



DATE: October 30, 2024

TO: Members of the Planning & Zoning and Historic Resources Preservation Boards

FROM: William Waters, Director Community Sustainability

MEETING: November 6 & November 13, 2024

SUBJECT: **Ordinance 2024-20**: Consideration of an ordinance banning marijuana dispensing facilities within the City of Lake Worth Beach.

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**PROPOSAL / BACKGROUND/ ANALYSIS:**

At their meeting 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.

On November 5, 2024, Florida voters will consider a 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 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. There are a number of potential adverse impacts on the health, safety, and welfare of residents and business from secondary effects associated with the sale and distribution of marijuana, including offensive odors, trespassing, theft, fire hazards, increased crime in an around marijuana dispensing facilities (and their related uses), robberies, negative impacts on nearby businesses, and nuisance problems.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2024-20.

**POTENTIAL MOTION:**

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in Ordinance 2024-20.

Attachments

- A. Draft Ordinance 2024-20
- B. Proposed Constitutional Amendment