



Land Development Regulations for Medical Marijuana



**Public Hearing
Board of County Commissioners
October 31, 2017**



Presentation Outline

- **Land Development Regulations**
 - Cultivating, processing, definitions
 - Dispensing
 - Allow
 - Ban
- **Ordinance Changes**
- **Other Jurisdictions**
- **PZC / LPA Recommendations**
- **Next Steps**



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Land Development Regulations

Cultivating, Processing, Definitions

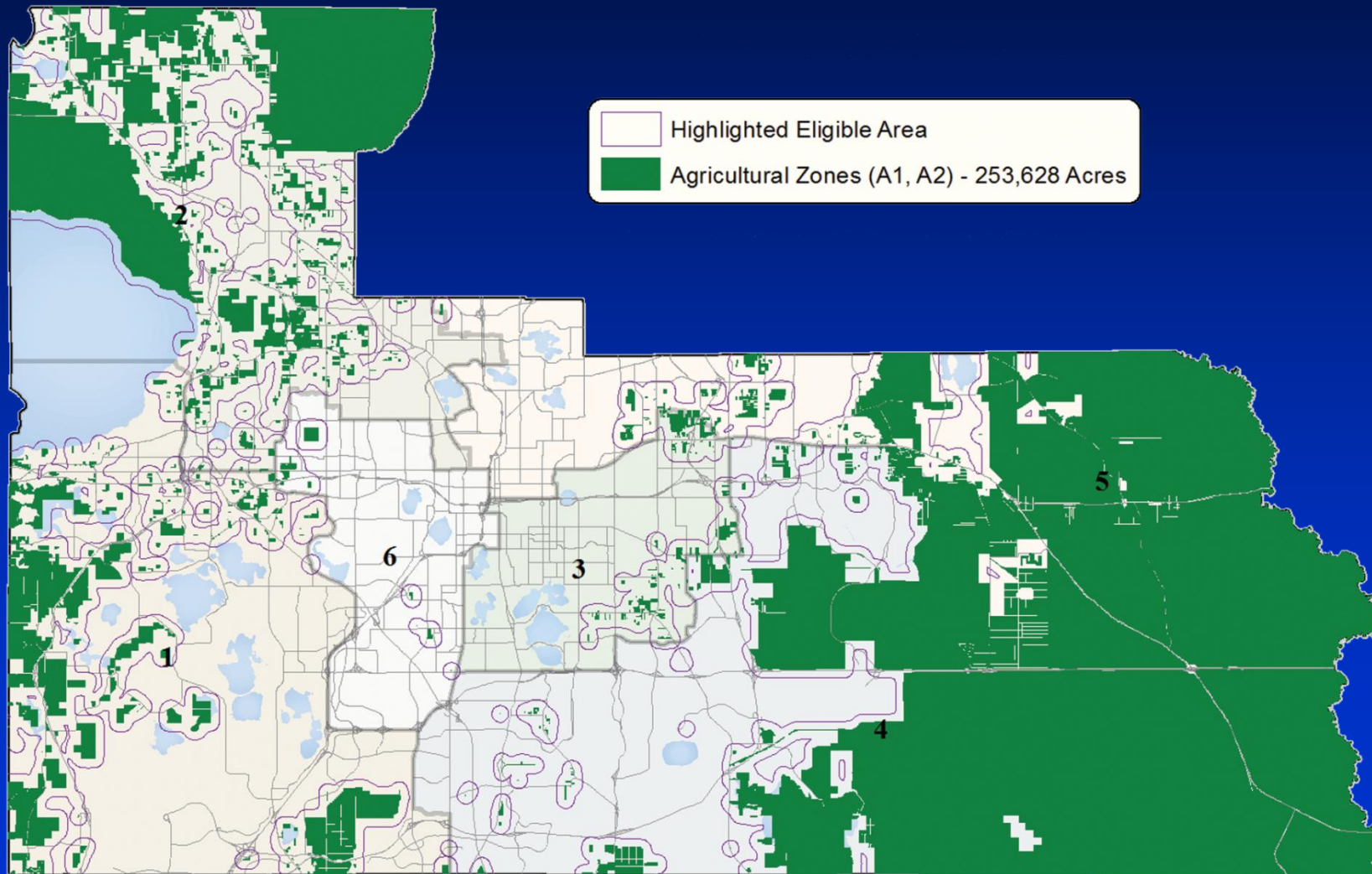
- **Definitions**
- **Zoning Districts:**
 - **Cultivation: A-1 and A-2**
 - **Processing: I2/I3 and I4**
- **Requirements:**
 - **Maintain valid state license and appropriate authorization**
 - **Obtain building/use permit**
 - **500 foot distance separation from schools**
 - **Comply with state-approved security measures**
 - **Allow appropriate inspections to determine compliance**
- **All other regulation for cultivation and processing preempted to the state**



