

AGENDA
LANTANA TOWN PLANNING COMMISSION
sitting as the
ZONING BOARD OF APPEALS
May 26, 2021
6:30 p.m.

Lyn Tate (Chairperson)	_____	Erica Wald	_____
Rosemary Mouring	_____	Michelle Donahue	_____
Kem Mason	_____	Joseph Farrell (Alternate)	_____
Moody Fuller (Alternate)	_____		

-
1. CALL TO ORDER
 2. ROLL CALL
 3. APPROVAL OF MINUTES: Consideration of minutes for the April 28, 2021, meeting.
 4. AGENDA APPROVAL:
 - a. Additions, Deletions, Substitutions
 - b. Agenda Approval
 5. NEW BUSINESS:
 - a. **VAR21-0004**: Request for variances for the property located at 836 E Oyster Lane relative to Sec. 23-81(b) of the Town Code of Ordinances.
Applicant: Town of Lantana
 6. PUBLIC COMMENTS
 7. ADJOURN

If a person decides to appeal any decision made by the Town Council or Zoning Board of Appeals with respect to any matter considered at such meeting or hearing, that person will need a record of the proceedings, and for such purpose, that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The Town of Lantana does not provide such a record.

CASE #: VAR21-0004

SUBMITTAL DATE: 4/22/21

TOWN OF LANTANA

504 Greynolds Circle
Lantana, FL 33462
(561) 540-5034

VARIANCE APPLICATION

Property Name: Lendalk Properties, LLC

Property Location: (Address) 836 E Oyster Lane

Property Control Number: 40 - 43 - 45 - 03 - 00 - 006 - 0121

Existing Zoning Category: R1A

Type of Variance (circle one):

Setback (front, side, rear)

Lot (width, coverage, size)

Height

Subdivision Regulations

Other _____

Property Owner(s)	Applicant
Name: Lendalk Properties, LLC	Name: Lendalk Properties, LLC
Address: 836 E Oyster Lane, Lantana FL	Address: 101 Benoist Farms Rd, West Palm Beach, FL 33411
Phone: 561-714-5574	Phone: 561-714-5574

DO NOT WRITE BELOW THIS LINE

FOR DEPARTMENTAL USE ONLY

ACCEPTED FOR REVIEW

Town Official: CSB

Date: 4/22/21

Fee(s) Paid: \$750

TOWN ACTION

Town Council: _____ Date: _____

Conditions of Approval: _____

GENERAL DATA

Proposed Zoning:

N/A

Existing Use of Property:

Single Family Home

Proposed Use of Property:

Single Family Home

Total Site Area: 18,632 Sq. Ft. OR _____ Acres

RESIDENTIAL

Total Number of Dwelling Units: 1 1 Density (Units per acre): _____
Existing Proposed Existing Proposed

COMMERCIAL

Total Square Footage: _____ Number of Buildings: _____

A Variance is requested relative to Section # Sec. 23- 81^b(~~a~~) of the Town
of Lantana Zoning Code to allow:

The corner paver deck to be extended inside the 20' foot setback in order to keep
the integrity of the structure.

Where the Zoning Ordinance requires

A rear setback on waterfront properties of 20' for above-ground structure.

JUSTIFICATION STATEMENT

Please address the following criteria contained in Section 23-63 of the Zoning Code for Zoning Variance requests:

1. **Special Conditions and Circumstances** - Please describe any special circumstances which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures, or buildings in the same district.

The mangroves along the seawall had a direct impact on the direction of the seawall. On the SEC the seawall was pushed closer towards our property setbacks, which effected the back corner of our lot and the deck of the pool.

2. **Not Self Created Condition** - Explain how the special conditions and circumstances do not result from the actions of the applicant.

The seawall integrity was necessary for retaining dirt at a higher elevation then the seawall which was not self created.

3. **No Special Privilege** - Explain how the grant of this variance request will not confer any special privilege upon the applicant that is denied by the zoning ordinance to other lands, structures or buildings in the same district.

Due to the floor elevation of the home, steps going down were required for the pool deck to reach seawall elevation.

4. **Deprivation of Rights Enjoyed by Others** - Explain how the literal interpretation of the provisions of the zoning ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same district.

The seawall and deck will cause deprivation to the current home if it's forced to be adjusted and does not effecting the neighboring properties.

5. **Minimum Variance** - Explain how the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

The variance is necessary for the elevation change from finish floor, to pool deck, down to seawall.

6. **Code's Intent** - Explain how the grant of this variance will be in harmony with the general purpose and intent of this ordinance.


