

SEE EXHIBIT "A"

PROPOSED TEXT AMENDMENTS
CITY OF DELTONA LAND DEVELOPMENT CODE

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

PART II - CODE OF ORDINANCES
Chapter 110 - ZONING

ARTICLE XIV. PHARMACY/DRUG STORES AND MEDICAL MARIJUANA DISPENSARIES

**ARTICLE XIV. PHARMACY/DRUG STORES AND 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~~
Medical Marijuana Dispensing Facility is a retail establishment of a Dispensing Organization licensed by the Florida Department of Health that sells and dispenses medical marijuana, but does not engage in other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of medical marijuana or medical marijuana product, and does not allow on-site consumption of medical marijuana.

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

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

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

(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.~~

~~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.~~

~~**Controlled substances.** The on-site sale, provision, or dispensing of medical
marijuana is prohibited except as specifically authorized by applicable law.~~

~~**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.~~

~~**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.~~

~~**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.~~

~~**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.~~

~~**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~~

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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.

~~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.

~~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.

~~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)~~

Sec. 110-14010. Purpose.

(a) A. Purpose. 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) ~~Provide for~~Ensure the lawful, safe sale and distribution of pharmaceuticals including medical marijuana, ~~for medical use to~~ ~~qualifying~~ ~~ed~~ ~~qualified~~ patients who are ~~authorized to~~ 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~~Promote and protect the character and vitality of the city's residential neighborhoods and commercial districts ~~through site development~~by establishing standards for pharmacies, ~~y/~~drug stores, and medical marijuana dispensaries, while restricting their locations and limit the location of pharmacy/drug store and medical marijuana dispensaries; and

(3) ~~Protect sensitive land uses, such as schools, from the potential adverse impacts of pharmacies~~y/, drug stores, and medical marijuana dispensaries by ~~requiring~~mandating physical separation between ~~such~~these uses as schools; and

—Prohibit any cultivation and processing of marijuana within the city limits.

(4)

Sec. 110-14012 - Location

121 ~~B.~~ The following regulations shall apply to the location of pharmacies, ~~y/~~ drug
122 stores, which includes medical marijuana dispensaries ~~iesy facilities~~ authorized under
123 Florida law.

124 (a)

125 (1) ~~Location.~~ A pharmacy/drugs store or medical marijuana dispensary facility shall
126 not be located within ~~fifteen hundred (1,500)~~ feet of another pharmacy, ~~-drug~~
127 store, or medical marijuana dispensary facility.

128 ~~A pharmacy, or drug store, or medical marijuana dispensary shall not be located~~
129 ~~within fifteen hundred (1,500) feet of a public or private park, a religious~~
130 ~~institution or house of worship.~~

131 (2) A pharmacy, drug store, or medical marijuana dispensary facility shall not be
132 located within 500 feet of the ~~real property that comprises of any~~ public or private
133 park, religious institution, house of worship ~~or a~~ public or private elementary
134 school, middle school, secondary school unless the Planning & Zoning Board
135 and City Commission approves the location as a Major Conditional Use at a
136 public hearing, by determining that the proposed use primarily serves the
137 interests of the specific neighborhood.

138 (3) ~~Whenever~~ If a pharmacy, ~~/~~ drug store, or medical marijuana dispensary facility
139 has been lawfully procured and thereafter a public, or private elementary school,
140 middle school, secondary school be established within a distance otherwise
141 prohibited by this Section, the establishment of ~~a school~~ such ~~us~~ shall not be
142 cause for revocation of the ~~said use~~. The use ~~and~~ may be deemed existing non-
143 conforming.

144 (4) Distance shall be measured by drawing a straight line between the perimeter
145 property line of the site occupied by the pharmacy, drug store, or medical
146 marijuana dispensary ~~use~~ to the closest property line of the school. These
147 distance separation requirements apply without regard as to whether the uses
148 and facilities are located within or outside the city limits.

149 ~~G~~Sec. 110-140~~23~~ Prohibited Activities.

150 (a) The preparation, wholesale storage, distribution, cultivation, growing, or
151 processing of any form of marijuana or marijuana delivery devices, ~~as well and as~~
152 the onsite consumption of ~~any~~ marijuana, ~~are strictly is specifically~~ prohibited at a
153 pharmacies, ~~/~~ drug stores, or medical marijuana dispensaries.

154 ~~D~~Sec. 110-140~~34~~ Performance standards and conditions.

