

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

JANUARY 7, 2016

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendations on:

ORDINANCE 2015-782

AN ORDINANCE REGARDING THE LOCATION OF LOW-THC CANNABIS FACILITIES; AMENDING SECTION 656.1601 TO PROVIDE DEFINITIONS OF LOW-THC CANNABIS FACILITIES AND OTHER RELATED TERMS; AMENDING SECTION 656.313 TO ALLOW THE PROCESSING AND/OR DISPENSING OF LOW-THC CANNABIS AS A PERMITTED USE IN THE CCG-1 AND CCG-2 ZONING DISTRICTS; AMENDING SECTION 656.321 TO ALLOW THE PROCESSING AND/OR DISPENSING OF LOW-THC CANNABIS AS A PERMITTED USE IN IBP ZONING DISTRICTS; AMENDING SECTION 656.322 TO ALLOW THE CULTIVATION, PROCESSING AND/OR DISPENSING OF LOW-THC CANNABIS AS A PERMITTED USE IN IL ZONING DISTRICTS; AMENDING SECTION 656.331 TO ALLOW THE CULTIVATION OF LOW-THC CANNABIS AS A PERMITTED USE IN AGR ZONING DISTRICTS; AMENDING SECTION 656.401 TO ADD PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA FOR THE CULTIVATION, PROCESSING, AND DISPENSING OF LOW-THC CANNABIS; REPEALING ORDINANCES 2015-436-E AND 2015-485-E; AND PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

This bill amends Chapter 656 – Zoning Code – to establish locations and performance standards for the cultivation, processing, and dispensing of Low-THC cannabis. It is a response to the “Compassionate Medical Cannabis Act of 2014” (“the Act”) passed by the Florida Legislature. The bill was introduced by the Land Use and Zoning Committee with the goal of protecting the City’s interest by clarifying and defining the cultivation, processing, and dispensing of Low-THC Cannabis and related terms in the Zoning Code in an effort to regulate and limit said uses within the City. The bill also repeals Ordinances 2015-436-E and 2015-485-E which established temporary moratoriums on the issuance of any development order for, or for the allowance of, the cultivation, processing, or dispensing of Low-THC Cannabis.

The cultivation, processing, and dispensing of Low-THC Cannabis are restricted to the following zoning districts:

Zoning District	Cultivation	Processing	Dispensing
CCG-1	No	Yes	Yes
CCG-2	No	Yes	Yes
IBP	No	Yes	Yes
IL	Yes (indoor only)	Yes	Yes
AGR	Yes	No	No

Additional restrictions limit all processing and dispensing to indoor facilities. There can be only one dispensing facility per planning district (the City has six planning districts) and the facilities must be at least one mile apart.

II. EVALUATION

- A. The need and justification for the change This bill is a response to the “Compassionate Medical Cannabis Act of 2014” (“the Act”) passed by the Florida Legislature in order to regulate the cultivation, processing, and dispensing of Low-THC Cannabis in the City of Jacksonville.
- B. Summary of Bill A summary is provided under the General Information section of this report.
- C. The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.

This bill is consistent with the spirit and intent of both the Comprehensive Plan and the Zoning Code in that it is the intent of the legislation to protect and preserve the public health, safety and welfare of the people of the City of Jacksonville by instituting and enforcing rules which reduce and minimize the impact and secondary effects of Low-THC Cannabis, and in doing so seeks to: (i) regulate the activity, (ii) control the concentration of the activity, and (iii) improve the visual appearance of the community.

- D. Consistency with the Comprehensive Plan.

The Comprehensive Plan is silent to Low-THC Cannabis, but as previously noted, this legislation is consistent with the spirit and intent of the Comprehensive Plan.

III. RECOMMENDATIONS

The Planning and Development Department recommends that Ordinance 2015-782 be **APPROVED**.