Land Development Regulations Cultivating, Processing, Definitions

Eligible Zoning (Cultivation) A-1 & A-2

500' Buffer of School Parcels

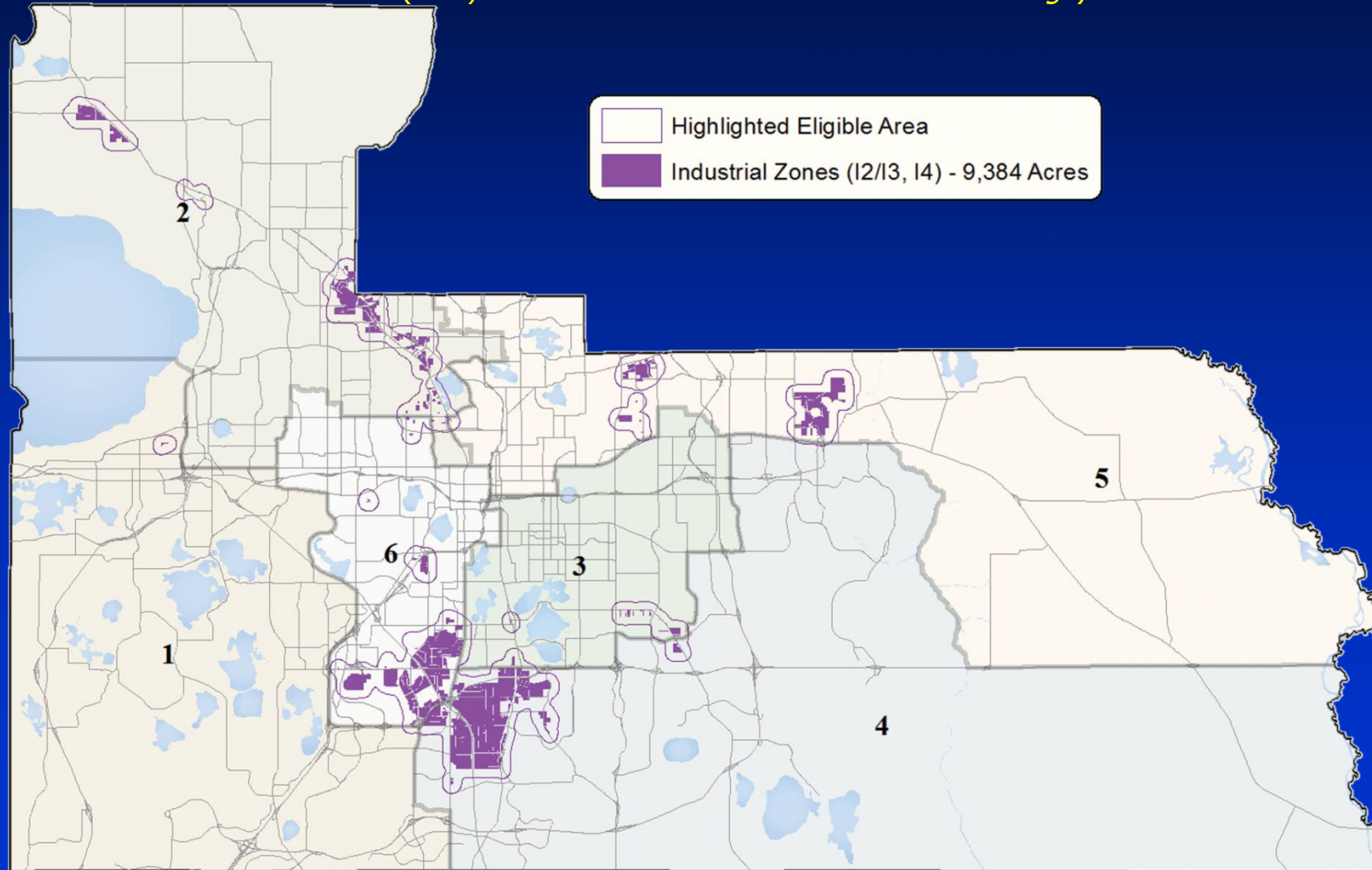




Land Development Regulations Cultivating, Processing, Definitions

Eligible Zoning (Processing) I2/I3 and I4

500' Buffer of School Parcels (*Analysis does not Include PDs with Industrial Usage*)





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Land Development Regulations Allow Dispensing

- **Zoning Districts:**

- C-1, C-2, and C-3

- **Requirements:**

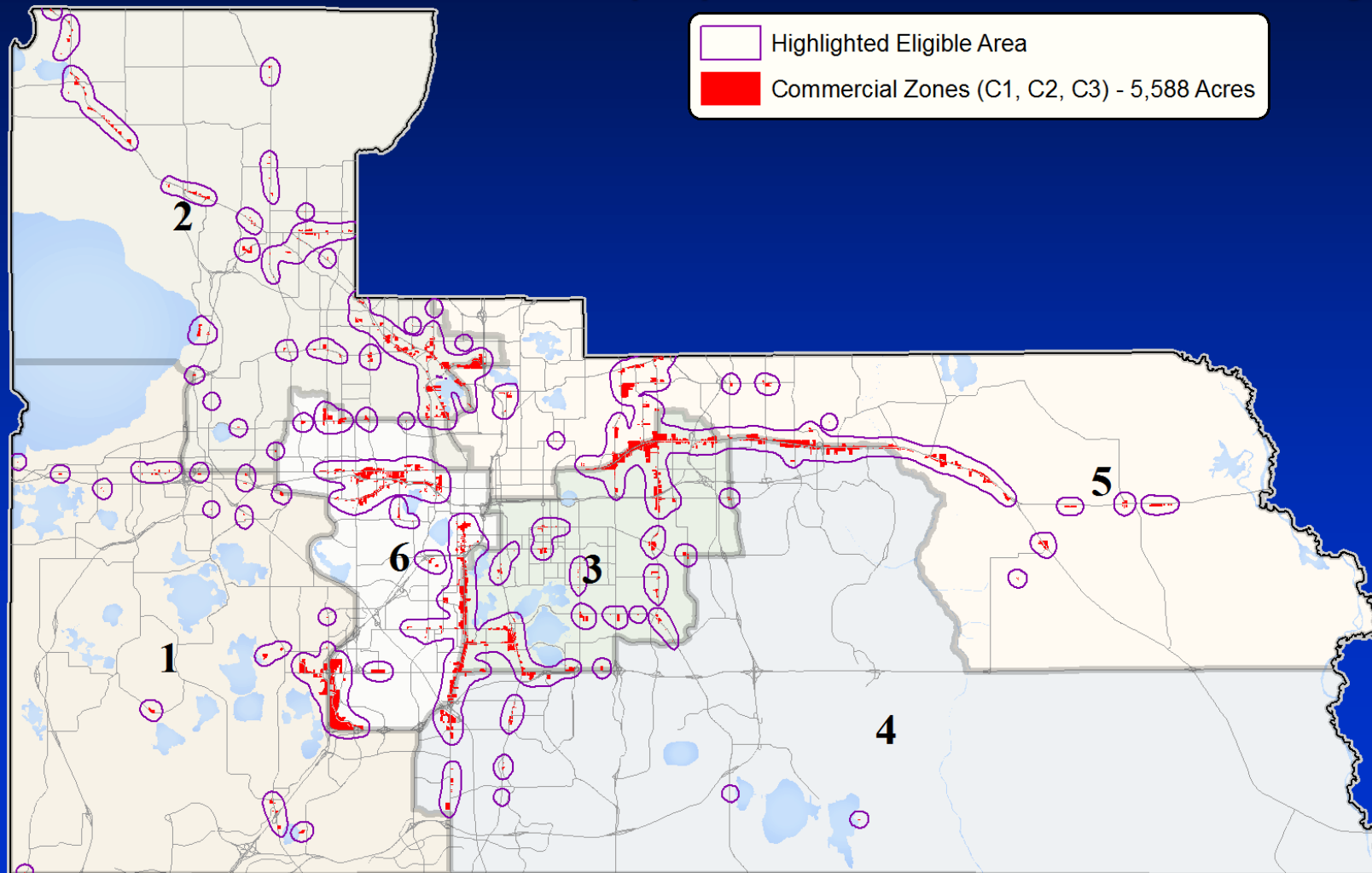
- Maintain a valid state license and authority to dispense
- Obtain building/use permit
- 500 foot distance separation from schools
- Comply with state-approved security measures
- Allow appropriate inspections to determine compliance
- Prohibition on sale of non-medical marijuana, alcohol, drug paraphernalia, illicit drug-related products, and on the dispensing of medical marijuana in the waiting area of a dispensing facility
- Meeting the appropriate parking requirements
- Adequate seating for patients and invitees so as to discourage loitering
- Only dispense between the hours of 7:00 am and 9:00 pm
- State-approved signage that meets the County's Code requirements as well as any applicable Planned Development requirements



