time to review pending legislation from the Florida Legislature and develop land use regulations regarding medical marijuana. Four months later, the Florida Legislature enacted Senate Bill 8-A (Bill). The Bill introduced comprehensive changes to F.S. 381.986, including the preemption of County regulations of medical marijuana treatment centers with dispensing facilities. Under the Bill, the County has the following two options when addressing medical marijuana dispensaries:

1. Ban medical marijuana dispensaries from locating within the boundaries of the County; or
2. Adopt permitting requirements that are not more restrictive than the permitting requirements for pharmacies. However, the County may restrict medical marijuana dispensaries from locating within 500 feet of a public or private elementary, middle, or secondary school, and the County.

While discussing the County's response to the new Florida law, on July 11, 2017, the Board expressed a desire not to adopt the ban, but to establish more local control over dispensaries than allowed by the Bill. As a result, the Board twice extended the moratorium with the most recent extension expiring on June 30, 2018, to allow more time for the Florida Legislature to enact new guidelines regarding local control. When the Florida Legislature did not provide further clarification or rulemaking regarding local control of cannabis dispensing businesses during their 2018 Legislative Session, the Board directed staff on March 13, 2018, to prepare an LDC amendment to permit medical marijuana dispensing facilities in the same zoning districts as pharmacies and not located within 500 feet of a public or private elementary, middle, or secondary school.

The Development Services Advisory Committee Land Development Review Subcommittee (DSAC-LDR Subcommittee), including a regular member of the DSAC, reviewed the proposed amendment on April 18, 2018. Lacking a quorum, the member(s) present, including the DSAC member, made several suggestions for further review at the regular DSAC meeting, which is scheduled for May 2, 2018. The recommendations are described in the attached Land Development Code Amendment Request.



To allow sufficient time for Board review prior to the end of the moratorium, Staff anticipates bringing this amendment forward to the Board for first reading on May 22, 2018 and on June 12, 2018 for second reading.

Please contact me if you have any questions.

Sincerely,

Jeremy Frantz, AICP

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(239) 252-2305

Land Development Code Amendment Request

ORIGIN: Board of County Commissioners

AUTHOR: Growth Management Department Staff

LDC SECTION(S): 1.08.02 Definitions
2.03.03 Commercial Zoning Districts
2.03.04 Industrial Zoning Districts
2.03.06 Planned Unit Development Districts
2.03.07 Overlay Zoning Districts
5.05.16 Medical Marijuana Dispensaries (New Section)

SUMMARY: This amendment allows medical marijuana dispensaries to become a new permitted land use in the same zoning districts as a pharmacy or a drug store.

DESCRIPTION: On December 12, 2017, the Board of County Commissioners extended a temporary moratorium on Cannabis dispensing businesses to June 30, 2018. The extended date was authorized to grant staff enough time to analyze and evaluate any changes to F.S. 381.986 relative to the medical use of marijuana that was under consideration by the 2018 Florida legislature. Because the legislative session ended without an amendment, the Board directed staff on March 13, 2018, to publicly vet a land development code amendment to permit medical marijuana dispensing facilities in the same zoning districts as pharmacies and not located within 500 feet of a public or private elementary, middle, or secondary school. A brief review of the current regulatory framework to medical marijuana dispensing facilities, as distinguished from the cultivation and processing and the delivery of medical marijuana is provided below to clarify some of the administrative provisions of F.S. 381.986. Afterwards, the specific changes to the land development code are described.

Medical Marijuana Dispensing Regulatory Framework:

On June 9, 2017, the Florida legislature enacted Senate Bill 8-A to allow the medical use of marijuana to be dispensed through a state approved Medical Marijuana Treatment Center (MMTC). Only a MMTC is licensed to cultivate, process, transport and dispense medical cannabis. F.S. 381.986 (11), states “Regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state...” The proposed LDC amendment does not address the cultivation and processing of medical marijuana use. Per F.S. 381.986 (8.j), “Medical marijuana treatment centers are the sole source from which a qualified patient may legally obtain marijuana.”

F.S. 381.986 (11) (b.2) states, “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 such dispensing facilities located within the unincorporated areas of that county.” Additionally, a county may not enact an ordinance for permitting or determining the location of dispensing facilities which is more restrictive than its ordinance for permitting or determining the locations for pharmacies licensed under F.S. 465. Consequently, the County is prohibited from setting limits on medical marijuana dispensing facilities that do not also apply to pharmacies.

