

1 SEE EXHIBIT "A"

2
3 PROPOSED TEXT AMENDMENTS
4 CITY OF DELTONA LAND DEVELOPMENT CODE
5

- 6 I. Zoning Code, of the City of Deltona Code of Ordinances Article XIV
7 Pharmacy/Drug Stores and Medical Marijuana Dispensaries, shall be amended
8 as follows:

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10 PART II - CODE OF ORDINANCES
11 Chapter 110 - ZONING
12 ARTICLE XIV. PHARMACIES, DRUG STORES, AND MEDICAL MARIJUANA
13 DISPENSARIES
14

15 **ARTICLE XIV. PHARMACIES, DRUG STORES AND MEDICAL MARIJUANA**
16 **DISPENSARIES**

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18 **Sec. 110-1400. Definition.**

19 *Medical Marijuana Dispensing Facility* is a retail establishment of a Dispensing
20 Organization licensed by the Florida Department of Health that sells and dispenses
21 medical marijuana, but does not engage in other activity related to preparation, wholesale
22 storage, distribution, transfer, cultivation, or processing of any form of medical marijuana
23 or medical marijuana product, and does not allow on-site consumption of medical
24 marijuana.

25 *Medical Marijuana Treatment Center* means a facility licensed by the Florida
26 Department of Health to cultivate, process, transport, or dispense marijuana or marijuana
27 delivery services.

28 *Medical Marijuana Treatment Center Dispensing Facility* means any treatment
29 center, entity establish, or portion thereof, which lawfully acquires, cultivates, possess,
30 processes, transfer, transports, sells, dispenses or administers medical marijuana
31 products containing medical marijuana, related supplies or educational material under
32 controlling State law.

33 *Pharmacy/Drug Store* mans a business or facility, or component of a business or
34 facility, that is licensed under Chapter 465, Florida Statutes, and where medicinal drugs
35 are compounded, dispensed, stored, or sold or where prescriptions are filled or
36 dispensed (this does not include a physician dispensing medicinal drug samples). Such
37 businesses or facilities may also engage in the retail sale of non-prescription medicines,
38 cosmetics and other retail items or may be part of a medical care facility, any may be
39 either the primary activity or an ancillary use. Pharmacies/Drug Stores shall not be
40 considered a personal service establishment.

41 (Ord. No. 10-2014, § 1, 10-20-2014)

42 **Sec. 110-1401. Purpose.**

(a) The purpose of this Section is to protect the public health, safety, and welfare by prescribing the manner and standards under which a pharmacy/drug store and medical marijuana dispensary may be approved for locating and conducting business in the city. The Regulations in this section are intended to:

- (1) Ensure the lawful, safe sale and distribution of pharmaceuticals including medical marijuana, to qualified patients who are legally authorized to obtain, possess, and use medical marijuana, or to personal caregivers authorized to obtain and possess medical marijuana in accordance with state law; and
- (2) Safeguard and enhance the character and vitality of the city's residential neighborhoods and commercial districts by establishing standards for pharmacies, drug stores, and medical marijuana dispensaries, while restricting their locations; and
- (3) Protect sensitive land uses, such as schools, from the potential adverse impacts of pharmacies, drug stores, and medical marijuana dispensaries by mandating physical separation between these uses; and
- (4) Prohibit any cultivation and processing of marijuana within the city limits.

Sec. 110-1402 - Location

(a) The following regulations shall apply to the location of pharmacies, drug stores, which includes medical marijuana dispensaries authorized under Florida law.

- (1) A pharmacy/drugs store or medical marijuana dispensary facility shall not be located within 1,500 feet of another pharmacy, drug store, or medical marijuana dispensary facility.
- (2) A pharmacy, drug store, or medical marijuana dispensary facility shall not be located within 500 feet of the property of any public or private park, religious institution, house of worship or public or private elementary school, middle school, secondary school unless the Planning & Zoning Board and City Commission approve the location as a Major Conditional Use at a public hearing, by determining that the proposed use primarily serves the interests of the specific neighborhood.
- (3) If a pharmacy, drug store, or medical marijuana dispensary facility has been lawfully procured and thereafter a public, or private elementary school, middle school, secondary school be established within a distance otherwise prohibited by this Section, the establishment of a school shall not be cause for revocation of the use. The use may be deemed existing non-conforming.
- (4) Distance shall be measured by drawing a straight line between the perimeter property line of the site occupied by the pharmacy, drug store, or medical marijuana dispensary to the closest property line of the school. These distance separation requirements apply without regard as to whether the uses and facilities are located within or outside the city limits.

Sec. 110-1403 Prohibited Activities.

(a) The preparation, wholesale storage, distribution, cultivation, growing, or processing of any form of marijuana or marijuana delivery devices, as well as the

onsite consumption of marijuana, are strictly prohibited at pharmacies/drug stores, or medical marijuana dispensary facilities.

Sec. 110-1404 Performance standards and conditions.

(a) All pharmacies, /drug stores, or medical marijuana dispensary facilities shall comply with the following standards, which may be further incorporated into conditions of approval:

(1) Drive-through window/facilities are subject to the following:

a. Drive-through windows or facilities are limited to pharmacies/drug stores, or medical marijuana dispensaries with a minimum size of 14,500 square feet and a maximum of 80,000 square feet.

b. Pharmacies, drugs stores, or medical marijuana dispensaries with less than 14,500 square feet shall not have drive-through or drive-in services. All sales, purchases, and dispensing shall occur inside the facility.

2. All pharmacy, drug store, or medical marijuana dispensing facilities shall provide adequate seating for customers and business invitees. Customer or business invitees are prohibited from standing, (including in a parked car), or gathering/loitering outside of the building, including in parking areas, sidewalks, rights-of-way, or neighboring properties, for any period of time longer than reasonably necessary to arrive and depart.

3. All pharmacy, drug store, or medical marijuana dispensing facilities shall meet all off-site parking requirements as set forth in Section 110-828, for retail sales and service within the commercial parking category. The parking demand created by the pharmacy/drug store, or medical marijuana dispensing facility shall not exceed the parking spaces available or allocated on-site.

Sec. 110-1405 Major Conditional Use Approval.

(a) Any person seeking approval to locate a pharmacy, drug store, or medical marijuana dispensary facility that does not meet the location criteria as set forth in this section shall apply for approval as a Major Conditional Use, subject to application, public hearings, and approval as provided in the Land Development Regulations. An application for Major Conditional Use for a pharmacy/drug store, or medical marijuana dispensary facility may be denied, approved, or approved with conditions. In considering an application for a Major Conditional Use pursuant to this section, the Planning and Zoning Board and the City Commission shall consider the following criteria:

(1) The compatibility of the proposed facility with the surrounding uses;

(2) The size of the lot on which the proposed facility will be located;

(3) The maximum number of persons the proposed facility can accommodate;

(4) The amount of traffic generated by the proposed facility;

(5) The general, health, safety and welfare of the community;

(6) The safety measures to be implemented by the applicant to protect the property, employees, and invitees during and outside of operating hours;

(7) Meeting all Performance Standards and Conditions as set forth in this Section.

(b) Each application for a Major Conditional Use for pharmacy/drug store, or medical marijuana dispensary facility shall be accompanied by a site plan. The site plan shall be drawn to scale and include property lines, rights-of-way, adjacent uses, and the locations of buildings, parking areas, curb cuts, and driveways. The site plan shall be submitted to and considered by the Planning and Zoning Board and the City Commission as provided for in the Land Development Regulation prior to the granting of a building permit. Upon such approval, the site plan becomes a part of the building permit and may only be amended by action of the City Commission, after a recommendation from the Planning and Zoning Board.

(c) *Conditional Use Approval Duration.* A conditional use approval for a pharmacy/drug store, or medical marijuana dispensary facility shall expire 12 months after approval if the use is not implemented, pursuant to the Conditional Use procedures set forth in the Land Development Regulations. Otherwise, the Conditional Use approval shall remain valid for the duration of the business operation of the pharmacy/drug store, or medical marijuana dispensary facility subject to the following conditions:

(1) Complete and continuous compliance with all conditions of approval, state laws, licensing, permitting and operational requirements.

(2) For medical marijuana dispensary facilities, sales and dispensing shall only involve marijuana that has been approved by the state of Florida for sale for medical purposes.

(3) The characteristics of the business and its impact must remain consistent with the details provided in the Conditional Use approval.

(d) *Revocation of Conditional Use Approval.* Any conditional use approval granted under this section shall be immediately terminated if one or more of the following occur:

(1) The pharmacy/drug store, or medical marijuana dispensing facility owner/operator, or owner of the property dispensing where the facility is located, provides false or misleading information to the city;

(2) Any individual on the premises knowingly dispenses, delivers, or otherwise transfers marijuana or marijuana delivery devices to an individual not authorized by state law to receive such substances or products.

(3) The pharmacy/drug store, or medical marijuana dispensing facility owner/operator fails to correct a city code violation or provide an acceptable action plan to remedy the violation within the specified in the notice of violation.

(4) The pharmacy/drug store, or medical marijuana dispensing facility owner/operator fails to correct any state law violation or address any warnings in accordance with a corrective action plan required by the state within the specified timeframes and completion provided to the city;

(5) The state license for the pharmacy/drug store, or medical marijuana facility under when the dispensing facility is operating authorizing the dispensing of marijuana and marijuana delivery devices expires or is revoked.

(6) The pharmacy/drug store, or dispensing facility owner/operator fails to comply with all conditions set forth in the Conditional Use approval.

Sec. 110-1406. Existing non-conforming uses.

(a) Any pharmacy, drug store, or medical marijuana dispensing facility that is licensed pursuant to F.S. Chapter 465, and was approved by the City through a final development order or business tax receipt prior to the effective date of Ordinance 07- 2025, is permitted to continue operating as a lawful non-conforming use, even if located in a zoning district that does not allow such facilities or does not meet the locational criteria as set forth in this Section.

(b) *Expansion of an existing non-conforming uses.* Any pharmacy, drug store, or medical marijuana dispensing facility that is licensed pursuant to F.S. Chapter 465, that enlarges, alters, and or expands beyond the scope and area of its existing operation shall be required to apply for a Conditional Use approval as set forth in this Section.