

Code
change

ORDINANCE NO. 2017- 132

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, **RELATING TO MEDICAL MARIJUANA**, MAKING REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 27 (ZONING AND LAND DEVELOPMENT); AMENDING SECTION 27-43, DEFINITIONS; AMENDING SECTION 27-130, CONDITIONS AND SAFEGUARDS; AMENDING SECTION 27-132, REGULATIONS GOVERNING INDIVIDUAL SPECIAL USES; AMENDING SECTION 27-156, OFFICIAL SCHEDULE OF DISTRICT REGULATIONS; AMENDING SECTION 27-171, DISTRICT REGULATIONS FOR M-AP AIRPORT COMPATIBILITY DISTRICTS; AMENDING SECTION 27-177, HISTORIC DISTRICT ESTABLISHED; AMENDING SECTION 27-184, OFFICIAL SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY AND SPECIAL USES; REQUIRED OFF-STREET PARKING RATIOS BY USE; AMENDING SECTION 27-198, OFFICIAL SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY AND SPECIAL USES; AMENDING SECTION 27-200, PARKING REQUIREMENTS; AMENDING SECTION 27-211.8, SCHEDULE OF PERMITTED USES BY DISTRICT; AMENDING SECTION 27-211.12, PARKING DESIGN AND ACCESS MANAGEMENT; AMENDING SECTION 27-212.4, SCHEDULE OF ALLOWABLE, PERMITTED, AND PROHIBITED USES BY DISTRICT; AMENDING SECTION 27-283.7, NUMBER OF OFF-STREET PARKING SPACES; CREATING SECTION 27-282.29, MEDICAL MARIJUANA TREATMENT CENTER (MMTC) FACILITIES; DISTANCE SEPARATION REQUIREMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, medical marijuana dispensing and processing facilities are a new and unique use that is not currently addressed in the City of Tampa Code of Ordinances; and

WHEREAS, Amendment 2 to the Florida Constitution providing for medical marijuana treatment centers was approved by the voters on November 8, 2016, and became effective on January 3, 2017; and

WHEREAS, on June 23, 2017 the Governor signed into law Special Session Senate Bill 8A, Chapter number 2017-232 of the Laws of Florida; and

WHEREAS, the Hillsborough County City-County Planning Commission conducted a public hearing on August 14, 2017, on this ordinance and made a finding that it is consistent with the Tampa Comprehensive Plan; and

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1 **WHEREAS**, the City Council of the City of Tampa has determined that the
2 following amendment promotes and protects the general health, safety and welfare of the
3 residents of the City of Tampa; and
4

5 **WHEREAS**, duly noticed public hearings as required by law were held by the City
6 Council of the City of Tampa, at which public hearings all residents and interested persons
7 were given an opportunity to be heard.
8

9 **NOW, THEREFORE,**

10
11 **BE IT ORDAINED BY THE CITY COUNCIL**
12 **OF THE CITY OF TAMPA, FLORIDA:**
13

14 **Section 1.** That “**Sec. 27-43. Definitions.**” is hereby amended by adding the
15 underlined language as follows:
16

17 “**Sec. 27-43. Definitions.**

18
19 ... Medical marijuana: All parts of any plant of the genus Cannabis, whether
20 growing or not; the seeds thereof; the resin extracted from any part of the plant; and every
21 compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds
22 or resin, including low-THC cannabis, which are dispensed from a MMTC for medical use
23 by a qualified patient.
24

25 Medical marijuana dispensary: Any area designated or used by a MMTC or
26 approved by the State of Florida Department of Health for the dispensing at retail of low-
27 THC cannabis, medical cannabis, and cannabis delivery devices.
28

29 Medical marijuana processing facility: Any area designated or used by a MMTC
30 or approved by the State of Florida Department of Health for the processing or cultivation
31 medical cannabis.
32