Land Development Regulations Allow Dispensing

Eligible Zoning C-1, C-2 & C-3

500' Buffer of School Parcels (*Analysis does not Include PDs with Commercial Usage*)





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Land Development Regulations Ban Dispensing

- **Repeal existing moratorium and replace with a ban on dispensing facilities within unincorporated Orange County**



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Ordinance Changes Allow

▪ ALLOW

– Valid License

- *Delete Lines 135 - 139, 209 – 213, and 287 – 291*

~~Inspections by the appropriate County or law enforcement officials may be made as necessary to determine compliance with state law. At least seventy-two (72) hours before a **cultivating/processing/dispensing** facility terminates operation, the owner must notify the Orange County Sheriff's Office.~~

- *Add at lines 140, 214, and 292:*

Any **cultivation/processing/dispensing** facility not licensed by the State is hereby prohibited within unincorporated Orange County.

- Security

- *Lines 175 – 181, 249 -255, and 429 – 435 delete as follows:*

~~...government permits. The security plan approved by the Florida Department of Health for the **cultivation/processing/dispensing** facility must be filed with the Orange County Sheriff's Office before the **cultivation/processing/dispensing** facility opens and any changes to the security plan must be filed with the Orange County Sheriff's Office within seven (7) days of approval by the Florida Department of Health.~~



Ordinance Changes Allow

- ALLOW (continued)

- Inspections

- *Lines 187 – 197, 261 -271, and 441 – 451 modify as follows:*

~~With the permission of the applicable property owner or tenant or with a warrant obtained in accordance with Chapter 933, Florida Statutes, a~~ Any law enforcement officer deputy sheriff employed by the Orange County Sheriff's Office may make searches of persons, places, and conveyances of any kind whatsoever associated with the **cultivation/processing/dispensing** facility in accordance with all applicable laws.,~~a~~ Any code enforcement officer, or any other person authorized to enforce county ordinances may enter the **cultivation/processing/dispensing** facility premises and conduct an inspection to determine compliance with this ~~article~~ section at any time the **cultivation/processing/dispensing** facility is open or occupied. Refusal to ~~allow entry to the premises provide~~ proof of a valid license and **cultivation/processing/dispensing** authority from the state shall be considered a violation of this code.