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

158 (1) 4. — Drive-through window/facilities are subject to the following:

159 a. Drive-through windows or facilities are ~~L~~imited to pharmacies, ~~y/~~ drug stores,
160 or medical marijuana dispensaries with ~~at least~~ minimum size of ~~-14,500~~
161 square feet and ~~no more than a maximum of~~ 80,000 square feet.

162 b. Pharmacies, ~~y/~~ drugs stores, or medical marijuana dispensaries with less

than 14,500 square feet shall not have ~~a 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 ~~its~~ customers and business invitees. ~~Customer or business invitees are prohibited from standing, and shall not allow customers or business invites to stand, sit-~~ (including in a parked car), or gathering ~~/ or loitering~~ outside of ~~any~~the building, including in ~~any~~ parking areas, sidewalks, rights-of-way, or neighboring properties, for any period of time longer than ~~that~~ reasonably necessary ~~require~~ 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 and any~~ parking demand created by the pharmacy ~~/, / drug store,~~ or medical marijuana dispensing facility shall not exceed the parking spaces ~~located~~available or allocated on-site.

Sec. 110-14045 Major Conditional Use Approval Required.

(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 ~~be allowed to~~ apply for approval as a Major Conditional ~~u~~Use, ~~subject to upon~~ application, public hearings, and approval as provided in the Land Development Regulations. An application for Major Conditional ~~u~~Use ~~offer 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 ~~u~~Use pursuant to this section, the Planning and Zoning Board and the City Commission shall consider the following criteria:

- (1) ~~The C~~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 ~~that can occupy~~ 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) ~~All~~The safety measures to be implemented by the applicant to protect the property, employees, and invitees during and outside of ~~its~~ operating hours;
- (7) Meeting all ~~the~~ 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 indicating~~ property lines, rights-of-way, adjacent uses, and the locations of buildings, parking areas, curb cuts, and driveways. ~~Said~~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, ~~said~~the site plan becomes a part of the building permit and may ~~only~~ be

amended ~~only~~ by action of the City Commission, after a recommendation ~~by~~ from the Planning ~~&and~~ Zoning Board.

(c) ~~F.~~ *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 ~~e~~Conditional ~~u~~Use procedures set forth in the Land Development Regulations.; ~~e~~Otherwise, ~~thea~~ ~~e~~Conditional ~~u~~Use approval shall remain valid for the duration of the business operation of the ~~P~~pharmacy/~~/~~ ~~D~~drug store, or medical marijuana dispensary facility subject to the following ~~conditions~~:

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

~~— all licensing, permitting and operational requirements~~

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

(3) The characteristics of the business and ~~useits~~ impact ~~must remain the~~ ~~sameconsistent~~ with the details provided ~~as set forth in the~~ ~~C~~conditional ~~u~~Use approval.

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

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

(2) ~~Anyone~~Any individual on the premises knowingly dispenses, delivers, or otherwise transfers marijuana or marijuana delivery devices to an individual ~~or entity~~ 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 ~~anya~~ city code violation or ~~to otherwise~~ provide an ~~acceptable~~ action plan to remedy the violation ~~acceptable to the city within the timeframes and compliance deadline providedspecified in the notice of violation.~~

(4) 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 ~~any~~ corrective action plan required by the state within the ~~specified~~ timeframes and completion ~~date the pharmacy/drug store or medical marijuana dispensing owner/operator provided~~ to the city;

(5) 5. — The state license ~~offor~~ the pharmacy/~~/~~ drug store, or medical-
marijuana facility, ~~treatment center under which the dispensing facility is~~
~~operating authorizing to dispense 1405the dispensing of marijuana and~~
~~marijuana delivery devices, expires or~~ under when the dispensing facility is

operating authorizing the dispensing of marijuana and marijuana delivery devices expires or is revoked. ~~is revoked.~~

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

H.Sec. 110-14056. 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 ~~1307-~~ 2025, is permitted to continue operating ~~and continue operation~~ as a lawful non-conforming use, ~~even if said business is located in a zoning district that does not allow pharmacy/drug or medical marijuana dispensingsuch~~ facilities or does not meet the locational criteria as set forth in this Section.

~~(b) I.~~ — *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, ~~andthat~~ enlarges, alters, and or expands beyond the scope and area of its existing operation shall be required to apply for designated as a ~~e~~Conditional ~~u~~Use approval as set forth ~~above~~in this Section.