33 Medical marijuana treatment center (MMTC): An entity that acquires, cultivates,
34 possesses, processes (including development of related products such as food, tinctures,
35 aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or
36 administers marijuana, products containing marijuana, related supplies, or educational
37 materials to qualifying patients or their caregivers and is registered by the Department of
38 Health. ...”
39

40 **Section 2.** That “**Sec. 27-130. Conditions and safeguards.**” is hereby
41 amended by adding the underlined language as follows:
42

43 “**Sec. 27-130. Conditions and safeguards.**

1 ...(g) Specific to medical marijuana dispensaries and processing facilities, city council
2 and the zoning administrator shall not place any additional safeguards and
3 conditions on a special use permit that are preempted by state law."
4

5 **Section 3.** That "**Sec. 27-132. Regulations governing individual special**
6 **uses."** is hereby amended by adding the underlined language as follows:
7

8 "**Sec. 27-132. Regulations governing individual special uses.**
9

10 ...Medical marijuana dispensary. The following specific standards shall be used in
11 deciding upon an application for approval of this use:

- 12 a. Nonresidential development must be designed to be compatible with
13 existing and potential future residential uses.
14 b. Compliance with the design guidelines developed and
15 recommended by the Barrio Latino Commission, including the
16 criteria set forth in section 27-97, is required.
17 c. Medical marijuana dispensaries shall not be located within five
18 hundred (500) feet of the real property on which all or a portion of
19 a school, as defined in section 27-43, is located.
20 d. Distance measurements shall be measured in a straight line distance,
21 from the boundary of the building(s) used as a medical marijuana
22 dispensary or processing facility, to the property boundary of the
23 school(s). Distance shall be measured in a straight-line, along the
24 shortest distance between the points described above, without regard
25 to the route of normal travel. ..."
26

27 **Section 4.** That "**Sec. 27-156. Official schedule of district regulations."** is
28 hereby amended by adding the underlined language and deleting the stricken language as
29 follows:
30

31 "**Sec. 27-156. Official schedule of district regulations.**
32

33 **TABLE 4-1**
34 **SCHEDULE OF PERMITTED, ACCESSORY, AND SPECIAL USES BY DISTRICT***

Uses	OP-1 ¹⁵	CN ²⁶	CG	CI	IG	IH
...						
Use Group C						
...						
<u>Medical marijuana dispensary</u> ¹⁶	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>A</u>	<u>A</u>
<u>Medical marijuana processing facility</u> ¹⁶					<u>X</u> ²¹	<u>X</u>
Notes:						
...						
¹⁵ Proposed single-use developments, excluding those within and subject to the Westshore Overlay District, shall comply with the yard (setbacks and/or build-to lines) and height standards set forth for the CG zoning district, for the following uses: Catering Shop; Craft Distillery; Dry-cleaning Plant, small; Kennel, small; Pharmacy ; Printing, light; Restaurant, Drive-in; Retail Bakery; all Retail Sales types; Truck/trailer rental; Veterinary Office; Wine production, customized.						
¹⁶ Reserved. Refer to section 27-282.29 for supplemental regulations related to this use. Any request to reduce distance requirements set forth in this section, shall be processed as a special use-2 permit (refer to article II, division 5). Requirements of this section shall serve as supplemental special use criteria (refer to section 27-132). Dispensaries in the IG and IH zoning districts may only be an accessory use to a medical marijuana processing facility.						
...						
²¹ Reserved. Development sites (zoning lots) for medical marijuana processing facilities in the IG zoning district must contain at least twenty thousand (20,000) square feet. The aggregate floor area for processing facilities on a zoning lot shall not exceed one hundred thousand (100,000) square feet."						

Section 5. That "Sec. 27-171. District regulations for M-AP airport compatibility districts." is hereby amended by adding the underlined language as follows:

"Sec. 27-171. District regulations for M-AP airport compatibility districts.