Due to the mangroves, the seawall was shifted towards the back corner of th pool deck which slight encroached in the rear setback

APPLICANT'S CERTIFICATION

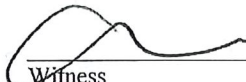
(I) (We) affirm and certify that (I) (We) understand and will comply with all provisions and regulations of the Town of Lantana, Florida. (I) (We) understand that if this Application is approved by the Town, the aforementioned real property described herein will be considered, in every respect, to be a part of the Town of Lantana (if not already) and will be subjected to all applicable laws, regulations, taxes and police powers of the Town including the Comprehensive and Zoning Ordinance. (I) (We) further certify that all statements and diagrams submitted herewith are true and accurate to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this Application and attachments become part of the Official Records of the Town of Lantana, Florida, and are not returnable.



Witness



Signature of Applicant



Witness

Ronald Kendall- Managing Member

Printed Name of Applicant

4/20/21

Date:

Applicant is:

- ☒ Owner
☐ Optionee
☐ Lessee
☐ Agent
☐ Contract Purchaser

Address:
101 Benoist Farms Rd

West Palm Beach, FL 33411

Telephone Number: 561-714-5574

Fax Number: _____

OWNER'S AUTHORIZATION

I/We affirm and certify that Angela Maisonneuve, the Applicant, is hereby authorized to represent me/us in all dealings regarding this petition with the Town of Lantana.



Witness



Signature of Owner



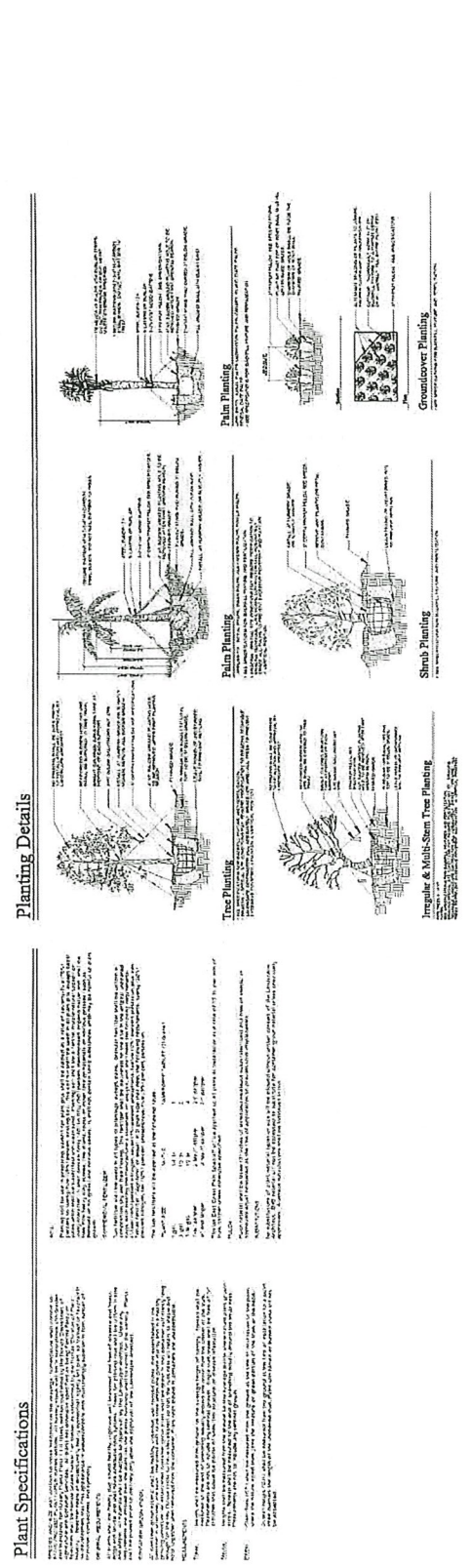
Witness

Ronald Kendall- Managing Member

Printed Name of Owner

4/20/21

Date



BOUNDARY SURVEY
836 E. Oyster Lane, Lantana, FL 33462
Surveyor's Report: Page 1 of 2

Surveyor's Notes:

