



MEMORANDUM

DATE: May 21, 2025

TO: Planning and Zoning Board

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

THRU: Jordan Smith, PP, AICP, Planning and Development Service Director.

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.

STAFF RECOMMENDATION: Pursuant to Section 163.3174, Florida Statutes, the local planning agency is required to review proposed land development regulations and make recommendations to the City Commission regarding their consistency with the adopted Comprehensive Plan. Staff has reviewed the proposed changes and recommends that the City Commission approve Ordinance 21-2025, which modifies the City's Land Development Code by repealing Article XIV, Medical Marijuana Dispensaries, and updating Article III, Establishment of Classifications, of Chapter 110 "Zoning." These amendments have been evaluated for consistency with the Comprehensive Plan and are intended to ensure the continued alignment of the City's zoning regulations with current policy objectives and land use priorities.

NEXT STEPS: The Mayor and City Commission will hear this item on June 2, 2025, for 1st Hearing and July 7, 2025, for second hearing.

ATTACHMENTS:

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