

ORDINANCE NO. 07-2025

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE ZONING CODE, ARTICLE XIV, "MEDICAL MARIJUANA DISPENSARIES" BY UPDATING THE TITLE TO "PHARMACIES, DRUGSTORES, AND MEDICAL MARIJUANA," TO ALIGN WITH FLORIDA STATUTES, AND TO INCLUDE PROVISIONS FOR PURPOSE, LOCATION, STANDARDS, AND APPROVAL PROCESS; 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," and Chapter 110, "Zoning" within its Land Development Code; and

WHEREAS, Article XIV, "Medical Marijuana Dispensaries," of Chapter 110, "Zoning," of the Land Development Code shall be amended to align with and complement the provisions of Section 381.986, Florida Statutes, as may be amended; and

WHEREAS, the Planning and Zoning Board held a public hearing on March 19, 2025, and forwarded its recommendations to the City Commission; and

WHEREAS, the City Commission finds and determines that these modifications are in the best interest of the public health, safety, and welfare of the residents of the City of Deltona.

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 adopts modifications to Article XIV, "Medical Marijuana Dispensaries," of Chapter 110, "Zoning," of the Land Development Code, as set forth in "Exhibit A" attached hereto.

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 Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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

CITY ATTORNEY

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. ~~PHARMACIES, Y/DRUG STORES, AND~~ MEDICAL MARIJUANA

DISPENSARIES

**ARTICLE XIV. ~~PHARMACY/DRUG~~IES, 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~~

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 forEnsure the lawful, safe sale and distribution of pharmaceuticals including medical marijuana, for medical use to ~~qualifying~~ 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 pharmaciesy/, 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

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

(a)

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

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

(2) A pharmacy, drug store, or medical marijuana dispensary facility shall not be located within 500 feet of the real property that comprises of any public or private park, religious institution, house of worship or a public or private elementary school, middle school, secondary school unless the Planning & Zoning Board and City Commission approves 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) Whenever 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 ~~such as~~ shall not be cause for revocation of the ~~said use.~~ The use ~~and~~ 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 use 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.

GSec. 110-14023. Prohibited Activities.

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

D.Sec. 110-14034 Performance standards and conditions.

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

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

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

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 invitees 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 Use, subject to upon 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 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 dispensing~~dispensing 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 provided~~specified 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 dispensing such facilities or does not meet the locational criteria as set forth in this Section.

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(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, ~~and that~~ 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.

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:

9
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**

17
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.