- 1) The land description shown herein is as furnished by client.
- 2) The surveyor has made no search of the public records.
- 3) The property shown herein is subject to easements, restrictions, reservations and rights-of-way of record, if any.
- 4) Underground utilities and foundations, if any, have not been located.
- 5) There are no above ground apparent use improvements other than those shown herein.
- 6) This survey is not valid without the signature and original raised seal of a licensed Florida Surveyor and Mapper.
- 7) This is a boundary survey per 5J-1, Florida Administrative Code.
- 8) Surveyor's report not valid without accompanying survey map. Survey not valid more than one year from survey date.
- 9) Bearing Base: The North line of Lot 3 is assumed to bear NORTH 88°49'04" EAST and all bearings shown on map are relative thereto.
- 10) Palm Beach County PCN: 40-43-45-03-00-006-0121
- 11) Subject property falls within Zone "AE" (BFE = 6 AND 7) according to the National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM), identified as Community Panel Number 12099C 0783 F, effective date: October 5, 2017.
- 12) The following Benchmark is referenced as follows: North rim of sanitary manhole in center of East Oyster Lane- N.A. V.D 1988 = 3.25' and Palm Beach County "G 315" Brass Disk set in concrete - NAVD 1988 Elevation = 3.80' N.A. V.D.
- 13) Elevations shown hereon are based on North American Vertical Datum 1988.
- 14) No information has been recovered with respect to the 100 year - 3 Day, 100 year - 5 Day, or the 3 year - 24 hour storm elevation for this area.
- 15) This survey prepared by land description recorded in Official Records Book 10902, Page 743 as recorded in Palm Beach County, Florida.
- 16) Horizontal Control Accuracy (Manufacturer listed): 0.026" (8mm) + 1 ppm. Vertical Control Accuracy: 0.049" (15mm) + 1ppm. In practice, precision is double the manufacturer's listed specifications
- 17) Measured bearings are consistent with grid rotation.
- 18) Finished floor elevations lowered and revised per client review with Lantana municipality. Surveyor makes no representations to accuracy of building elevation minimums as it relates to flood plain requirements.

Land Description

Parcel I:

Commencing at a point where the Easterly right-of-way of the public road known as Atlantic Drive, (said road having a 15 foot right-of-way) intersects the South line of the North 193.20 feet of the South 1607.58 feet of Government Lot 6, Section 3, Township 45 South, Range 43 East; thence Easterly along said South line of the North 193.20 feet of the South 1607.58 feet of Government lot 6. A distance of 225.99 feet to the point of beginning of the herein described parcel; thence Northerly at right angles a distance of 96.60 feet; thence Easterly at right angles a distance of 171 feet; more or less, to the waters of a lagoon forming part of Lake Worth; thence in a Southwesterly direction along the water of said Lagoon a distance of 101 feet more or less to the point of intersection with the South line of the North 193.20 feet of the South 1607.58 feet of said Government Lot 6; thence Westerly along said line a distance of 142 feet more or less to the point of beginning. (Also know as Lot 4, unrecorded plat of Oyster Lane Properties.)

Parcel II:

The South 20 feet of the following:

A tract of Lane in Government Lot 6, Section 3, Township 45 South, Range 43 East, described as follows:

Commencing at a point where the Easterly right-of-way of the public road known as Atlantic Drive, (said road having a 15 foot right-of-way) intersects the North line of the North 193.20 feet of the South 1607.58 feet of Government Lot 6, Section 3, Township 45 South, Range 43 East, Palm Beach County, Florida; thence Easterly along said North line a distance of 234.03 feet to the point of beginning; thence Southerly at right angles a distance of 96.60 feet; thence Easterly at right angles a distance of 171.2 feet more or less, to the waters of a lagoon forming part of Lake Worth; thence in a Northeasterly direction along the waters of said Lagoon a distance of 101 feet more or less to the intersection with the North line of the North 193.20 feet of the South 1607.58 feet of said Government Lot 6; thence Westerly along said North line a distance of 200.8 feet more or less to the point of beginning. (Also known as Lot 3, unrecorded plat of Oyster Lane Properties.)