Number of Licensed MMTCs and Dispensing Facilities:

The initial maximum number of statewide licensed dispensing facilities is determined by multiplying the current number of approved MMTCs times 25 dispensaries. As of April 20, 2018, the Florida Department of Health (DOH) has licensed 13 MMTCs, which allows the statewide maximum to be 325 dispensing facilities. Upon reaching the initial 100,000 active registered patient limitation, this number can be increased at the rate of five additional dispensaries for each MMTC currently approved, and similarly thereafter, when there are an additional 100,000 registered qualified patients.

The maximum number of dispensing facilities allowed in the Southwest Florida (SWF) region and as administered by the DOH, is determined by calculating the percentage of the SWF region of the total statewide 2016 estimated population and applying that percentage to the total number of dispensaries permitted statewide. The SWF region, comprised of 11 out of the 64 total counties, accounts for 18 percent of the statewide population, resulting in a maximum of 59 licensed dispensaries in the SWF region. It should be noted that a MMTC may sell one or more of its unused dispensing facilities slots to another licensed MMTC at the reduction of the selling MMTC's maximum statewide number of dispensing facilities. This would allow for an approved MMTC to increase its regional maximum number of dispensing facilities. According to F.S. 381.986 (8) (a.5.d), this method of determining the maximum number of dispensaries (i.e., the placement of caps on the number of dispensaries) will expire on April 1, 2020.

As published by the "Office of Medical Use of Marijuana" and in the latest weekly update report, April 20, 2018, the DOH has approved a total of 34 dispensing locations for seven of the MMTCs, and registered 100,576 qualified patients. There are currently four licensed dispensing facilities located within the SWF region. Currently, the closest licensed dispensaries to Collier County are operated by *Trulieve*, located in North Fort Myers and *Curaleaf*, located in Fort Myers.

Changes to LDC Section 1.08.02

The definitions for this amendment consist of the following: *Low-THC Cannabis, Marijuana, Medical marijuana dispensary*, and *Medical Use*. These definitions have the same meaning as provided for in F.S. 381.986 (1). They are included to establish a consistent relationship with statutory law and describe a new land use facility.

Changes to LDC Section 2.03.03

For the Commercial Districts: C-2, C-3, C-4, and C-5, a medical marijuana dispensary is treated the same as a pharmacy subject to limitations.

Changes to LDC Section 2.03.04

For the Business Park District (BP), a medical marijuana dispensary is one of several secondary uses that are allowed but subject to a maximum of 30 percent of the total district's acreage. This is the same limitation for a pharmacy or drug store.

Changes to LDC Section 2.03.06

For the Research and Technology Park PUDs (RTPPUD), a pharmacy is one of several businesses that are non-targeted permissible industries serving as commercial support services to light

industrial uses. The development of these uses, including a medical marijuana dispensary, are limited up to 20 percent of the total research and technology park's acreage.

A new LDC section 2.03.06 I, is added to identify a medical marijuana dispensary would be allowed within a previously approved PUD, when such PUD includes SIC 5912, drug store, pharmacy, or listing any of the following zoning districts: C-2, C-3, C-4, C-5, BP, or RTPUD.

Changes to LDC Section 2.03.07

Medical marijuana dispensaries are added to those Overlay Zoning Districts where a drug store is specifically listed as a permitted use. They are the Santa Barbara Commercial Overlay (SBCO) and Golden Gate Downtown Center Commercial Overlay (GGDCCO) districts.

New LDC section 5.05.16

All medical marijuana dispensaries are subject to the provisions of this new LDC section which consists of the following:

- A purpose and intent section. This section establishes that the change will provide consistency and compatibility with the need for medical use of marijuana at a medical marijuana dispensary.
- A separation distance section. Per section 381.986 (11.c) F.S., the amendment affirms the statutory minimum separation between schools and a MMTC dispensary at 500 feet. It describes how the distance shall be measured, consistent with LDC Section 5.05.01-Businesses Serving Alcoholic Beverages. A clause is provided to clarify the construction of a school after the issuance of a development order would not cause a medical marijuana dispensary to become a non-conforming use.
- A signage section. Per section 381.986 (8.h) F.S. there are certain limitations to advertising and signage such as:
 - “*(h) A medical marijuana treatment center may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:*
 1. *The dispensing location of a medical marijuana treatment center may have a sign that is affixed to the outside or hanging in the window of the premises which identifies the dispensary by the licensee's business name, a department-approved trade name, or a department-approved logo. A medical marijuana treatment center's trade name and logo may not contain wording or images commonly associated with marketing targeted toward children or which promote recreational use of marijuana.*” ...

This specific provision is included in the amendment.

- A security measures and design section. When dispensing marijuana or a marijuana delivery device, there are various operational security and safety requirements mandated in Section 381.986 (8.f) F.S. that apply to a medical marijuana dispensary. Staff integrated some of the requirements related to indoor design and security measures, outdoor lighting, and the handling or dispensing of medical marijuana and a delivery device.

In general, the statutory requirements relative to the amendment are:

“(f) To ensure the safety and security of premises where the cultivation, processing, storing, or dispensing of marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of marijuana or marijuana delivery devices, a medical marijuana treatment center shall: ...

2. Ensure that the medical marijuana treatment center’s outdoor premises have sufficient lighting from dusk until dawn.

3. Ensure that the indoor premises where dispensing occurs includes a waiting area with sufficient space and seating to accommodate qualified patients and caregivers and at least one private consultation area that is isolated from the waiting area and area where dispensing occurs. A medical marijuana treatment center may not display products or dispense marijuana or marijuana delivery devices in the waiting area.

4. Not dispense from its premises marijuana or a marijuana delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.”...

Each dispensing facility and its location must be authorized by the DOH. The retail sale activity at the dispensary is limited to qualified patients or authorized caregivers. The sale transaction can only occur within the indoor designated area that is separate from the waiting area or outside of the building.

The sufficiency of lighting during night time operations is an objective of the county’s outdoor lighting standard to reduce light pollution and maintain adequate visibility of persons and vehicles. By requiring the outdoor lighting system to be directed downward and shielded to minimize light trespass and glare, the provision would ensure there is no light pollution. A similar provision is located in LDC section 5.05.15 H. lighting design standard for golf course conversions. This provision is intended to address implementation of the lighting standard in F.S. 381.986 (8.f.2).

Additionally, staff is recommending another security measure as suggested by the cultivation manager at Growth Healthy Medical Marijuana Treatment Center, that the dispensary’s transport delivery vehicle be located within a garage or enclosed structure when not in use for delivery. This provision would restrict the potential for night time criminal activity.

- There are three prohibitions recommended by staff that serve to deter crime, limit the potential for the illicit sale of marijuana, and reduce the potential risk of driver intoxication. They are:
 - The dispensing of marijuana pick-up at curbside, take-out by window, drive-in or drive-through facility, or other similar outdoor transaction facilities. This provision follows other Florida communities such as Sarasota County, Town of Palm Beach, Maitland, Mount Dora, Altamonte Springs, Ocala, Plantation, and Ft. Lauderdale.

- The display of medical marijuana products or marijuana delivery devices within the waiting and entry area. This provision incorporates F.S. 381.986 (8) (f.3) excerpted above.
- The dispensing of marijuana or marijuana delivery device between 9:00 p.m. and 7: a.m. This provision incorporates F.S. 381.986 (8) (f.3) excerpted above.

DSAC-LDR SUBCOMMITTEE RECOMMENDATION: The DSAC-LDR Subcommittee reviewed the amendment on April 18, 2018, lacking a quorum, members present made the following suggestions for further review at the regular DSAC meeting:

- Clarify standards related to statutory law from standards recommended by local government.
- Address the type of adequate lighting lenses such as full cutoff or semi-cutoff.
- Include a cross reference to the County’s Sign Code.
- Regarding a requirement that a transport delivery vehicle be parked in a garage or fully enclosed structure, there was no consensus. Some members found it to be a favorable deterrence to criminal activity during night time delivers while others were opposed because drug stores and a pharmacy do not have the same standard.

DSAC RECOMMENDATION: This amendment is scheduled for review at the regular DSAC meeting on May 2, 2018.

FISCAL & OPERATIONAL IMPACTS: There are no anticipated fiscal or operational impacts associated with this amendment.

