

STAFF REPORT REGULAR MEETING

AGENDA DATE: December 17, 2024

DEPARTMENT: Community Sustainability

TITLE:

Ordinance No. 2024-20 - First Reading – banning marijuana dispensing facilities within the City of Lake Worth Beach

SUMMARY:

The subject amendments to the City’s Land Development Regulations (LDRs) were drafted to ban marijuana dispensing facilities within the City of Lake Worth Beach.

BACKGROUND AND JUSTIFICATION:

On September 13, 2018, the City Commission voted to amend the Land Development Regulations to ban Medical Marijuana Treatment Center dispensing facilities and related uses within the City.

The existing ban on medical marijuana dispensaries is in accordance with Section 381.986(11), Florida Statutes, which states, “[a] county or municipality may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality.” Furthermore, per Section 381.986(11), Florida Statutes, a county or city which chooses not to ban medical marijuana treatment center dispensing facilities may not place limits on the number of dispensing facilities that may locate within that county or city. Although a county or city may establish criteria for the location and permitting of dispensing facilities, it may not adopt any regulations that are more restrictive than its regulations on pharmacies. The proposed ordinance would continue the City’s existing position against dispensary uses within the City, and would treat medical and non-medical marijuana dispensing facilities consistently.

On November 5, 2024, Florida voters considered proposed Constitutional Amendment (commonly known as “Amendment 3”) allowing adults to possess, purchase, or use marijuana products for non-medical personal consumption and allowing licensure of entities that are not Medical Marijuana Treatment Centers to acquire, cultivate, possess, process, transfer, transport, sell, and distribute marijuana products and accessories. The Amendment failed as the amendment did not receive enough state support to be adopted.

The **Planning & Zoning Board (PZB)** unanimously voted to recommend disapproval of the proposed text amendments at their November 6, 2024, as the Constitutional Amendment failed.

The **Historic Resources Preservation Board (HRPB)** unanimously voted to recommend disapproval of the proposed text amendments at their November 13, 2024, as the Constitutional Amendment failed.

MOTION:

Move to approve/disapprove Ordinance 2024-20 on First Reading, and to schedule the second reading and public hearing for January 21, 2025.

ATTACHMENT(S):

Ordinance 2024-20
PZB/HRPB Staff Report