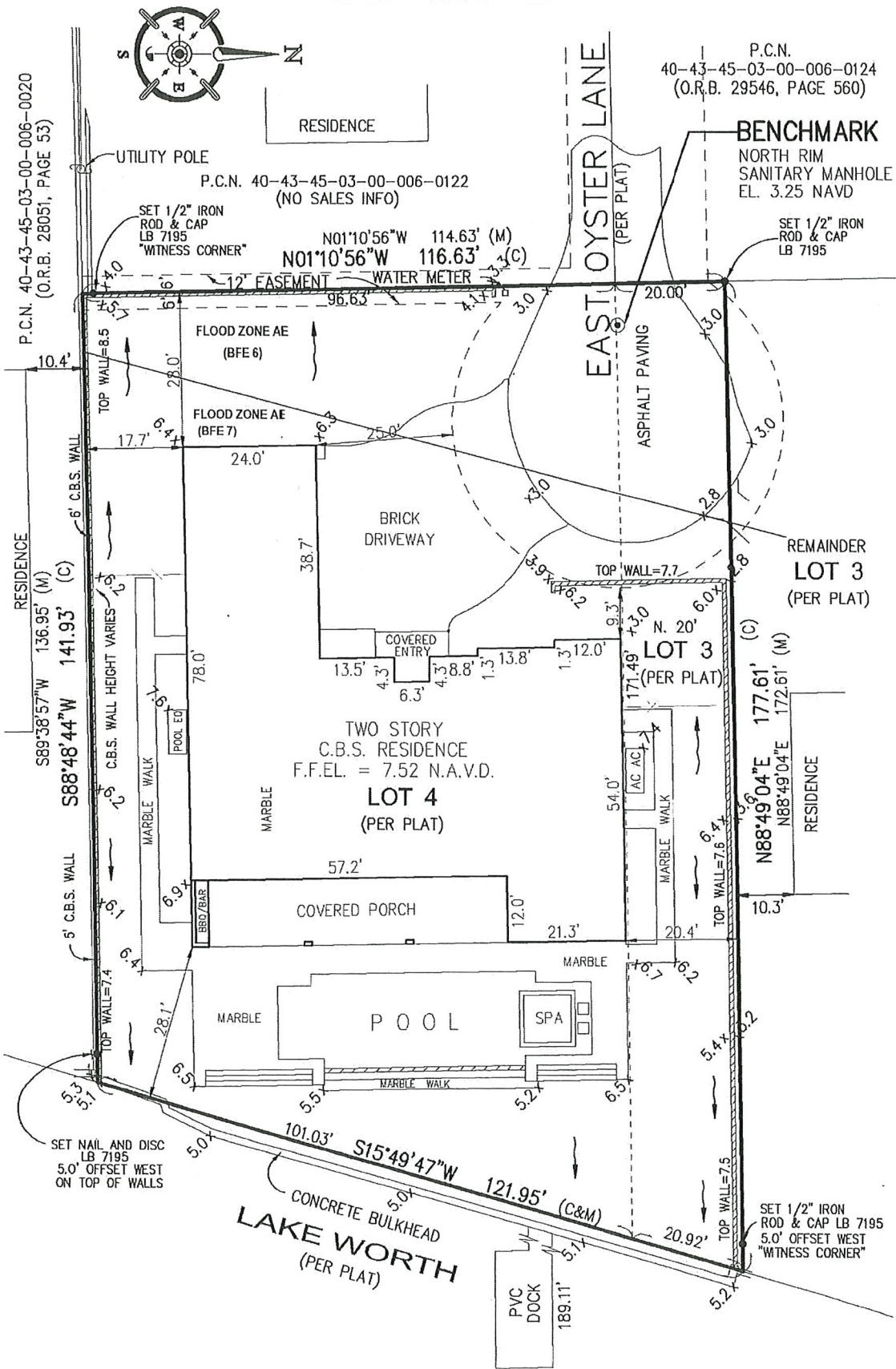
Less that portion conveyed in O.R. Book 1945, Page 172, Public Records of Palm Beach County, Florida.

Containing 18,632 square feet, more or less.

Legend of Survey Abbreviations

A/C	Air Conditioner	FF	Furnished Floor	ENCL	Enclosed	DE	Drainage Easement
C	Calculated	C&M	Calculated & Measured	N/D	Nail with Disk	NTS	Not to Scale
CL	Centerline	CBS	Concrete Block Structure	ESMT	Easement	ORB	Official Record Book
CONC	Concrete	FF	Finished Floor	P&M	Plat & Measured	SEC	Section
COV	Covered	M	Measured	RNG	Range	STY	Story
MII	Manhole	R/W	Right-of-Way	SIRC	Set 1/2" Iron Rod & Plastic Cap "LB 7195"		
TWP	Township	PVC	Poly Vinyl Chloride				

PRISM SURVEYING, INC.		
LICENSED BUSINESS #7195		
17721 62 ND ROAD N. LOXAHATCHEE, FLORIDA 33470 (561) 204-1035		
SURVEY FOR THE BENEFIT OF:		
LENDALK PROPERTIES LLC		
DATE OF SURVEY: 10/18/19	REVISIONS: 04/03/20 U/C TIE-IN	REVISIONS: DRAWN BY: DJM 12/06/19
FB: 62 PAGE: 2	REVISIONS: 03/09/21 FINAL SURVEY	APPROVED BY: RAP 12/10/19
REVISIONS: 03/10/20 FF EL	REVISIONS:	PROJECT # 19-129



FOR THE FIRM, BY

RICHARD A. PEDRAZA
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NO. 6700

THIS MAP IS NOT VALID WITHOUT ACCOMPANYING SURVEYOR'S REPORT

NOTE: "PER PLAT" REFERS TO THE UNRECORDED PLAT OF
"OYSTER LANE PROPERTIES"
PALM BEACH COUNTY, FLORIDA.

DRAWN: D.J.M.
PROJECT NO. 19-129

FIELD: R.F.
DATE OF SURVEY: 10-18-19

PRISM SURVEYING, INC.
SURVEYORS - MAPPERS - CONSULTANTS
17721 62ND ROAD N
LOXAHATCHEE, FL 33470
561-204-1035 - FAX 561-793-3574

LB# 7195



AGENDA
LANTANA TOWN PLANNING COMMISSION
sitting as the
LOCAL PLANNING AGENCY
May 26, 2021
6:30 p.m.

