

ORDINANCE NO. 21-2025

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, REPEALING ARTICLE XIV, "MEDICAL MARIJUANA DISPENSARIES," OF CHAPTER 110 "ZONING," AND AMENDING AND ARTICLE III, "ESTABLISHMENT OF CLASSIFICATIONS AND OFFICIAL ZONING MAP," OF CHAPTER 110 "ZONING," OF THE LAND DEVELOPMENT CODE OF THE CITY OF DELTONA TO PROHIBIT MEDICAL MARIJUANA DISPENSARIES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City of Deltona as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, the City of Deltona, Florida, adopted Article XIV, "Medical Marijuana Dispensaries," Article III, "Establishment of Classifications and Official Zoning Map," and Chapter 110, "Zoning" within its Land Development Code; and

WHEREAS, Section 381.986(11)(b)(1), Florida Statutes, authorizes a county or municipality to, "by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality;" and

WHEREAS, the City Commission desires to ban medical marijuana treatment center dispensing facilities from being located within its boundaries; and

WHEREAS, any previously permitted medical marijuana treatment center dispensing facility may continue to operate pursuant to Section 110-600(b), Code of Ordinances, so long as “(1) it is not is not enlarged, increased or extended to occupy a greater area than was occupied on the effective date of adoption or amendment of this chapter; (2) It is not moved in whole or in part to any portion of the lot other than that occupied by such use on the effective date of adoption or amendment of this chapter; and (3) No additional structure is constructed or erected in connection with such nonconforming use;” and

WHEREAS, to align with this intent, Article XIV, “Medical Marijuana Dispensaries”, of Chapter 110, “Zoning”, of the Land Development Code shall be repealed; and

WHEREAS, to align with this intent, Article III, “Establishment of Classifications and Official Zoning Map,” of Chapter 110, “Zoning,” shall be amended; and

WHEREAS, public notice has been provided as required by law; and

WHEREAS, the Planning and Zoning Board held a public hearing on May 21, 2025, and forwarded its recommendations to the City Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1. Recitals Adopted. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

Section 2. Amendment to the Code of Ordinances. The City Commission hereby approves and repeals Article XIV, “Medical Marijuana Dispensaries,” of

Chapter 110, "Zoning," of the Land Development Code, as set forth in Exhibit "A" attached hereto, and hereby approves and adopts modifications to Article III, ""Establishment of Classifications and Official Zoning Map," of Chapter 110, "Zoning," of the Land Development Code, as set forth in Exhibit "B."

Section 3. Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

Section 5. Codification. The provisions of this Ordinance shall be codified as and be made part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered to accomplish such intention.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
DELTONA, FLORIDA THIS _____ DAY OF _____, 2025.**

First Reading: _____

Advertised: _____

Second Reading: _____

BY: _____

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

TG Law, PLLC, CITY ATTORNEY

Name	Yes	No
Avila-Vazquez		
Colwell		
Heriot		
Howington		
Lulli		
Santiago		
Avila		

ARTICLE XIV. MEDICAL MARIJUANA DISPENSARIES

Sec. 110-1400. Definition.

The term "medical marijuana dispensary" shall mean any location at which medical marijuana (by whatever name) is sold or dispensed, except for licensed pharmacies.

(Ord. No. 10-2014, § 1, 10-20-2014)

Sec. 110-1401. Zoning districts where allowed.

Medical marijuana dispensaries shall be allowed as conditional uses in the C-1 - Retail Commercial District, C-2 - General Commercial District, and C-3 - Heavy Commercial District classifications, upon approval of a conditional use application.

(Ord. No. 10-2014, § 1, 10-20-2014)

Sec. 110-1402. Requirements for operation and conditional use criteria.

- (a) The following are requirements as to all medical marijuana dispensaries. Violation of any of the following shall be punishable as a violation of this Code.
- (1) *Controlled substances.* The on-site sale, provision, or dispensing of medical marijuana is prohibited except as specifically authorized by applicable law.
 - (2) *Loitering.* Medical marijuana dispensary shall provide adequate seating for its patients and business invitees. The medical marijuana dispensary shall not direct or encourage any patient or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary operates, including in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. The medical marijuana dispensary shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.
 - (3) *Queuing of vehicles.* The medical marijuana dispensary shall ensure that there is no queuing of vehicles in the rights-of-way. The medical marijuana dispensary shall take all necessary and immediate steps to ensure compliance with this paragraph.
 - (4) *No drive through service.* No medical marijuana dispensary shall have a drive through or drive in service aisle. All dispensing, payment for and receipt of said medical marijuana shall occur from inside the medical marijuana dispensary.
 - (5) *Alcoholic beverages.* No consumption of alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks, or rights-of-way. The medical marijuana dispensary shall take all necessary and immediate steps to ensure compliance with this paragraph.
 - (6) *Separation distances.* A medical marijuana dispensary shall not operate within 500 feet of any school, as that term is defined in F.S. § 1002.01 or 1003.01, as it may be amended, or another medical marijuana dispensary. Distance requirements shall be documented by the applicant and submitted to the planning and development services department with the application. All distance requirements

shall be measured by drawing a straight line from the nearest property line of the pre-existing protected use to the nearest property line of the proposed medical marijuana dispensary. The applicant may request a variance from the requirements of this paragraph as provided in the Deltona Land Development Code.

