

ORDINANCE NO. 2018-01

AN ORDINANCE OF THE CITY OF LAKE BUTLER, FLORIDA, AMENDING THE TEXT OF THE CITY OF LAKE BUTLER LAND DEVELOPMENT REGULATIONS, PURSUANT TO AN APPLICATION, LDR 18-01, BY THE CITY COMMISSION, PROVIDING FOR AMENDING SECTION 4.10.5 ENTITLED SPECIAL EXCEPTIONS TO ALLOW MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE “OR” RESIDENTIAL/OFFICE ZONING DISTRICT; PROVIDING FOR AMENDING SECTION 4.11.2 ENTITLED PERMITTED PRINCIPAL USES AND STRUCTURES TO ALLOW MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE “CN” COMMERCIAL, NEIGHBORHOOD ZONING DISTRICT; PROVIDING FOR AMENDING SECTION 4.12.2 ENTITLED PERMITTED PRINCIPAL USES AND STRUCTURES TO ALLOW MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE “CG” COMMERCIAL, GENERAL ZONING DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, as amended, empowers the City Commission of City of Lake Butler, Florida, hereinafter referred to as the City Commission, to prepare, adopt and enforce land development regulations;

WHEREAS, Sections 163.3161 through 163.3248, Florida Statutes, as amended, the Community Planning Act, requires the City Commission to prepare and adopt regulations concerning the use of land and water to implement the Comprehensive Plan;

WHEREAS, an application for an amendment, as described below, has been filed with the City;

WHEREAS, the City Commission has been designated as the Planning and Zoning Board;

WHEREAS, the City Commission has been designated as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and the Land Development Regulations, the City Commission, serving as the Planning and Zoning Board and the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the City Commission, serving as the Planning and Zoning Board, and the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for an amendment, as described below, and recommended to the City Commission approval of said application for an amendment, as described below;

WHEREAS, pursuant to Section 166.041, Florida Statutes, as amended, the City Commission, held the required public hearings, with public notice having been provided, on said application for an amendment, as described below, and at said public hearings, the City Commission reviewed and considered all comments received during said public hearings, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency, concerning said application for an amendment, as described below;

WHEREAS, the City Commission has determined and found that a need and justification exists for the approval of said application for an amendment, as described below;

WHEREAS, the City Commission has determined and found that approval of said application for an amendment, as described below, is consistent with the purposes and objectives of the comprehensive planning program and the Comprehensive Plan;

WHEREAS, the City Commission has determined and found that approval of said application for an amendment, as described below, will further the purposes of the Land Development Regulations and other ordinances, regulations, and actions designed to implement the Comprehensive Plan; and

WHEREAS, the City Commission has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE BUTLER, FLORIDA, AND IN SESSION LAWFULLY ASSEMBLED, AS FOLLOWS:

Section 1. Pursuant to an application, LDR 18-01, by the City Commission to amend the text of the Land Development Regulations, Section 4.10.5, entitled "OR" Office/Residential, Special Exceptions, is hereby amended to read, as follows:

SECTION 4.10. "OR" OFFICE/RESIDENTIAL

4.10.5 SPECIAL EXCEPTIONS (See also Articles 12 and 13)

1. Public or private schools offering curricula comparable to that of public schools (see Section 4.2)
2. Parks maintained by any private association of persons residing in the district.
3. Group living facilities.
4. Public buildings and facilities except those otherwise specified (see Section 4.2).
5. Art galleries, community or little theaters (but not moving picture theaters or drive-in movies).
6. Private clubs and lodges.
7. Churches and other houses of worship.
8. Funeral homes without crematories.
9. Hospitals, nursing homes, and residential homes for the aged.
10. Home occupations (see Section 4.2).
11. Professional, business, and technical schools, provided all activities are conducted in completely enclosed buildings.
12. Child care centers and overnight child care centers provided:
 - a. No outdoor play activities are conducted before 8 a.m. or after 8 p.m.
 - b. Provision is made for offstreet pick-up and drop-off of children.
13. Dance, art and music studio
14. Recovery homes.
15. Residential treatment facilities.
16. Pharmacies and medical marijuana treatment center dispensing facilities. Pursuant to Section 381.986(11)(c), Florida Statutes, as amended, medical marijuana treatment center dispensing facility may not be located within five-hundred (500) feet of the real property that comprises a public or private elementary school, middle school, or secondary school, unless the City Commission approves the location through a formal proceeding open to the public at which time the City Commission determines that the location promotes the public health, safety, and general welfare of the community.

Section 2. Pursuant to an application, LDR 18-01, by the City Commission to amend the text of the Land Development Regulations, Section 4.11.5, entitled “CN” Commercial, Neighborhood, Permitted Principal Uses and Structures, is hereby amended to read, as follows:

SECTION 4.11. “CN” COMMERCIAL, NEIGHBORHOOD

4.11.5 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Retail commercial outlets for sale of food, hardware, and drugs.
2. Service establishments such as barber or beauty shop, shoe repair shop, self-service laundry or dry cleaner, laundry or dry cleaning pick-up station.
3. Medical marijuana treatment center dispensing facilities. Pursuant to Section 381.986(11)(c), Florida Statutes, as amended, medical marijuana treatment center dispensing facility may not be located within five-hundred (500) feet of the real property that comprises a public or private elementary school, middle school, or secondary school, unless the City Commission approves the location through a formal proceeding open to the public at which time the City Commission determines that the location promotes the public health, safety, and general welfare of the community.