Lyn Tate (Chairperson)	_____	Erica Wald	_____
Rosemary Mouring	_____	Michelle Donahue	_____
Kem Mason	_____	Joseph Farrell (Alternate)	_____
Moody Fuller (Alternate)	_____		

-
1. CALL TO ORDER
 2. ROLL CALL
 3. APPROVAL OF MINUTES: Consideration of minutes for the February 24, 2021, meeting.
 4. AGENDA APPROVAL:
 - a. Additions, Deletions, Substitutions
 - b. Agenda Approval
 5. NEW BUSINESS:
 - a. **Ordinance O-08-2021: Consideration of an Ordinance amending Chapter 23 zoning to allow the use of medical marijuana treatment centers in specific zoning districts and establish standards for regulation of the proposed use.**
Applicant: Town of Lantana
 6. PUBLIC COMMENTS
 7. ADJOURN

If a person decides to appeal any decision made by the Town Council or Zoning Board of Appeals with respect to any matter considered at such meeting or hearing, that person will need a record of the proceedings, and for such purpose, that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The Town of Lantana does not provide such a record.

ORDINANCE NO. O-08-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA, AMENDING CHAPTER 23 - ZONING, AT SECTION 23-1. DEFINITIONS. BY ADDING VARIOUS DEFINITIONS RELATED TO MEDICAL MARIJUANA TREATMENT CENTERS; AT SECTION 23-96. C1 COMMERCIAL DISTRICT, SUBSECTION (B) BY ADDING PHARMACIES AND MEDICAL MARIJUANA TREATMENT CENTERS; AT SECTION 23-98.5. I/F FLEXIBLE INDUSTRIAL DISTRICT, SUBSECTION (B) BY ADDING PHARMACIES AND MEDICAL MARIJUANA TREATMENT CENTERS; AT SECTION 23-101. MXD MIXED USE DEVELOPMENT DISTRICT, SUBSECTION (B) BY ADDING PHARMACIES AND MEDICAL MARIJUANA TREATMENT CENTERS; AT SECTION 23-102. MI MIXED USE INDUSTRIAL DISTRICT, SUBSECTION (B) BY ADDING PHARMACIES AND MEDICAL MARIJUANA TREATMENT CENTERS; AT SECTION 23-103. MW WATERFRONT MIXED USE DISTRICT, SUBSECTION (B) BY AMENDING THE PERMITTED USES; AT SECTION 23-131. OFF-STREET PARKING AND LOADING REQUIREMENTS. BY ADDING MEDICAL MARIJUANA TREATMENT CENTERS TO SCHEDULE 23-131.1 MINIMUM NUMBER OF OFF-STREET PARKING SPACES; RENAMING AND AMENDING SECTION 23-149. PROHIBITION OF MEDICAL MARIJUANA CENTER-DISPENSING FACILITIES (MMTC-DF); PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the electors of the State of Florida adopted Section 29, Article X of the Constitution of the State of Florida during the General Election held on November 8, 2016 whereby the production, possession and use of medical marijuana was made legal in the State of Florida; and

WHEREAS, the State Legislature of the State of Florida has implemented Section 29, Article X of the State Constitution by the enactment of Section 381.986, *Florida Statutes*; and

WHEREAS, the Florida Department of Health has implemented Section 29, Article X of the State Constitution by the enactment of the regulations set forth in Chapter 64-4 of the Florida Administrative Code; and

WHEREAS, the Town recognizes that allowing the establishment of one or more Medical Marijuana Treatment Centers would be consistent with the Constitution and laws of the State of Florida and would preserve, promote, and protect the public health, safety, and welfare of the Town and its residents and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA, THAT:

Section 1: Chapter 23. Zoning. of the Code of Ordinances of the Town of Lantana is amended at Sec. 23-1. Definitions. by adding or amending the following definitions such that these definitions shall be placed with this section in alphabetical order and shall hereafter read as follows:

Sec. 23-1. Definitions.

Medical Marijuana Treatment Center. Medical Marijuana Treatment Center shall be defined as set forth in Article X, Section 29(b) of the State Constitution as may be amended from time to time.

Qualified Medical Marijuana Treatment Center. A Medical Marijuana Treatment Center that meets the requirements of Section 381.986(8), *Florida Statutes*, as may be amended from time to time, and of Chapter 64-4 of the Florida Administrative Code, as may be amended from time to time, and which is authorized to operate a dispensing facility in the Southeast Region.