- (7) *Operating hours.* Medical marijuana dispensaries shall only be allowed to operate between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Medical marijuana dispensaries shall not operate on Sundays.
- (8) *Growing of marijuana.* Nothing in this article shall be deemed to allow or permit the growing or cultivating of marijuana in or about a medical marijuana dispensary, or at any other location within the city limits of the city.
- (b) When considering an application for a medical marijuana dispensary, the planning and zoning board must consider the conditional use criteria listed in section 110-1402 (a)(1) through (8). At a regularly scheduled public meeting, the planning and zoning board shall review the conditional use application and make a recommendation to the city commission to deny the request, approve the request, or approve with conditions the request. The planning and zoning board may assign additional conditions and safeguards, as deemed necessary.

(Ord. No. 10-2014, § 1, 10-20-2014)

Land Use Category	RP	P	A	RE-5	RE-1	R1	R1-A	R1-AA	R1-AAA	R1-B	R-2	RM-1	RM-2	MH	OR	PB	C-1	C-2	C-3	I	RPUD	CPUD	IPUD	MPUD
RESIDENTIAL																								
One-Family Dwelling			P	P	P	P	P	P	P	P	P										*P	*P	*	*
Two-Family Dwelling (Duplex)											P	P	P								*P	*P	*	*P
Florida DCA-approved manufactured dwellings														P							*	*	*	*
Mobile Home														P							*	*	*	*
Multi-Family Apartments												P	P								*P	*P	*	*P
Townhomes											P	P	P								*P	*P	*	*P
Community Residential Home, following F.S. 419			P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C			*	*	*	*
Granny Flat or ADU			P	P	P	P	P	P	P												*	*	*	*
MISCELLANEOUS																								
Animal Hospital or Veterinary Clinic			P														P	P	P		*	*P	*	*P
Apiaries, Aviaries or Pisciculture, Animal Husbandry			P	P	P																*	*	*	*
Banks															P	P	P	P			*	*P	*	*P
Bed and Breakfast Homestay			C	C	C ¹																*	*	*	*
Daycare Centers					C ²	C ²	C ²	C ²	C ²						P	P	P	P			*	*P	*	*P
Dental Offices and Clinics															P		P	P	P		*	*P	*	*P
Employment Agencies																P	P	P	P		*	*P	*	*P
Equestrian Facility			P	P	P																*	*	*	*
Funeral Homes																	C ³	P	P		*	*C ³	*	*C ³
Golf Course		P		P													P	P	P		*	*P	*	*P
Group Home Facility															C		C				*	*	*	*
Medical Offices and Clinics															P	P	P	P	P	P	*	*P	*	*P
PUBLIC AND SEMI-PUBLIC																								
Communication Tower Over 70 ft.	P	P	C	C	C					C	C	C	C	C							*	*C	*C	*C
Communication Towers up to 70 ft.	P	P	C	C	C					C	C	C	C	C		C	C	C	C	C	*	*C	*C	*C
Cultural, Historical, and Art Centers and Museums	P	P	P														P	P	P		*	*P	*	*P

