

# INDIAN SHORES

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## PLANNING, ZONING AND BUILDING COMMITTEE

### MINUTES – JANUARY 3, 2017

The Planning, Zoning and Building Committee convened at 2:00 P.M. Those present were: Mayor Soranno, Councilor Smith and Fred Strahlendorf, Citizen Member.

Also Present: Councilor Schear; Attorney Regina Kardash; Elaine Jackson, Town Clerk; Bonnie Dhonau, Town Administrator; and Larry Schear.

Those present observed a moment of silence in recognition of the passing of Mayor Lawrence.

#### ITEM # AGENDA ITEM

#### 1.0 Approval of Agenda for January 3, 2017.

Motion by Councilor Smith – seconded by Fred Strahlendorf, to approve the Agenda for January 3, 2017. **Motion carried 3-0.**

#### 2.0 Comments from the public on any Agenda item.

There were no comments.

#### 3.0 Consideration of approving the Minutes of the September 20, 2016 meeting.

Motion by Fred Strahlendorf – seconded by Councilor Smith, to approve the Minutes of September 20, 2016. **Motion carried 3-0.**

#### 4.0 PUBLIC HEARING:

**Review and recommendation to Council relative to Ordinance 2017-01.**

**ORDINANCE 2017-01:** AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, IMPOSING A MORATORIUM ON THE OPERATION OF MEDICAL MARIJUANA TREATMENT CENTERS AND DISPENSARIES FOR TWELVE MONTHS WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS WITH OTHER LAWS; PROVIDING FOR AN EFFECTIVE DATE.

James J. Lawrence  
Mayor

Patrick C. Soranno  
Vice Mayor

Michael (Mike) Petruccelli  
Councilor

Diantha Schear  
Councilor

William F. (Bill) Smith  
Councilor

Bonnie Dhonau  
Town Administrator

Terry E. Hughes  
Chief of Police

Susan L. Scrogam  
Director of Finance  
and Personnel

Elaine N. Jackson, MMC  
Town Clerk

Gregory Yantorno  
Building Official

Regina Kardash, Esq.  
Town Attorney

**Attorney Kardash** read Ordinance 2017-01, by title only, and stated the motion would need to be a recommendation to Council, as amended. She pointed out a word missing in Section III that would need to be inserted.

**Attorney Kardash** explained we have the opportunity to have Town regulations in place before one year expires, based on the State taking six months to get their regulations in order, and three months following that, to put licensing in place. Thus, there is at least a nine-month minimum period before anyone could open up a facility. We can repeal the Ordinance before the one-year limit or extend it if more time is needed.

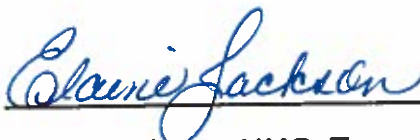
**Attorney Kardash** explained, since this is a constitutional amendment, the Town cannot completely outlaw it, and since we do not issue business licenses, we could maintain control through zoning regulations, such as designating how close it may be allowed to other types of facilities, and/or make it a building code requirement that businesses must have a State license before a certificate of occupancy is issued.

**Councilor Smith** referred to a recent article in the Tampa Bay Times, giving statistics under the previous law. There are presently some dispensaries open in Tallahassee, Clearwater, and Tampa, and 55 cities have zoning moratoriums.

**Attorney Kardash** stated, under the previous law there was some very strict criteria. We want to wait and see exactly what the State provides as criteria; however, zoning is under the Town's jurisdiction and seldom does the State try to intervene. She stated she was confident the Town will have enough time. Another Ordinance would need to be passed in order to extend the moratorium if the Council felt they needed more time to comply.

**Motion** by **Councilor Smith** – seconded by **Fred Strahlendorf**, to recommend Council approval, subject to extending the time of the moratorium to fifteen months, and adding the word "not" in Section III, where indicated. **Motion carried 3-0.**

The Planning, Zoning and Building Committee meeting adjourned at 2:20 P.M.



Elaine Jackson, MMC, Town Clerk