Section 2: Chapter 23. Zoning. of the Code of Ordinances of the Town of Lantana is amended at Section 23-96. C1 Commercial District. by amending subsection (b); providing that Section 23-96 shall hereafter read as follows:

Sec. 23-96. C1 commercial district

- (a) (This subsection shall remain in full force and effect as previously adopted.)
- (b) *Permitted uses.* In a C1 commercial district, no building, structure, land use or water use shall be permitted except for one (1) or more of the following uses:
 - (1) Retail ~~stores and shops.~~
 - ~~(2) Business services, e.g. printers, office supplies.~~
 - ~~(3)~~ (2) Professional services, e.g. the services of doctors, dentists, lawyers, accountants, including medical or sports massage therapists licensed by the State of Florida pursuant to Subtitle 64B7. F.A.C.
 - ~~(4)~~ (3) Personal services, e.g. beauty salons, spas.
 - ~~(5)~~ (4) Restaurants less than two thousand five hundred (2,500) square feet in size with no drive-thru.
 - ~~(6)~~ (5) Laundry and dry cleaning establishments, self-service laundries (including coin-operated laundry machines).

~~(7)~~ (6) Offices.

~~(8)~~ (7) Indoor showrooms and sales, e.g. home improvements, vehicles with no outside sales lot.

~~(9)~~ (8) Auction houses.

~~(10)~~ (9) Bank, trust company, or other Ffinancial institutions.

(10) Pharmacies and qualified medical marijuana treatment centers.

(c) - (f) (These subsections shall remain in full force and effect as previously adopted.)

Section 3: Chapter 23. Zoning. of the Code of Ordinances of the Town of Lantana is amended at Section 23-98.5 I/F Flexible Industrial District. by amending subsection (b); providing that Section 23-98.5 shall hereafter read as follows:

Sec. 23-98.5. I/F flexible industrial district

(a) (This subsection shall remain in full force and effect as previously adopted.)

(b) *Permitted uses.* The following uses are permitted anywhere in the flexible industrial district:

(1) Light manufacturing: fabrication, assembly, finishing work (including packaging and bottling, but only as an accessory use).

~~(2) Printing, binding, or related establishment.~~ Offices.

~~(3) Business or professional offices.~~ Professional services, e.g. the services of doctors, dentists, lawyers, accountants, including medical or sports massage therapists licensed by the State of Florida pursuant to Subtitle 64B7. F.A.C.

~~(4) Research and development office.~~

~~(5)~~ (4) Research, experimental and testing laboratory.

~~(6)~~ (5) ~~Radio or television studio.~~ Indoor entertainment/recreation or studio.

~~(7)~~ (6) Manufacturing of biotechnology and pharmaceutical products, excluding medical marijuana. This includes:

a. Fabrication, assembly, finishing work (including packaging and bottling, but only as an accessory use).

b. Wholesale business, only if affiliated with and accessory to another use or located on the same lot as other non-wholesale uses.

~~(8) Business services, e.g. printers, office supplies~~

~~(9) Art studio and/or gallery.~~

~~(10)~~ (7) Multiple uses in the same structure. Within the district there shall be no restriction on combining different categories of use within the same building other than those imposed by the State Building Code or other federal, state or local regulations other than as set forth in this chapter.

~~(11)~~ (8) The following uses are permitted in the flexible industrial district, but only on properties that are accessible only from a State principal arterial roadway, such as U.S. Highway 1:

a. Bank, trust company, or other financial institution.

b. Retail ~~store for sale of merchandise, (excluding vehicle and vessel sales of any kind).~~

c. ~~Eating and/or drinking establishment, whether or not liquor is sold or consumed, including restaurant, bar, lunchroom, cafeteria and food commissary.~~
Restaurants, cafes and coffee houses.

d. Bars, lounges, and nightclubs.

~~d.e.~~ Personal services, ~~including but not limited to beauty shop, barber shop, laundry or dry cleaning pick up establishment, self service laundry, shoe repair or tailoring shop, or photography studio, e.g. beauty salons, spas.~~

f. Laundry and dry cleaning establishments, self-service laundries (including coin-operated laundry machines).

(10) Pharmacies and qualified medical marijuana treatment centers.

(c) - (f) (These subsections shall remain in full force and effect as previously adopted.)

Section 4: Chapter 23. Zoning. of the Code of Ordinances of the Town of Lantana is amended at Section 23-101 I/F Flexible Industrial District. by amending subsection (b); providing that Section 23-101 shall hereafter read as follows:

Sec. 23-101. MXD mixed use development district

(a) (This subsection shall remain in full force and effect as previously adopted.)

(b) *Permitted uses.** In an MXD mixed use development district no building, structure or land use shall be permitted except for the following uses:

(1) ~~Retail stores and shops, except vehicle sales.~~

(2) ~~Business services, vehicle and/or boat repair, etc.~~ Offices.

(3) Professional ~~businesses~~ services, eg. the services of doctors, dentists, lawyers, accountants including medical or sports massage therapists licensed by the State of Florida pursuant to Subtitle 64B7. F.A.C.

(4) Personal services, e.g. beauty salons, spas.

(5) Restaurants, cafes and coffee houses (less than twenty-five hundred (2,500) sq. ft. in size).

(6) Hotels and motels.

(7) Multifamily housing units.

(8) Home occupations; customer, employee and/or supplier vehicular traffic strictly prohibited.

(9) Vehicle repair.

(10) Indoor entertainment/recreation or studio.

(11) Bank, trust company, or other financial institution.

(12) Pharmacies and qualified medical marijuana treatment centers.

(c) – (e) (These subsections shall remain in full force and effect as previously adopted.)

Section 5: Chapter 23. Zoning. of the Code of Ordinances of the Town of Lantana is amended at Section 23-102 MI Mixed Use Industrial District. by amending subsection (b); providing that Section 23-102 shall hereafter read as follows:

Sec. 23-102. MI mixed use industrial district

(a) (This subsection shall remain in full force and effect as previously adopted.)

(b) *Permitted uses.* The specific uses permitted in the mixed use industrial district (MI) are:

(1) (This sub-subsection shall remain in full force and effect as previously adopted.)

(2) Home occupations; customer, employee and/or supplier vehicular traffic strictly prohibited.

(3) – (5) (These sub-subsections shall remain in full force and effect as previously adopted.)

(6) ~~Printing, binding, or related establishment.~~ Laundry and dry cleaning

establishments, self-service laundries (including coin-operated laundry machines).

(7) ~~Business or professional offices.~~

(8) ~~Research and development office.~~ Professional services, e.g. the services of doctors, dentists, lawyers, accountants, including medical or sports massage therapists licensed by the State of Florida pursuant to Subtitle 64B7, F.A.C.

(9) (This sub-subsection shall remain in full force and effect as previously adopted.)

(10) ~~Theaters.~~ Indoor entertainment/recreation or studio.

(11) ~~Radio or television studio.~~ Publicly owned and operated buildings, parks, and facilities.

(12) Manufacturing of biotechnology and pharmaceutical products, excluding medical marijuana. This includes:

a. Fabrication, assembly, finishing work (including packaging and bottling, but only as an accessory use).

b. Wholesale business, only if affiliated with and accessory to another use or located on the same lot as other non-wholesale use

(13) ~~Business services, e.g. printers, office supplies.~~

(14) ~~Art studio and/or gallery.~~

(15) (13) Bank, trust company, or other financial institution.

(16) (14) Retail store for sale of merchandise, (excluding vehicle and vessel sales of any kind).

(17) ~~Eating and/or drinking establishment, whether or not liquor is sold or consumed, including restaurant, bar, lunchroom, cafeteria and food commissary.~~

(15) Restaurants, cafes and coffee houses.

(16) Bars, lounges, and nightclubs.

(17) Laundry and dry cleaning establishments, self-service laundries (including coin-operated laundry machines).

(18) Personal services, e.g. beauty salons, spas including but not limited to beauty shop, barber shop, laundry or dry cleaning pick-up/drop-off establishment, self-service laundry, shoe repair or tailoring shop, or photography studio.

(19) (This sub-subsection shall remain in full force and effect as previously

adopted.)

(20) ~~Publicly owned and operated buildings and facilities.~~ Pharmacies and qualified medical marijuana treatment centers.

(c) - (f) (These subsections shall remain in full force and effect as previously adopted.)

(g) *Site plan required.* Development and redevelopment in this district shall be reviewed by the ~~plan review committee~~ Development Services Director and approved by the Town Council in accordance with the site plan review process established in section 23-47.

Section 6: Chapter 23. Zoning. of the Code of Ordinances of the Town of Lantana is amended at Section 23-103 MW Waterfront Mixed Use District. by amending subsection (b); providing that Section 23-103 shall hereafter read as follows:

Sec. 23-103. MW waterfront mixed use district

(a) (This subsection shall remain in full force and effect as previously adopted.)

(b) *Permitted uses.* (The text of this paragraph shall remain in full force and effect as previously adopted.):

(1) - (2) (These sub-subsections shall remain in full force and effect as previously adopted.)

(3) Home occupations; customer, employee and/or supplier vehicular traffic strictly prohibited.

(4) - (5) (These sub-subsections shall remain in full force and effect as previously adopted.)

(6) ~~Retail stores and shops, except vehicle sales.~~

(7) ~~Business services, except service stations and/or vehicle repair.~~ Offices.