Ordinance Changes Ban

■ BAN

– Valid License

- *Delete Lines 195 – 199 and 267 – 273:*

~~Inspections by the appropriate County or law enforcement officials may be made as necessary to determine compliance with state law. At least seventy two (72) hours before a **cultivating/processing** facility terminates operation, the owner must notify the Orange County Sheriff's Office.~~

- *Add at lines 200 and 274:*

Any **cultivation/processing** facility not licensed by the State is hereby prohibited within unincorporated Orange County.

– Security

- *Lines 235 -241 and 309– 315 delete as follows:*

~~...government permits. The security plan approved by the Florida Department of Health for the **cultivation/processing** facility must be filed with the Orange County Sheriff's Office before the **cultivation/processing** facility opens and any changes to the security plan must be filed with the Orange County Sheriff's Office within seven (7) days of approval by the Florida Department of Health.~~



Ordinance Changes Ban

- BAN (continued)

- Inspections

- *Lines 247 – 257 and 321 - 331, modify as follows:*

~~With the permission of the applicable property owner or tenant or with a warrant obtained in accordance with Chapter 933, Florida Statutes, a~~ Any law enforcement officer deputy sheriff employed by the Orange County Sheriff's Office may make searches of persons, places, and conveyances of any kind whatsoever associated with the cultivation/processing facility in accordance with all applicable laws., ~~a~~ Any code enforcement officer, or any other person authorized to enforce county ordinances may enter the cultivation/processing premises and conduct an inspection to determine compliance with this article section at any time the cultivation/processing facility is open or occupied. Refusal to allow entry to the premises provide proof of a valid license and cultivation/processing authority from the state shall be considered a violation of this code.



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Other Jurisdictions

Municipalities in Orange County

■ Moratorium

- *Edgewood* – moratorium expired (no further action)

■ Dispensaries Banned (or being banned)

- *Winter Garden*
- *Winter Park*
- *Apopka*
- *Windermere*
- *Ocoee*

■ Dispensaries Allowed

- *Orlando*
 - Knox Medical – 1901 N. Orange Avenue, Orlando
 - Trulieve (Coming Soon) - 4544 N. Orange Blossom Trail, Orlando



Other Jurisdictions

Other Florida Counties

- **Moratorium (existing or in process)**
 - *Seminole County*
 - *Osceola County*
 - *Hardee County*
 - *Brevard County*

- **Dispensaries Banned (or being banned)**
 - *Indian River County*
 - *Sumter County*
 - *Collier County*
 - *Charlotte County*
 - *Lake County*

- **Dispensaries Allowed (or being allowed)**
 - *Polk County*
 - *Broward County*
 - *Palm Beach County*
 - *Flagler County*



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PZC / LPA Recommendations

- PZC / LPA public hearing on October 19, 2017
- Allow:
 - Make a finding of *inconsistency* with the Comprehensive Plan and *recommend denial*
- Ban:
 - Make a finding of *consistency* with the Comprehensive Plan and *recommend approval*
- Request that legislature provide greater home rule authority
- If BCC adopts a ban on dispensaries, recommend that the ban be reconsidered after next legislative session



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Next Steps

- **First BCC public hearing**
 - **October 31, 2017 – 2:00 pm**
- **Second BCC public hearing (adoption)**
 - **November 14, 2017 - 5:01 pm**



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