Table 4-3

(1) SCHEDULE OF M-AP PERMITTED, ACCESSORY, AND
SPECIAL USES, MAXIMUM FLOOR AREA RATIO
AND MAXIMUM COVERAGE REGULATIONS BY DISTRICT*

*Legend:

X—Permitted principal use

S1—Special use—Zoning administrator review

S2—Special use—City council review

A—Permitted accessory use

Blank—Prohibited use

[#]—Table Footnotes (additional Notes, References, Criteria, Conditions)

n/a—Not applicable

	M-AP-1			M-AP-2			M-AP-3			M-AP-4		
Permitted Uses	Use[1]	FA[R]	Coverage[2](%)	Use[1]	FA[R]	Coverage[2](%)	Use[1]	FA[R]	Coverage[2](%)	Use[1]	FA[R]	Coverage[2](%)

Section 6. That “**Sec. 27-177. Historic district established.**” is hereby amended by adding the underlined language as follows:

“**Sec. 27-177. Historic district established.**

TABLE 8-1
SCHEDULE OF PERMITTED, ACCESSORY, AND SPECIAL USES BY DISTRICT*

USES	YC-1	YC-2	YC-3	YC-4	YC-5	YC-6	YC-7	YC-8	YC-9
...									
<i>Group C</i>									
...									
Medical marijuana dispensary ¹⁸	<u>X</u>	<u>S2</u>			<u>X</u>	<u>X</u>	<u>X</u>		<u>X</u>
Notes:									
...									
¹⁸ Refer to section 27-282.29 for supplemental regulations related to this use. Any request to reduce distance requirements set forth in this section, shall be processed as a special use-2 permit (refer to article II, division 5). Requirements of this section shall serve as supplemental special use criteria (refer to section 27-132)."									

Section 7. That "Sec. 27-184. **Official schedule of permitted principal, accessory and special uses; required off-street parking ratios by use.**" is hereby amended by adding the underlined language as follows:

"Sec. 27-184. Official schedule of permitted principal, accessory and special uses; required off-street parking ratios by use.

TABLE 184 TABLE OF USES; PERMIT REQUIREMENTS; REQUIRED PARKING RATIOS BY USE				
Key:	X – Permitted principal use	S1 – Special use—Zoning administrator review		Blank – prohibited use
	A- Permitted accessory use	S2 – Special use—City council review		N/A – not applicable
Use (listed by subcategory)	District			
	CBD-1	CBD-2	Required Off-Street Parking Spaces (minimum ratios by use) [A-N]	
...				
OTHER COMMERCIAL AND NON-RESIDENTIAL USES				
...				
Medical marijuana dispensary [8]	X	X	1/1000 SF (GFA)	
Table 184 Notes				
General Notes:				
...				
[8] Refer to section 27-282.29 for supplemental regulations related to this use. Any request to reduce distance requirements set forth in this section, shall be processed as a special use-2 permit (refer to article II, division 5). Requirements of this section shall serve as supplemental special use criteria (refer to section 27-132)."				

Section 8. That "Sec. 27-198. **Official schedule of permitted principal, accessory and special uses.**" is hereby amended by adding the underlined language as follows:

"Sec. 27-198. Official schedule of permitted principal, accessory and special uses.

TABLE 19-1
SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY, AND SPECIAL USES

LEGEND:		
X—Permitted principal use		
S1—Special use, zoning administrator review		
S2—Special use, city council review		
A—Permitted accessory use		
Blank—Prohibited use		
...		
Group C		
...		
<u>Medical marijuana dispensary</u> ¹⁴	<u>X</u>	<u>X</u>
Notes:		
...		
¹⁴ Refer to section 27-282.29 for supplemental regulations related to this use. Any request to reduce distance requirements set forth in this section, shall be processed as a special use-2 permit (refer to article II, division 5). Requirements of this section shall serve as supplemental special use criteria (refer to section 27-132)."		

