

# TOWN OF PALM BEACH

Information for Town Council Meeting on:

November 13, 2024

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To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, MCP, LEED® AP Director of Planning, Zoning & Building

Re: **Ordinance No. 2024 Related to Medical Marijuana and Marijuana Treatment Centers and Dispensaries**

Date: October 9, 2024

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## **STAFF RECOMMENDATION**

Staff recommends that the Town Council approve Ordinance No. 034-2024 to amend Code Sections related to medical marijuana and related treatment centers and dispensaries.

## **GENERAL INFORMATION**

At the September 11, 2024 Town Council meeting, suggested changes to the Zoning Code were recommended by Town Attorney, Joanne O'Connor, based upon state law related to medical marijuana treatment centers and dispensaries. That state law took effect in 2017 after the Town had adopted Ordinance 024-2016. Fla. Stat. 381/986 confirmed that municipalities like the Town are not from prohibiting medical marijuana treatment dispensary facilities within their boundaries.

The Town Council directed staff to discuss the changes with the Planning and Zoning Commission (PZC). The draft Ordinance No. 024-2024 was presented to the PZC on October 1, 2024 and PZC recommended approval of proposed Ordinance No. 034-2024. The subject Ordinance will amend Chapter 134, Zoning, in the following manner:

- Article I, In General, Section 134-2, Definitions and Rules of Construction, to add a definition of “marijuana” that tracks the definition used by the Florida Legislature in F.S. § 381.986.
- Article VI, District Regulations, by repealing subsection 134-1109 to remove the reference to medical marijuana treatment centers and dispensaries as Special Exception Uses in the C-TS Town Serving Commercial District, if not prohibited; at Article VIII, Supplementary District Regulations. Since the State has expressly deemed the prohibition of such uses not preempted, subsection 134-1109(20) is not necessary.
- Article VIII, Supplementary District Regulations, to amend Section 134-2113, Prohibition medical marijuana treatment centers and medical marijuana dispensaries to confirm that cannabis cultivation, the operation of medical marijuana treatment centers and medical marijuana dispensaries, and the sale or dispensation of marijuana (including non-medical marijuana) is prohibited in all zoning districts of the Town consistent with State law.

- Article VIII, Development Standards, to repeal Section 134-2114, Development Standards which is not necessary given the Town's prohibition of the referenced uses.

### **BOARD OR COMMISSION RECOMMENDATION**

On October 1, 2024, the Planning and Zoning Commission recommended that Ordinance No. 034-2024 move forward to the Town Council for the first reading in November and the second in December.

### **TOWN ATTORNEY REVIEW**

The Zoning Code amendment has been reviewed and approved for legal form and sufficiency.

WRB: JHD

Attachment: Draft Ordinance No. 034-2024

cc: Joanne M. O'Connor, Town Attorney  
James Murphy, Assistant Planning Director  
Jennifer Hofmeister-Drew, Planner III, AICP