



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Planning Commission

Through: Cheryl Cioffari, AICP, Acting Senior Director of Planning & Environmental Resources / Comprehensive Planning Manager

From: Brad Stein, AICP, Planning and Development Review Manager

Date: June 14, 2019

Subject: AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS EXTENDING AN INTERIM DEVELOPMENT ORDINANCE AS INITIALLY ESTABLISHED ON JULY 19, 2017 THROUGH ORDINANCE 010-2017, EXTENDED 365 DAYS THROUGH ORDINANCE 019-2018 AND FOR AN ADDITIONAL 365 DAYS TO DEFER THE ACCEPTANCE AND APPROVAL OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES COMMENCING OCTOBER 27, 2019, UNTIL SUCH TIME AS A COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENT PROCESS IS COMPLETED REGARDING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-061)

Meeting: June 26, 2019

I. REQUEST

The Monroe County Planning & Environmental Resources Department is proposing an extension to an approved interim development ordinance (IDO), Ordinance 010-2017, previously extended by Ordinance 019-2018, deferring the acceptance and approval of new applications for the establishment of Medical Marijuana Treatment Center Dispensing Facilities commencing October 27, 2019. Providing for expiration within 365 days of the effective date of the extension to the IDO or when the Comprehensive Plan and Land Development Code amendments become effective,

whichever comes first.

II. BACKGROUND INFORMATION

The Monroe County Year 2030 Comprehensive Plan, which became effective on June 20, 2016, and the County's updated Land Development Code which became effective on February 3, 2017, do not address Medical Marijuana Treatment Center Dispensing Facilities or uses.

The Monroe County Board of County Commissioners adopted Resolution 047-2017, at a regular meeting on February 15, 2017, in Key West, directing staff to process an ordinance to impose a temporary moratorium deferring the approval of new private applications for the establishment of Medical Marijuana Dispensing Facilities commencing February 15, 2017.

At a regularly scheduled meeting on July 19, 2017, in Marathon, the BOCC adopted interim development Ordinance 010-2017. At a regularly scheduled meeting on August 15, 2018, in Key West, the BOCC adopted interim development Ordinance 019-2018 extending the IDO for an additional 365 days. This ordinance is due to expire on October 27, 2019, if the relevant Comprehensive Plan and Land Development Code amendments are not adopted and effective before that date.

Staff is working on BOCC directed amendments related to the establishment of Medical Marijuana Treatment Center Dispensing Facilities. However, the State of Florida continues to develop regulations from which County regulations would be derived. Florida Statute Section 381.986(11) provides specific rules about the level of regulation a local government may or may not impose on Medical Marijuana Treatment Center Dispensing Facilities. An extension to the temporary moratorium is necessary to review, study, hold public hearings, and prepare and adopt an amendment or amendments to the Land Development Code and the Comprehensive Plan to regulate Medical Marijuana Treatment Center Dispensing Facilities. Therefore, staff is recommending an extension to the interim development ordinance for 365 days or until an ordinance amending the Comprehensive Plan and Land Development Code to add such County regulations is adopted and becomes effective, whichever comes first.

Following the BOCC adoption of interim development Ordinance 010-2017, Florida Statute Section 381.986 has changed and some terms as previously defined have been updated or are no longer used. The previously used term "Medical Marijuana Dispensing Facility" is now referred to as "Medical Marijuana Treatment Center Dispensing Facility/ies." The draft Ordinance has been updated to reflect the current language in Florida Statute Section 381.986.

Community Meeting and Public Participation

In accordance with LDC Section 102-159(b)(3), a Community Meeting was held on May 21, 2019 in Marathon to provide for public input. There were no members of the public in attendance.

Development Review Committee and Public Input

At a regular meeting held on May 28, 2019, the Development Review Committee (DRC) considered the proposed interim development Ordinance and provided for public comment.

III. STAFF RECOMMENDATION

Staff recommends approval of the extension to the IDO.

The IDO provides a period of time between the current adopted comprehensive plan and land development code and the adoption of any new amendment(s) [new definitions and/or other code requirements] to ensure that the amendments are fully evaluated to ensure public health, safety, and welfare of the citizens of unincorporated Monroe County, including the provision of public participation in the planning process.

Staff is working on BOCC directed amendments related to the establishment of Medical Marijuana Treatment Center Dispensing Facilities. However, the State of Florida continues to develop regulations from which County regulations would be derived. Therefore, staff is recommending an extension to the interim development ordinance for 365 days or until an ordinance amending the Comprehensive Plan and Land Development Code to add such County regulations is adopted and becomes effective, whichever comes first.

IV. EXHIBITS

1. Ordinance 010-2017
2. Ordinance 019-2018
3. Draft Ordinance