GROWTH MANAGEMENT PLAN IMPACT: There are no Growth Management Plan impacts associated with this amendment.

Amend the LDC as follows:

1.08.02 Definitions

* * * * *

Low-THC cannabis: Has the same meaning as in F.S.381.986; 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 from a medical marijuana dispensary.

* * * * *

Marijuana: Has the same meaning as in F.S. 381.986; all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana dispensary for medical use by a qualified patient.

* * * * *

Medical marijuana dispensary: A dispensing facility of a medical marijuana treatment center, which is licensed in accordance with F.S. 381.986.

* * * * *

1 Medical use: Has the same meaning as in F.S. 381.986; the acquisition, possession,
2 use, delivery, transfer, or administration of marijuana authorized by a physician certification. The
3 term does not include:

- 4 1. Possession, use, or administration of marijuana that was not purchased or
5 acquired from a medical marijuana dispensary.
- 6 2. Possession, use, or administration of marijuana in a form for smoking, in the form
7 of commercially produced food items other than edibles, or of marijuana seeds or
8 flower, except for flower in a sealed, tamper-proof receptacle for vaping.
- 9 3. Use or administration of any form or amount of marijuana in a manner that is
10 inconsistent with the qualified physician's directions or physician certification.
- 11 4. Transfer of marijuana to a person other than the qualified patient for whom it was
12 authorized or the qualified patient's caregiver on behalf of the qualified patient.
- 13 5. Use or administration of marijuana in the following locations:
 - 14 a. On any form of public transportation, except for Low-THC cannabis.
 - 15 b. In any public place, except for Low-THC cannabis.
 - 16 c. In a qualified patient's place of employment, except when permitted by his
17 or her employer.
 - 18 d. In a state correctional institution, as defined in F.S. 944.02 or a
19 correctional institution, as defined in F.S. 944.241.
 - 20 e. On the grounds of a preschool, primary school, or secondary school,
21 except as provided in F.S. 1006.062.
 - 22 f. In a school bus, a vehicle, an aircraft, or a motorboat, except for Low-
23 THC cannabis.

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26 **2.03.03 Commercial Zoning Districts**

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28 B. Commercial Convenience District (C-2).

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- 30 1. The following uses, as identified with a number from the Standard Industrial
31 Classification Manual (1987), or as otherwise provided for within this section are
32 permissible by right, or as accessory or conditional uses within the C-2
33 commercial convenience district.

34 a. Permitted uses.

35 * * * * * * * * * * * * *

36 46. Medical marijuana dispensary with 1,800 square feet or less gross
37 floor area and subject to LDC section 5.05.16.

38 ***Renumber remaining uses***

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40 C. Commercial Intermediate District (C-3).

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- 42 1. The following uses, as identified with a number from the Standard Industrial
43 Classification Manual (1987), or as otherwise provided for within this section are
44 permissible by right, or as accessory or conditional uses within the commercial
45 intermediate district (C-3).

46 a. *Permitted uses.*

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48 57. Medical marijuana dispensary, subject to LDC section 5.05.16.

49 ***Renumber remaining uses***

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51 D. General Commercial District (C-4).

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1 1. The following uses, as defined with a number from the Standard Industrial
2 Classification Manual (1987), or as otherwise provided for within this section are
3 permissible by right, or as accessory or conditional uses within the general
4 commercial district (C-4).

5 a. *Permitted uses.*
6 * * * * *

7 86. Medical marijuana dispensary, subject to LDC section 5.05.16.
8 **renumber remaining uses**

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10 E. Heavy Commercial District (C-5).

11 * * * * *

12 1. The following uses, as identified with a number from the Standard Industrial
13 Classification Manual (1987), or as otherwise provided for within this section are
14 permissible by right, or as accessory or conditional uses within the heavy
15 commercial district (C-5).

16 a. *Permitted uses.*
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18 106. Medical marijuana dispensary, subject to LDC section 5.05.16.
19 **renumber remaining uses**

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22 **2.03.04 Industrial Zoning Districts**

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24 B. Business Park District (BP).

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26 1. The following uses, as identified within the latest edition of the Standard
27 Industrial Classification Manual, or as otherwise provided for within this section,
28 are permitted as of right, or as uses accessory to permitted primary or secondary
29 uses, or are conditional uses within the business park district.