Land Use Category	RP	P	A	RE-5	RE-1	R1	R1-A	R1-AA	R1-AAA	R1-B	R-2	RM-1	RM-2	MH	OR	PB	C-1	C-2	C-3	I	RPUD	CPUD	IPUD	MPUD
Government Uses (Fire Stations, Utility Services, Sheriff Station, Civic Center, Libraries, etc.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>*P</u>	<u>*P</u>	<u>*P</u>	<u>*P</u>
Hospital		P															P	P	P		<u>*</u>	<u>*P</u>	<u>*</u>	<u>*P</u>
House of Worship			C ⁴	C ⁴	C	C	C	C	C	C	C				C ⁴	C ⁴	P	P	P		<u>*</u>	<u>*P</u>	<u>*</u>	<u>*P</u>
Non-Profit or Charitable Organizations																	P	P	P		<u>*</u>	<u>*P</u>	<u>*</u>	<u>*P</u>
Schools (Private and Public)		P	C	C	C	C	C	C	C	C	C	C				C	C	C			<u>*</u>	<u>*P</u>	<u>*</u>	<u>*P</u>
Commercial																								
Art, Dance, or Music Studios																P	P	P	P		<u>*</u>	<u>*P</u>	<u>*E</u>	<u>*P</u>
Barber or Beauty Shops																P	P	P	P		<u>*</u>	<u>*P</u>	<u>*</u>	<u>*P</u>
Bars or Liquor Stores																	P	P	P		<u>*</u>	<u>*P</u>	<u>*</u>	<u>*P</u>
Brewpub, Microbrewery, Microwinery, and Craft Distillery																	P	P	P	P	<u>*</u>	<u>*P</u>	<u>*P</u>	<u>*P</u>
Car Washes																	P	C	C		<u>*</u>	<u>*E</u>	<u>*</u>	<u>*E</u>
Entertainment Uses (Trampoline Parks, Bowling Alleys, Escape Rooms, etc.)																	P	P	P	P	<u>*</u>	<u>*P</u>	<u>*P</u>	<u>*P</u>
Flex Space																	P	P	P		<u>*</u>	<u>*P</u>	<u>*P</u>	<u>*P</u>
General Offices															P	P	P	P	P		<u>*</u>	<u>*P</u>	<u>*P</u>	<u>*P</u>
Pet Boarding, Dog Daycares, etc. – Indoor Only																	P	P	P		<u>*</u>	<u>*P</u>	<u>*</u>	<u>*P</u>
Pet Boarding, Dog Daycares, etc. – Outdoor Only																	C	C	P		<u>*</u>	<u>*E</u>	<u>*</u>	<u>*E</u>
Pet Grooming																P	P	P	P		<u>*</u>	<u>*P</u>	<u>*</u>	<u>*P</u>
Pharmacy, Drugstore, Dispensary																	P ⁷	P ⁷	P ⁷		<u>*</u>	<u>*P⁷</u>	<u>*</u>	<u>P⁷</u>
Restaurant – Type A (Sit Down)																	P	P	P		<u>*</u>	<u>*P</u>	<u>*</u>	<u>*P</u>
Restaurant – Type B (Drive-Thru)																	C	C	P		<u>*</u>	<u>*E</u>	<u>*</u>	<u>*E</u>
Retails Sales and Services																C	P	P	P		<u>*</u>	<u>*P</u>	<u>*</u>	<u>*P</u>
Tattoo Shops																	C	P	P	P	<u>*</u>	<u>*E</u>	<u>*</u>	<u>*E</u>

Land Use Category	RP	P	A	RE-5	RE-1	R1	R1-A	R1-AA	R1-AAA	R1-B	R-2	RM-1	RM-2	MH	OR	PB	C-1	C-2	C-3	I	RPUD	CPUD	IPUD	MPUD	
Theater																	P	P	P	P	*	*P	*	*P	
TRANSIENT LODGING																									
Motels and hotels																	C	P	P		*	*P	*	*P	
Nightclub, Private Clubs, Lodges, or Lounges																	P	P	P		*	*P	*	*P	
VEHICULAR USES																									
Automobile Driving School																	C	P	P		*	*	*	*	
Automobile Rental Agencies																		P	P	P	*	*	*C	*	
Automobile Sales, New and Used																		C	C	C	*	*C	*C	*C	
Automobile Service Stations A – Oil Change and Tune-Ups																	C	P	P	P	*	*	*P	*	
Automobile Service Stations B – Repair Garage																	C	C	P	P	*	*	*P	*	
Automobile Service Stations C – Gas Stations																	C	P	P	P	*	*C	*P	*C	
Boat, Mobile Homes, and Recreational Vehicle Sales and Services																		C	C	C	*	*C	*C	*C	
INDUSTRIAL																									
Contractor Shop, Storage, and Equipment Yard																			C	P	*	*	*P	*	
Contractor Shop, Storage, and Equipment Yard - Outdoor																			C	C	*	*	*C	*	
Household Moving Center																		P	P	P	*	*	*	*P	
Laboratories																				P	*	*	*P	*P	
Manufacturing																				P	*	*	*P	*P	
Self-Storage Facility																				P	*	*	*P	*C	
Truck and Freight Transfer Terminals																			C	P	*	*	*C	*	
Truck Stops																			C		*	*	*P	*	
Truck Storage																			C		*	*	*C	*	
Warehouse																				P	P	*	*	*P	*P
Welding and Soldering Shop																				P	P	*	*	*P	*

P = Permitted Use

C = Conditional Use

*** Indicates that the use listed is allowed subject to complying with Planned Unit Development Regulations, Section 110-319 and the City Comprehensive Plan, as amended from time to time.

Minor Conditional Use

Major Conditional Use

1. Major Conditional Use if 5 or more rooms.
2. Major Conditional Use if 6 or more children.
3. No mortuary services permitted.
4. Major Conditional Use if there are more than 100 seats or there is an ancillary school and/or daycare.
5. Major Conditional Use if greater than 8 fuel positions.
6. Major Conditional Use if outdoor storage is proposed.
7. P Medical Marijuana Dispensaries are banned within the City of Deltona with the repealing of Article XIV.