

AGENDA
LANTANA TOWN PLANNING COMMISSION
sitting as the
LOCAL PLANNING AGENCY
December 15, 2021
6:30 p.m.

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

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1. CALL TO ORDER
 2. ROLL CALL
 3. APPROVAL OF MINUTES: Consideration of minutes for the October 27, 2021, LPA meeting.
 4. AGENDA APPROVAL:
 - a. Additions, Deletions, Substitutions
 - b. Agenda Approval
 5. NEW BUSINESS:
 - a. **Ordinance O-15-2021: Consideration of an Ordinance amending Chapter 23 zoning to allow the use of medical marijuana treatment centers in various zoning districts as a Special Exception and to 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-15-2021

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, SUBSECTIONS (b) AND (d) BY ADDING PHARMACIES AND MEDICAL MARIJUANA TREATMENT CENTERS; AT SECTION 23-98.5. I/F FLEXIBLE INDUSTRIAL DISTRICT, SUBSECTIONS (b) AND (d) BY ADDING PHARMACIES AND MEDICAL MARIJUANA TREATMENT CENTERS; AT SECTION 23-101. MXD MIXED USE DEVELOPMENT DISTRICT, SUBSECTIONS (b) AND (d) BY ADDING PHARMACIES AND MEDICAL MARIJUANA TREATMENT CENTERS; AT SECTION 23-102. MI MIXED USE INDUSTRIAL DISTRICT, SUBSECTIONS (b) AND (d) 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 within 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 subsections (b) and (d); 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 ~~F~~financial institutions.

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

(d) *Special exceptions.* When the Town Council determines as a fact, after review of the application and plans submitted therewith that the conditions, general standards and provisions of this Code as set forth in section 23-75, and other regulations as set forth and defined in this Code, have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Town comprehensive land use plan, the following uses shall be permitted (see NOTE below):

Note: Special exception uses denoted with the following two-letter subarea codes, representing specified sub-areas specifically defined at section 23-130, indicate that these special exception uses are NOT allowed in those denoted subarea(s): CC-Cottage Commercial; DC-Dixie Corridor; and OMX-Ocean Avenue Mixed Use.

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

(29) Pharmacies and qualified medical marijuana treatment centers.

(e) – (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 subsections (b) and (d); 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) (This sub-subsection shall remain in full force and effect as previously adopted.)

~~(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).

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

(d) *Special exceptions.* When the Town Council determines as a fact, after review of the application and plans submitted therewith, that the conditions, general standards and provisions of this Code, as set forth in section 23-75, and other regulations as set forth and defined in this Code, have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Town comprehensive land use plan, the following uses shall be permitted:

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

(4) Pharmacies and qualified medical marijuana treatment centers.

(e) – (g) (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 MXD mixed use development district. by amending subsections (b) and (d); 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, 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) Personal services, e.g. beauty salons, spas.

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

(9) Vehicle repair.

(10) Indoor entertainment/recreation or studio.

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

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

(d) *Special exceptions.* When the Town Council determines as a fact, after review of the application and plans submitted therewith that the conditions, general standards and

provisions of this Code as set forth in section 23-75, and other regulations as set forth and defined in this Code, have been met, and when the proposed use or uses are consistent with good zoning practices and are not contrary to the policies of the Town comprehensive land use plan, the following uses shall be permitted:

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

(14) Pharmacies and qualified medical marijuana treatment centers.

(e) – (f) (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 subsections (b) and (d); 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) – (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.~~

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

(d) *Special exceptions.* When the Town Council determines as a fact, after review of the application and plans submitted therewith, that the conditions, general standards and provisions of this Code, as set forth in section 23-75, and other regulations as set forth and defined in this Code, have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Town comprehensive land use plan, the following uses shall be permitted:

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

(5) Pharmacies and qualified medical marijuana treatment centers.

(f) (This subsection 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.

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

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) - (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) - (l) (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 restrictions and conditions set forth in those zoning districts and to the following restrictions, which shall also apply to pharmacies:
 - (1) Qualified Medical Marijuana Treatment Centers shall not be located within one thousand (1,000) 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.
 - (2) Qualified Medical Marijuana Treatment Centers shall not be located within one thousand (1,000) feet of any real property on which is situated a church or place of

worship, regardless of what religion is being engaged in and regardless of whether or not said church or place of worship is located within the Town of Lantana.

(3) Distances required under this subsection shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.

(4) 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, F.A.C.;

(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 10 day of January, 2022.

SECOND AND FINAL READING this 24 day of January, 2022.

TOWN OF LANTANA

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

ATTEST:

TOWN CLERK

(Seal)

Approved as to form and
legal sufficiency.

TOWN ATTORNEY