30 * * * * *

31 b. Permitted secondary uses accessory to the business park district.
32 Development is limited to a maximum of 30 percent of the total acreage of
33 the business park district for the following uses:

34 * * * * *

35 4. Drug stores (5912, limited to drug stores and pharmacies) in
36 conjunction with health services group and medical
37 laboratories/research/rehabilitative groups-; and medical
38 marijuana dispensaries, subject to LDC section 5.05.16.

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41 **2.03.06 Planned Unit Development Districts**

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43 D. The following are permissible uses in the Research and Technology Park PUD:

Identified Use	Special Notes Or Regulation	RTPPUD
Accessory uses and structures	4.07.02 and 5.03.00	P
Accounting 8721, 7521,7231,7241		NT
Administrative offices		P (2)
Aircraft & Parts 3721-3728		T
Aviation/Aerospace Industries		

ATM (automatic teller machine)		P
Automobile service station	§5.05.05	NT
Banks and financial establishments Group I 6011—6062 Group II 6081—6173	NT NT	
Bar or cocktail lounge		-
Barber Shops 7241		NT
Beauty Shops 7231		NT
Boats: Boat ramps and dockage (not marinas) Boat rental Boat repair and service Boat sales	5.03.06	NT -NT
Broadcast studio, commercial radio and television		T
Business services 7311—7352, 7359—7389		NT
Cable and other pay television services 4841		T
Call Center and Customer Support Activities		T
Car wash		NT
CD-ROM development		T
Clothing stores, general		NT
Communication groups 4812—4841		T
Communication towers: 75 feet or less in height More than 75 feet in height	5.05.09	P CU
Computer and data processing services, Computer related services, not elsewhere classified		T
Consumption on premises		NT
Convenience food and beverage store		NT
Day care center, adult & child services		P/NT
Data and Information processing		T
Development testing and related manufacturing		T
Drive-through facility for any Permitted use		P
Drugs, Medicine 2833-2836		T
Drugstore, pharmacy 5912		NT
Dwelling unit: Single-family, duplex Two-family attached Townhouse, multiple-family building		P P P
Educational, scientific and research organizations		T
Engineering 0781, 8711—8713, 8748		NT
Export based laboratory research or testing activities		T
Fences, walls	5.03.02	P
Food and beverage service, limited		NT
Food stores 5411—5499		NT
Gasoline dispensing system, special		NT
General Merchandise 5331—5399		NT
General Contractors 1521—1542		NT
Gift and souvenir shop		NT
Hardware store 5251		NT

Health care facilities: 8011—8049 8051—8099		NT NT
Health Technologies		T
Heliport or helistop		P
Hobby, toy and game shops		NT
Hotel/motel: 7011, 7021, 7041		NT
Housing units for employees only	5.05.03	P
Insurance companies 6311—6399, 6411		NT
Information Technologies		T
Laboratories 5047, 5048, 5049, 8071, 8731, 8734		T
Laundry or dry cleaning		NT
Legal Offices 8111		NT
MANUFACTURING OF:		
1. Electronics 3612—3699		T
2. Measuring, analyzing & Controlling instruments, 3812—3873		T
3. Novelties, jewelry, toys and signs		NT
Management 8741—8743, 8748		NT
Medical Laboratory 8071, 8072, 8092, 8093		T
Medical marijuana dispensary	5.05.16	<u>NT</u>
Membership Organization 8611—8699		NT
Motion picture production studio 7812—7819		NT
Multimedia activities		T
Parks		P
Parking lot: Accessory Garage, public parking		P P
Personal services 7211—7299		NT
Pharmacy		NT
Photo finishing laboratory		T
Photographic Studios 7221		NT
Physical Fitness 7991		NT
Play Ground		P
Printing and publishing 2752		T
Production facilities and operations/technology based		T
Professional Office		NT
Research, development laboratories & Technology Parks: 8071, 8731, 8734	See Note (3)	P
All others		P
Residential Development including care units, family care facilities and group care facilities		P
Residential accessory uses		NT
Restaurant, fast food		NT
Restaurants 5812—5813		NT
Schools: Commercial 8243—8299		NT
Security & Commodity Brokers 6211—6289		NT
Self-service fuel pumps		NT
Signs in accordance with 5.06.00	§ 5.06.00	P

Storage: Indoor only		P
Studios		NT
Telephone communications 4813		T
Travel Agency 4724		NT

Legend: (-) not permitted, (P) permitted, (CU) conditional use (T) target industry [RTPPUD only], (NT) non-target industry [RTPPUD only]

Notes:

- (1) Subject to limitations for commercial uses set forth in LDC subsection 2.03.03 C. of this LDC.
- (2) Accessory uses only
- (3) Subject to ordinance 02-24 (GMP amendment).

I. A Medical marijuana dispensary is a permitted use, subject to LDC section 5.05.16, within PUDs approved prior to [effective date of the ordinance], only when the PUD's list of permitted uses includes SIC code 5912, drug store, pharmacy, or any of the following zoning districts listed in the PUD: C-2, C-3, C-4, C-5, BP, or RTPPUD.

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2.03.07 Overlay Zoning Districts

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H. Santa Barbara Commercial Overlay District (SBCO). Special conditions for properties abutting the east side of Santa Barbara Boulevard and the west side of 55th Terrace S.W., as referenced in the Santa Barbara Commercial Subdistrict Map (Map 7) of the Golden Gate Area Master Plan. This is referenced as figure 2.03.07 H. below.

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6. The following uses, as identified within the latest edition of the Standard Industrial Classification Manual, or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted primary or secondary uses, or are conditional uses within the Santa Barbara Commercial Overlay District.

a. Permitted uses.

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51. Medical marijuana dispensary, subject to LDC section 5.05.16.

****Renumber remaining uses****

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O. Golden Gate Downtown Center Commercial Overlay District (GGDCCO). Special conditions for properties in the vicinity of Golden Gate Parkway in Golden Gate City, as identified on the Golden Gate Downtown Center Commercial Subdistrict Map of the Golden Gate Area Master Plan and as contained herein.

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4. **Permitted uses.**

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c. Commercial uses:

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48. Medical marijuana dispensary limited to 5,000 square feet per floor and subject to LDC section 5.05.16.

****Renumber remaining uses****

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5.05.16 Medical Marijuana Dispensaries.

A. Purpose and Intent. The purpose of this section is to provide for the compatibility of medical marijuana dispensaries with surrounding uses and to protect the health, safety, and welfare of the general public by adherence to Section 381.986 F.S.

B. Separation Distances.

1. A medical marijuana dispensary shall not be located within 500 feet of the real property that comprises a public or private elementary, middle, or secondary school. The distance of 500 feet shall be measured as the shortest distance between the lot on which the school is located and the lot on which the medical marijuana dispensary is located, except that medical marijuana dispensaries located in shopping centers shall be measured to the outer wall of the establishment.

2. The erection of any public or private elementary school, middle school, or secondary school subsequent to the issuance of a development order for a medical marijuana dispensary shall not cause the medical marijuana dispensary to become nonconforming.

C. Signage. Signage shall be limited to one wall sign or hanging sign in the window of the premises that identify the medical marijuana dispensary by business name, the state Department of Health (DOH) approved trade name, or the DOH approved logo and meet the requirements of LDC section 5.06.00. A medical marijuana dispensary's trade name and logo may not contain wording or images commonly associated with marketing targeted toward children or which promote recreational use of marijuana.

D. Security Measures and Design.

1. Medical marijuana dispensaries shall be designed and equipped with the following:

a. A dark sky compliant outdoor lighting system to clearly identify persons and vehicles on premise, oriented downward and shielded to minimize light trespass and glare. The design shall reduce excessive glare, light trespass and sky glow with light fixtures that are full cutoff with flat lenses.

b. The indoor premises will include a waiting area with adequate seating for qualified patients and caregivers and at least one private consultation area that is isolated from the waiting area and the area where dispensing occurs.

c. The medical marijuana transport delivery vehicle shall be parked in a garage or fully enclosed structure, when not in use for delivery.

2. The following are prohibited;

a. Drive-through, drive-ins, curbside pickup, take-out windows or similar outdoor transaction facilities and all outdoor transactions.

b. The display of products, marijuana, or marijuana delivery devices in the waiting area.

c. Dispensing from the premises marijuana or a marijuana delivery device between the hours of 9:00 P.M. and 7:00 A.M.

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