

**TOWN OF LANTANA
Agenda Item Summary**

AGENDA ITEM: Consideration of Ordinance O-02-2023, a text amendment to Chapter 23 – Zoning., by creating definitions for Financial Institution and Pharmacy, to revise the permitted and special exception uses in the Mixed-Use Development District, as well as revising the parking requirements for Indoor Entertainment/Recreation. (First Reading)

ISSUE:

This is a Town initiated text amendment to the MXD Zoning District. As Water Tower Commons endeavors to re-envision the central portion of the site, staff became aware that the original 2014 Master Plan was approved with some uses that are not currently permitted within the MXD district.

This ordinance proposes the following:

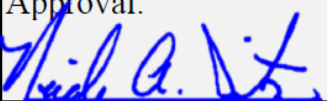
- Defines “Financial Institution”
- Defines “Pharmacy”
- Allows Financial Institution as permitted use (for properties greater than 25 acres)
- Allows Financial Institution as a special exception use (for properties less than 25 acres)
- Allows Indoor Entertainment/Recreation and Pharmacy as special exception uses.
- Revises the minimum off-street required parking to address the uses.

ATTACHMENTS:

1. Ordinance O-02-2023

SAMPLE MOTION:

I move to (approve)(disapprove) Ordinance O-02-2023 on first reading.

Department Director Approval: 	Agenda Date: 05/22/2023	Town Council Action:
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ORDINANCE NO. O-02-2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA, AMENDING CHAPTER 23 ZONING, BY AMENDING SECTION 23-1 – DEFINITION OF TERMS. TO CREATE A DEFINITION FOR FINANCIAL INSTITUTION AND FOR PHARMACY; BY AMENDING SECTION 23-101 – MXD MIXED USE DEVELOPMENT DISTRICT. TO ALLOW “FINANCIAL INSTITUTION” AS A PERMITTED USE FOR PROPERTIES GREATER THAN TWENTY-FIVE (25) ACRES, TO ALLOW “FINANCIAL INSTITUTION”, “INDOOR ENTERTAINMENT/RECREATION”, AND “PHARMACY” AS A SPECIAL EXCEPTION USE; BY AMENDING SECTION 23-131 – OFF-STREET PARKING AND LOADING REQUIREMENTS. TO MODIFY THE INDOOR ENTERTAINMENT/ RECREATION PARKING RATE; PROVIDING THAT THE REMAINDER OF CHAPTER 23 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Council of the Town of Lantana has determined that a need exists to amend Chapter 23 – Zoning. of the Town’s Code of Ordinances; and

WHEREAS, the Town Council has determined this revision to be in the best interests of the health, safety, and welfare of the citizens of the Town of Lantana.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA:

SECTION 1: Chapter 23 – Zoning. of the Code of Ordinances of the Town of Lantana is amended at Section 23-1. Definition of terms. providing that the definitions of “Financial Institution”, “Indoor Entertainment/Recreation”, and “Pharmacy” shall hereafter read as follows and be listed alphabetically, as follows:

Sec. 23-1. Definition of terms.

Financial Institution: A "financial institution" includes any person doing business in one or more of the following capacities:

- (1) bank (except bank credit card systems);
- (2) broker or dealer in securities;
- (3) money services business;
- (4) telegraph company;
- (5) a person subject to supervision by any state or federal bank supervisory authority.

Pharmacy: An establishment primarily engaged in retailing a variety of prescription and non-prescription drugs and medicines, and medical and surgical supplies. This use can also include retail.

SECTION 2: Chapter 23 – Zoning. of the Code of Ordinances of the Town of Lantana is amended at Section 23-101 – MXD mixed use development district. providing that 23-101 shall hereafter read as follows:

- (a) (This subsection shall remain in full force and effect as previously adopted).
- (b) *Permitted uses.** In a MXD mixed use development district no building, structure or land use shall be permitted except for the following uses:
 - (1) – (8) (These sub-sections shall remain in full force and effect as previously adopted).
 - (9) Financial Institutions (for properties greater than twenty-five (25) acres).
- (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) – (14) (These sub-sections shall remain in full force and effect as previously adopted).
 - (15) Financial Institutions (for properties less than twenty-five (25) acres).
 - (16) Indoor Entertainment/Recreation.
 - (17) Pharmacy.
- (e) – (f) (These sub-sections 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 23-131 – Off-street parking and loading requirements. providing that the following parking requirements will be inserted into SCHEDULE 23-131.1 MINIMUM NUMBER OF OFF-STREET PARKING SPACES as follows:

<i>Use Classification</i>	<i>Minimum Off-Street Parking Required</i>	<i>Off-Street Loading Required ⁽¹⁾</i>
"Single-family dwelling units (2)" – "Hotel or Motel" (These parking rates shall remain in full force and effect as previously adopted)		
Indoor <u>entertainment/recreation: arcade</u> except theaters and bowling alleys	Four (4) spaces per one thousand (1,000) square feet GFA.	C
Indoor <u>entertainment/recreation: athletic and health clubs</u>	<u>Five (5) spaces per one thousand (1,000) square feet GFA.</u>	<u>C</u>
Indoor <u>entertainment/recreation: pool or billiard hall, tennis court</u>	<u>Two (2) spaces per pool/billiard table or tennis court, plus one (1) space per two hundred fifty (250) square feet of other accessory recreational area</u>	<u>C</u>
"Laboratories, medical and dental" – "Warehouse" (These parking rates shall remain in full force and effect as previously adopted)		

SECTION 4: Each and every other Section and Subsection of Chapter 23 Zoning. shall remain in full force and effect as previously enacted.

SECTION 5: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

SECTION 6: 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 7: Specific authority is hereby granted to codify this Ordinance.

SECTION 8: This Ordinance shall take effect immediately upon adoption.

(The remainder of this page is intentionally left blank.)

FIRST READING this 22nd day of May, 2023.

SECOND AND FINAL READING this 12th day of June, 2023.

TOWN OF LANTANA

Aye

Nay

Mayor Karen Lythgoe

Aye

Nay

Vice Mayor Lynn J. Moorhouse

Aye

Nay

Vice Mayor Pro Tem Mark Zeitler

Aye

Nay

Councilmember Christopher Castle

Aye

Nay

Councilmember Kem Mason

ATTEST:

(SEAL)

Kathleen Dominguez, CMC, Town Clerk

Approved as to form and legal sufficiency.

R. Max Lohman, Esq., Town Attorney