



The CITY OF DAYTONA BEACH

“THE WORLD'S MOST FAMOUS BEACH”

MEMORANDUM

DATE: August 14, 2017
TO: James V. Chisholm, City Manager
FROM: Richard Walton, AICP, Planning Director
SUBJECT: Land Development Code Text Amendments – Amend Articles 5, 6, and 11 (DEV2017-076)

A request by Development and Administrative Services, Planning Division, to amend Sections 5, 6, and 11 of the Land Development Code to prohibit Marijuana Dispensaries. The recently approved Senate Bill 8A regarding guidelines for the medical marijuana industry allowed for the following options:

1. Allow medical marijuana treatment center dispensing facilities but regulate them no more restrictively than we do pharmacies.
2. A local government may ban medical marijuana treatment center dispensing facilities from locating within the boundaries of the city.

The discussions at the July 19, 2017 City Commission meeting directed staff to move forward with an Ordinance to establish a City wide ban on marijuana dispensaries.

At the July 27, 2017 Planning Board Meeting, the Board recommended approval 6-to-0. Staff supports the Planning Board recommendation to the City Commission.

The Legal Department has since revised the definition of Marijuana Dispensary to recognize the state preemption of the cultivation, processing, and delivery of marijuana by medical marijuana treatment centers as follows:

Marijuana Dispensary. Any facility, whether licensed by the State of Florida Department of Health or not, that acquires, ~~cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers~~ marijuana, products containing marijuana, related supplies, or educational materials.