



MEMORANDUM

DATE: June 2, 2025

TO: City Commission

FROM: Jonathan Knight, Planner I, Planning and Development Services.

THRU: Doc Dougherty, City Manager

SUBJECT: Ordinance No.21-2025, Repealing Article XIV Medical Marijuana Dispensaries, of Chapter 110 "Zoning" of the Land Development Code and Amending 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. (Legislative – Public Hearing) (Jonathan Knight, Project Manager)

REFERENCES: City Comprehensive Plan, Code of Ordinances.

Request: This item seeks City Commission approval to repeal Article XIV of Chapter 110 of the City's Land Development Code and update the Land Use Table to remove Medical Marijuana Dispensaries as a permitted or conditional use in all zoning districts. This action follows the Commission's denial of Ordinance No. 07-2025 on April 7, 2025, and its directive to staff to implement a full ban on dispensaries. The proposed changes reflect the City's policy position and ensure compliance with Florida state law regarding local government authority over medical marijuana treatment centers.

Discussion: The City of Deltona regularly updates its Land Development Code to align with changes in legal requirements, community standards, and planning needs. In October 2014, the City enacted Ordinance No. 10-2014, which allowed medical marijuana dispensaries as a Conditional Use in C-1, C-2 and C-3 zoning districts, subject to City Commission approval.

In 2018, the Florida Legislature enacted legislation that preempted the regulation of medical marijuana cultivation and processing to the State, leaving local governments with limited authority. Local government could either ban dispensaries entirely or regulate them no more restrictively than pharmacies, including not limiting their number. In response, staff drafted Ordinance No. 07-2025 to revised Article XIV and incorporate location restrictions applicable to both pharmacies and dispensaries.

However, on April 7, 2025, the City Commission denied Ordinance No. 07-2025 and directed staff to pursue a complete ban on medical marijuana dispensaries. The proposed actions:

- Repeal Article XIV of Chapter 110 to remove all references to medical marijuana dispensaries.
- Amending the Land Use Table to:
 - Remove any listing of dispensaries as a permitted or conditional use.

- Ensure dispensaries are prohibited in all zoning districts.

Medical marijuana dispensing facilities that were lawfully approved by the City through a final development order or business tax receipt prior to the effective date of Ordinance No. 21-2025 may continue to operate as lawful non-conforming uses. However, these facilities must adhere to Section 110-601 – Abandonment of nonconforming uses of premises, which specifies that if a nonconforming use has been abandoned for six consecutive months, it cannot be reestablished, and any future use must comply with current zoning regulations.

While the proposed ordinance would prohibit the establishment of medical marijuana dispensaries within the City of Deltona, residents will continue to have reasonable access to such facilities in neighboring communities. Currently, there is one dispensary operating in Deltona, with a second expected to open soon. In the surrounding region, medical marijuana dispensaries are readily available, including nine in Daytona Beach, three in Orange City, six in Port Orange, two in Edgewater, two in Holy Hill, one in DeLand, one in New Smyrna Beach, and one in Ormond Beach. Notably, Daytona Beach shores passed an ordinance in 2017 to ban medical marijuana dispensaries within its jurisdiction. This regional availability ensure that Deltona residents can obtain medical marijuana without undue burden, even with the proposed citywide prohibition in place.

PLANNING AND ZONING BOARD: At their regular meeting on May 21, 2025, the Planning Board voted 6 to 1, to recommend that the Mayor and City Commission approved Ordinance No. 21-2025.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance No. 21-2025.

NEXT STEPS: The Mayor and Commission will hold the first reading on June 2, 2025 and the second reading on July 7, 2025.

ATTACHMENTS:

- Ordinance No. 21-2025.
- Article XIV – before repeal.
- Land Use Table redline.