Section 9. That "**Sec. 27-200. Parking requirements.**" is hereby amended by adding the underlined language as follows:

"Sec. 27-200. Parking requirements.

TABLE 19-3

Use	Spaces	Per Unit
...		
<u>Medical marijuana dispensary</u>	<u>2</u>	<u>1,000 SF</u>

Section 10. That "**Sec. 27-211.8. Schedule of permitted uses by district.**" is hereby amended by adding the underlined language and deleting the stricken language as follows:

"Sec. 27-211.8. Schedule of permitted uses by district.

TABLE 25-1

Table SH-25.1: Table of Uses; Permit Requirements								
Use (listed by subcategory)	District	SH-RS	SH-RS-A	SH-RM	SH-RO	SH-CN	SH-CG	SH-CI
...								
Commercial								
...								
Pharmacy					S1	X	X	X
...								
<u>Medical marijuana dispensary [5]</u>						<u>X</u>	<u>X</u>	<u>X</u>
Notes:								
...								
[5] Refer to section 27-282.29 for supplemental regulations related to this use. Any request to reduce distance requirements set forth in this section, shall be processed as a special use-2 permit (refer to article II, division 5). Requirements of this section shall serve as supplemental special use criteria (refer to section 27-132)."								

Section 11. That "Sec. 27-211.12. **Parking design and access management.**" is hereby amended by adding the underlined language as follows:

"Sec. 27-211.12. Parking design and access management.

(a) Applicable parking ratios by use:

Table 211.12	Ratio (spaces per unit of measurement; these rates equate to maximum parking spaces permitted on site) [1,7]
Use (listed by subcategory) . . .	
Commercial	
...	
<u>Medical marijuana dispensary</u>	<u>4 / 1000 SF (UFA)</u>

Section 12. That "Sec. 27-212.4. **Schedule of allowable, permitted, and prohibited uses by district.**" is hereby amended by adding the underlined language as follows:

"Sec. 27-212.4. Schedule of allowable, permitted, and prohibited uses by district.

Table 212-2 TABLE OF USES; PERMIT REQUIREMENTS; REQUIRED PARKING RATIOS BY USE				
Use (listed by subcategory)	District			Required Off-Street Parking Spaces (minimum ratios by use) [A-L]
	NMU-16	NMU-24	NMU-35	
...				
OTHER COMMERCIAL AND NON-RESIDENTIAL USES				
...				
<u>Medical marijuana dispensary [8]</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>2/1000 SF (UFA)</u>
General Notes:				

Table 212-2 TABLE OF USES; PERMIT REQUIREMENTS; REQUIRED PARKING RATIOS BY USE

...
 [8] Refer to section 27-282.29 for supplemental regulations related to this use. Any request to reduce distance requirements set forth in this section, shall be processed as a special use-2 permit (refer to article II, division 5). Requirements of this section shall serve as supplemental special use criteria (refer to section 27-132)."

Section 13. That "Sec. 27-283.7. Number of off-street parking spaces." is hereby amended by adding the underlined language as follows:

"Sec. 27-283.7. Number of off-street parking spaces.

PKG TABLE 1
 TABLE OF REQUIRED PARKING SPACES

Use		Spaces	Per Unit	
...				
(1)	Commercial/retail uses:			
...				
	<u>m.</u>	<u>Medical marijuana dispensary</u>	<u>3.0</u>	<u>1,000 sq. ft. GFA</u>
			<u>plus 1</u>	<u>Each delivery vehicle operated by the dispensary</u>
...				
(2)	Industrial/warehouse uses:			
...				
	<u>d.</u>	<u>Medical Marijuana processing facility</u>	<u>0.6</u>	<u>Employee on largest shift</u>

Section 14. That "Sec. 27-282.29. Medical marijuana treatment center (MMTC) facilities; distance separation requirements." is hereby created as follows:

"Sec. 27-282.29. Medical marijuana treatment center (MMTC) facilities; distance separation requirements.

- 10