

# MEDICAL CANNABIS DISPENSARIES

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## I. Requested Action

The City Council should take immediate action to clarify its position by amending our Land Development Code (“LDC”) to allow medical cannabis dispensaries on Marco Island pursuant to state law.

## II. Action Background

- A. In November of 2016, the citizens of the State of Florida voted in favor of Amendment 2, an amendment to the Constitution of the State of Florida authorizing the use of medical cannabis in certain circumstances. The Amendment passed with 71% of the vote statewide, 64% of the vote in Collier County, and 60% of the vote in the City of Marco Island.
- B. In March of 2017, in support of our citizens’ constitutional rights, the City Council voted down a proposed twelve month moratorium on medical cannabis dispensaries within city limits. Over two years has passed since that vote and during such time, many municipalities across the state, including the City of Bonita Springs, have ended moratoriums and/or adopted changes allowing dispensaries within their jurisdiction. A list of approved dispensing facilities (121 as of 5/10/19) is attached as backup material to this position paper.
- C. At the May 20, 2019 meeting of City Council, Councilor Larry Honig presented a position paper titled “Medical Marijuana - Understanding Local Government Authority” and Councilor Sam Young requested a Future Agenda item on the June 3, 2019 agenda for City Council to discuss and vote on the related LDC issue (approval or denial of Medical Marijuana Treatment Center dispensing facilities on the island).
- D. Under state law (F.S. 381.986), cannabis dispensaries can be permitted to operate in zoning districts that allow pharmacies. Not anyone can become licensed as a dispensary. A dispensary must be associated with one of the vertically aligned companies approved by the Department of Health’s Office of Compassionate Use, and must conform to all State requirements for dispensaries including the 500 foot separation requirement, the Florida Building Code, and all other applicable regulations under current state law. F.S. 381.986 (11) PREEMPTION is attached as backup material to this position paper.
- E. Under our current LDC, pharmacies and drug stores are permitted as of right in the general commercial district (C-4). This is listed in Section 30-242 Permitted Uses of our LDC and is attached as backup material to this position paper.

## III. Specific Requested Action

- The City Council should vote to direct the City Manager to bring back an amendment to Sec 30-242 Permitted Uses, and any other necessary or required changes, to allow Medical Marijuana Treatment Center dispensing facility pursuant to state law.
- Medical marijuana treatment center dispensing facility *shall mean a location licensed and regulated by the State of Florida, where qualified patients registered in the medical marijuana use registry and who are issued a physician certification may acquire products authorized to be sold to patients in the state.*

## IV. Conclusion

To remove ambiguity and in support of our citizens’ rights, the City Manager should bring back an amendment with the required public notice for Council debate and vote on first reading no later than July 15, 2019.