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**ORDINANCE
NUMBER 2018 - 06**

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**AN ORDINANCE OF THE CITY OF LABELLE,
FLORIDA; EXTENDING A TEMPORARY
MORATORIUM ON THE ACCEPTANCE,
PROCESSING, OR APPROVAL OF,
OCCUPATIONAL LICENSES, DEVELOPMENT
ORDERS OR PERMITS RELATING TO MEDICAL
MARIJUANA FACILITIES; PROVIDING FOR
CONFLICT WITH OTHER ORDINANCES;
PROVIDING FOR SEVERABILITY; PROVIDING
FOR CONFLICT WITH EXISTING LAW; AND
PROVIDING FOR AN EFFECTIVE DATE.**

RECITALS

WHEREAS, pursuant to the Article VIII of the Florida Constitution, the City of LaBelle Charter and Section 166.021, Florida Statutes, the City Commission is authorized to adopt ordinances necessary for the exercise of its powers; and

WHEREAS, the City Commission had previously enacted Ordinance 2017-06 instituting a two hundred and seventy (270) day moratorium on medical cannabis businesses, generally, while the Florida Legislature established a regulatory framework to implement and expand the legal medical use of cannabis (hereinafter marijuana); and

WHEREAS, in its past session the Florida Legislation amended the existing regulatory framework surrounding medical marijuana; and

WHEREAS, Section 381.986, Florida Statutes, now severely limits, through State preemption, the City's control over the zoning and permitting of medical marijuana facilities, thereby substantially restricting the City's ability to protect surrounding land uses for which dispensaries may not be compatible; and

32 **WHEREAS**, it is important to provide City time to undertake a study of the
33State’s regulations and the impact upon the City and its residents; and

34 **WHEREAS**, an extension of the moratorium on applications for, or
35approval of, any occupational licenses, development orders or permits for
36medical marijuana facilities will maintain the status quo during the course of the
37study and planning process; and

38 **WHEREAS**, the City intends extend the moratorium for an additional
39ninety-four (94) days thereby limiting the total duration of this moratorium to no
40more than twelve (12) months; and

41 **WHEREAS**, the proposed ordinance was properly advertised and has
42received a public hearing before the City Commission on January 11, 2018; and

43 **WHEREAS**, the Commission finds it is in the best interest of the residents
44of the City to maintain the status quo and extend the moratorium; and

45 **WHEREAS**, the City Commission, due to the imminent expiration of the
46existing moratorium, to utilize the emergency adoption procedures under Section
47166.041, Florida Statutes, to enact this ordinance at a single duly noticed public
48hearing.

49 **NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the
50City of LaBelle, Florida:

51 **Section 1.** The forgoing recitals are true and correct and are
52incorporated herein by this reference.

53 **Section 2.** The provisions of Ordinance 2017-06 are hereby
54extended for an additional term of ninety-four (94) days unless repealed sooner.

55Notwithstanding the forgoing, in the event the City Commission approves an
56amendment to the Land Development Regulations, the moratorium will remain in
57effect until such time as the amendment becomes effective, whichever occurs
58last.

59 **Section 3.** This ordinance is undertaken in good faith and is not
60intended to restrict, prohibit or otherwise prevent a property owner from the
61reasonable use of their land or from developing their land in accordance adopted
62comprehensive plan, land development regulations, or the general ordinances
63and codes of the City of LaBelle.

64 **Section 4. Conflict with other Ordinances.** The provisions of this
65article shall supersede any provisions of existing ordinances in conflict herewith
66to the extent of said conflict.

67 **Section 5. Severability.** In the event that any portion of this
68ordinance is for any reason held invalid or unconstitutional by any court of
69competent jurisdiction, such portion shall be deemed a separate, distinct and
70independent provision, and such holding shall not affect the validity of the
71remaining portions of this ordinance.

72 **Section 6. Existing Law.** Nothing in this temporary moratorium
73shall be construed to prohibit the use of cannabis pursuant to the Article X
74Section 20 of the Florida Constitution, the Compassionate Medical Cannabis Act
75or other applicable Florida Law, or the delivery of cannabis in compliance with
76any applicable Florida Law.

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77 **Section 7. Effective Date.** This Ordinance shall take effect
78 immediately upon its adoption by the City Commission.

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81 **PASSED AND DULY ADOPTED** this ____ day of _____, 2018.

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CITY COMMISSION OF THE CITY OF
LABELLE, FLORIDA

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By: _____

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David A. Lyons, Mayor

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92 ATTEST:

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95 By: _____

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Thomas A. Smith, Clerk-Commissioner

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APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

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By: _____

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Derek Rooney, City Attorney

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107 Vote:

AYE

NAY

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109 Mayor Lyons

110 Commissioner Smith

111 Commissioner Wilkins

112 Commissioner Akin

113 Commissioner Zimmerly

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