

ORDINANCE 27-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, EXTENDING A TEMPORARY MORATORIUM ON THE OPERATION OF RETAIL BUSINESSES ENGAGED IN THE SALE OF RETAIL PRODUCTS CONTAINING CANNABIDIOL/CBD SOLD AS A PRINCIPAL RETAIL PRODUCT WITHIN THE CITY FOR A PERIOD OF SIX (6) MONTHS; PROVIDING FOR CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, at its meeting on July 9, 2019, the City Commission of the City of Delray Beach passed and adopted Ordinance 26-19 imposing a temporary moratorium on the operation of retail businesses engaged in the sale of retail products containing cannabidiol/CBD sold as a principal retail product within the City for a period of one (1) year; and

WHEREAS, the time period established for the moratorium is scheduled to expire on July 8, 2020; and

WHEREAS, due to the historical prohibition of marijuana, the City of Delray Beach does not currently have any land development regulations governing retail businesses engaged in the sale of products containing CBD that are sold as a principal retail product; and

WHEREAS, due to the COVID-19 state of emergency, City staff requires additional time to research and prepare regulations with regard to this subject matter; and

WHEREAS, the City Commission finds and declares a need to temporarily suspend the approval or denial of applications, permits or business tax receipts related to the operation of retail businesses engaged in the sale of products that contain CBD as a primary retail product in order to allow the development of regulations for such retail businesses; and

WHEREAS, the City wishes to definitively place all parties on notice that it is considering amending the LDRs and that all parties who are considering making application for the operation of a retail business engaged in the sale of products that contain CBD as the primary retail product of its business that the City is considering the adoption of ordinances with respect to this subject matter that a temporary moratorium on this subject matter is necessary and appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, that:

Section 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2. A temporary moratorium is hereby imposed on the operation of retail business that sell products containing cannabidiol/CBD as their principle retail product. While the temporary

moratorium is in effect, the City shall not accept, process, or approve any application relating to this subject matter.

Section 3. The City Commission of the City of Delray Beach hereby declares its intention to extend the period established by City Commission Ordinance 26-19 for a period of 180 days from its original expiration date. The zoning in progress period will now expire on January 5, 2021.

Section 4. The temporary moratorium established in this Ordinance shall be effective in the corporate and municipal boundaries of the City of Delray Beach.

Section 5. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 7. This Ordinance shall become effective upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2020.

ATTEST:

Shelly Petrolia, Mayor

City Clerk

First Reading_____

Second Reading_____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney