

EXECUTIVE SUMMARY



To: Jim Scholl, Interim City Manager
Through: Donald Leland Craig, AICP, Planning Director
From: Carlene Smith, LEED Green Associate, Planner II
Meeting Date: November 5, 2014

RE: Consideration of an ordinance of the City of Key West, Florida invoking the Zoning in Progress doctrine; declaring that the City is considering amendments to its Land Development Regulations to adopt criteria permitting and regulating the location of medical marijuana treatment centers; directing Building and Planning Department staff to defer the acceptance and processing of applications requiring the issuance of permitting the location of medical marijuana treatment centers; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

ACTION STATEMENT

Request: Approval of a Zoning in Progress to adopt criteria permitting and regulating the location of medical marijuana treatment centers.
Location: Citywide

BACKGROUND

On October 9, 2014, the City Manager's Office recommended the Planning Department initiate a Zoning in Progress (ZIP) to address the issue of medical marijuana treatment centers to protect the health, safety and welfare of the citizens of Key West. The city does not have a mechanism to regulate the use, location, design, operation, maintenance and number of treatment centers.

The Planning Board reviewed the Zoning in Progress on October 16, 2014 and requested that it not restrict or encumber the distribution of State approved and regulated medications from licensed pharmacies or medical centers.

The purpose of a Zoning in Progress is to give Planning staff 180 days to explore potential zoning designations for the location and regulation of the treatment centers such as Commercial General (CG) and Limited Commercial Districts (CL). Further, there are other determinations that need to be contemplated. Staff has identified the following issues that need to be addressed:

1. Establish a definition of medical marijuana treatment centers.
2. Limit medical marijuana treatment centers as Conditional Use limited to certain zoning districts.
3. Regulate distance of medical marijuana treatment centers 1,000 feet from schools and churches.

4. Regulate distance from other medical marijuana treatment centers.

City Actions:

Planning Board

October 16, 2014, via PB Resolution 2014-69

RECOMMENDATION

Options / Advantages / Disadvantages:

Option 1. To approve the proposed Zoning in Progress to adopt criteria regulating the location of medical marijuana treatment centers:

1. **Consistency with the City's Strategic Plan, Vision and Mission:** The City's Strategic Plan, Vision, and Mission does not address issues pertinent to this request.
2. **Financial Impact:** There is no direct financial impact to the City if the ZIP is approved.

Option 2. To deny the proposed Zoning in Progress to adopt criteria regulating the location of medical marijuana treatment centers:

1. **Consistency with the City's Strategic Plan, Vision and Mission:** The City's Strategic Plan, Vision, and Mission does not directly address issues pertinent to this request.
2. **Financial Impact:** There is no direct financial impact to the City if the ZIP is approved.

Planning Staff recommends **Option 1.**