(8) Professional services, e.g. the services of doctors, dentists, lawyers, accountants, including medical or sports massage therapists licensed by the State of Florida pursuant to Subtitle 64B7. F.A.C.

(9) Personal services, e.g. beauty salons, spas.

(10) Restaurants cafes and coffee houses.

(11) (This sub-subsection shall remain in full force and effect as previously adopted.)

(12) ~~Theaters.~~ Indoor entertainment/recreation or studio.

(13) (This sub-subsection shall remain in full force and effect as previously adopted.)

(14) Water related services and activities, including marinas and boat sales, excluding recreational watercraft rentals.

(15) ~~Marinas; boat sales.~~ Bank, trust company, or other financial institution.

(16) (This sub-subsection shall remain in full force and effect as previously adopted.)

(17) ~~Parks~~ Publicly owned and operated buildings, parks, and facilities.

~~(18) Publicly owned and operated buildings and facilities.~~

(c) - (k) (These subsections shall remain in full force and effect as previously adopted.)

Section 7: Chapter 23 Zoning, of the Code of Ordinances of the Town of Lantana is hereby amended by renaming and amending Section 23-131. Off-Street Parking and Loading Requirements by adding Medical Marijuana Treatment Centers to Schedule 23-131.1 Minimum Number of Off-Street Parking Spaces; providing that Section 23-131 shall hereafter read as follows:

Sec. 23-131.

Schedule 23-131.1 Minimum Number of Off-Street Parking Spaces is hereby amended by adding Qualified Medical Marijuana Treatment Center as part of the Pharmacy *Use Classification* therein.

(All subsections and sub-subsections and all other Schedules shall remain in full force and effect as previously adopted.)

Section 8: Chapter 23 Zoning, of the Code of Ordinances of the Town of Lantana is hereby amended by renaming and amending Section 23-149. Prohibition of Medical Marijuana Center-Dispensing Facilities (MMTC-DF). such that Section 23-149 shall hereafter be titled and read as follows:

Sec. 23-149. ~~Prohibition of~~ Qualified Medical Marijuana Treatment Centers-~~Dispensing Facilities (MMTC-DF).~~

~~Medical Marijuana Treatment Center Dispensing Facilities (MMTC-DF) are strictly and specifically prohibited in all zoning districts in the Town of Lantana.~~

- (a) Purpose and intent. The purpose and intent of this section is to allow Qualified Medical Marijuana Treatment Centers in the Town of Lantana in a manner consistent with the State Constitution, the enabling legislation, and the State Department of Health Regulations adopted pursuant thereto.
- (b) A Qualified Medical Marijuana Treatment Center shall be allowed in any zoning district where a pharmacy is allowed subject to the following restriction:
- (i) Qualified Medical Marijuana Treatment Centers shall not be located within five hundred (500) feet of any real property on which is situated a public or private elementary school, middle school, or secondary school whether or not said school is located within the Town of Lantana.
- (ii) No medical marijuana dispensed by and at a Qualified Medical Marijuana Treatment Center shall be used, administered, eaten, consumed or smoked on-site.
- (c) Before commencement of operation by and/or a Certificate of Occupancy is issued for a Qualified Medical Marijuana Treatment Center, the owner/operator thereof shall provide to the Town's Development Services Director the following:
- (1) A copy of the Map, Sketch and Floor Plan approved by the Florida Department of Health pursuant to Section 64-4.002(2)(e)1, 2 and 3;
- (2) A copy of the security plan approved by the Florida Department of Health for the dispensary;
- (3) A copy of any proposed signage compliant with Section 381.986(8)(h)1, *Florida Statutes*, together with the required application therefor pursuant to Section 16-22 of the Town's Code of Ordinances.

Section 9: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 10: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 11: Specific authority is hereby granted to codify this Ordinance.

Section 12: The remainder of Chapter 23. – Zoning shall remain in full force and effect as previously enacted.

Section 13: This Ordinance shall take effect immediately upon adoption.

[The balance of this page is intentionally left blank.]

FIRST READING this 14th day of June, 2021.

SECOND AND FINAL READING this 28th day of June, 2021.

TOWN OF LANTANA

<u>Aye</u>	<u>Nay</u>	<u>Mayor Robert Hagerty</u>
<u>Aye</u>	<u>Nay</u>	<u>Vice Mayor Lynn J. Moorhouse</u>
<u>Aye</u>	<u>Nay</u>	<u>Councilmember Malcolm Balfour</u>
<u>Aye</u>	<u>Nay</u>	<u>Councilmember Karen Lythgoe</u>
<u>Aye</u>	<u>Nay</u>	<u>Councilmember Mark Zeitler</u>

ATTEST:

TOWN CLERK

(Seal)

Approved as to form and
legal sufficiency.

TOWN ATTORNEY