The above uses are subject to the following limitations:

- a. Floor area of each individual outlet or establishment shall not exceed three thousand (3,000) square feet;
- b. Sale, display, preparation, and storage to be conducted within a completely enclosed building, and no more than twenty percent (20%) of floor area to be devoted to storage;
- c. Products to be sold only at retail; and
- d. Site and development plan approval is required for all developments (see Article 14).

Section 3. Pursuant to an application, LDR 18-01, by the City Commission to amend the text of the Land Development Regulations, Section 4.12.2, entitled “CG” Commercial, General, Permitted Principal Uses and Structures, is hereby amended to read, as follows:

SECTION 4.12. “CG” COMMERCIAL, GENERAL

4.12.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Retail commercial outlets for sale of food, wearing apparel, fabric, toys, sundries and notions, books and stationery, leather goods and luggage, paint, glass, wallpaper, jewelry (including repair) art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shops (but not animal kennel), musical instruments, optical goods, television and radio (including repair incidental to sales) in completely enclosed buildings, florist or gift shop, delicatessen, bake shop (but not wholesale bakery), drugs, plants and garden supplies (including outside storage of plants and materials), automotive vehicle parts and accessories in completely enclosed buildings (but not junk yards or automotive wrecking yards), and similar uses.
2. Retail commercial outlets for sale of home furnishings (furniture, floor coverings, draperies, upholstery) and appliances (including repair incidental to sales in completely enclosed buildings), office equipment or furniture, hardware, second-hand merchandise in completely enclosed buildings, and similar uses.

3. Service establishments such as barber or beauty shop, shoe repair shop, restaurant, interior decorator, photographic studio, art or dance or music studio, reducing salon or gymnasium, animal grooming, tailor or dressmaker, laundry or dry cleaning pickup station, real estate services and similar uses.
4. Service establishments such as radio or television station (but not television or radio towers or antennae); funeral home with crematory, radio and television repair shop in completely enclosed buildings with no outside storage, appliance repair shop in completely enclosed buildings with no outside storage, letter shops and printing establishments, pest control, and similar uses.
5. Medical or dental offices, clinics, and laboratories.
6. Business and professional offices.
7. Newspaper offices.
8. Banks and financial institutions.
9. Professional, business, and technical schools.
10. Commercial recreational and entertainment facilities in completely enclosed, soundproof buildings, such as indoor motion picture theater, and similar uses, but not including any facilities that provide live entertainment; a single, instrumental musician playing an unamplified instrument as an accessory activity to a restaurant or other permitted use shall be exempt from the prohibition on live entertainment in this district. There shall be no projection of sound from the business outside the enclosed building.
11. Hotels and motels.
12. Art galleries.
13. Miscellaneous uses such as telephone exchanges.
14. Recovery homes.
15. Residential treatment facilities.
16. General media stores (See Section 2.1 for definition; See Section 4.2 for special design standards for certain general media stores).
17. Medical marijuana treatment center dispensing facilities. Pursuant to Section 381.986(11)(c), Florida Statutes, as amended, medical marijuana treatment center dispensing facility may not be located within five-hundred (500) feet of the real property that comprises a public or private elementary school, middle school, or secondary school, unless the City Commission approves the location through a formal proceeding open to the public at which time the City Commission determines that the location promotes the public health, safety, and general welfare of the community.

Unless otherwise specified, the above uses are subject to the following limitations:

1. Sale, display, preparation, and storage to be conducted within a completely enclosed building, and no more than thirty (30) percent of floor space to be devoted to storage;
2. Products to be sold only at retail; and
3. Site and development plan approval (See Article 14) is required for the following uses:
 - a. All commercial developments.

Section 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or portions of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This ordinance shall become effective upon adoption.

Section 7. Authority. This ordinance is adopted pursuant to the authority granted by Section 166.021, Florida Statutes, as amended, and Sections 163.3161 through 163.3248, Florida Statutes, as amended.

The said ordinance was read for the first time by title only at the public meeting in regular session duly assembled on the _____ day of _____ 2018, and placed on the agenda for final passage for the _____ day of _____ 2018.

Commissioner _____ moved that the said ordinance be passed at the public meeting on day of _____ 2018. Seconded by Commissioner _____.

So the said ordinance was read for the second time by title only and the vote for the adoption of the said ordinance was, as follows:

YEAS: _____

NAYS: _____

ABSENT AND NOT VOTING: _____

This ordinance was declared duly adopted in regular session assembled on this _____ day of _____ 2018.

CITY COMMISSION OF THE
CITY OF LAKE BUTLER, FLORIDA

Attest:

Dale M. Walker, City Manager

Fred Sirmones, Mayor