



MEMORANDUM

DATE: March 19, 2025

TO: Planning and Zoning Board

FROM: Jonathan Knight, Planner Planning and Development

THRU: Jordan Smith, AICP, PP Planning and Development Services Director

SUBJECT: Ordinance No.07-2025, Amendment to Article XIV Medical Marijuana Dispensaries, of Chapter 110 "Zoning" of the Land Development Code (Legislative – Public Hearing)
(Jonathan Knight, Project Manager)

REFERENCES: City Comprehensive Plan, Code of Ordinances.

Request: Updating Article XIV Medical Marijuana Dispensaries, of Chapter 110 in the Land Development Code, to be consistent with Florida Statute.

Discussion:

The City Land Development Code regulations change overtime based on current trends, state pre-emptions. In accordance with the state law, the City of Deltona implemented Ordinance No. 10-2014, signed in October 2014, which allowed the operation of Medical Marijuana Dispensaries in the C1, C-2, and C-3 zoning districts within the City of Deltona with a Conditional Use approval by the City Commission.

In 2018, the Florida Legislature enacted legislation that preempted the regulation of cultivation and processing of marijuana to the State thereby leaving local governments little authority as to such matter. In essence, the legislation allows local governments to ban medical marijuana treatment centers dispensing facilities (MMTCs), however if a local government does not ban MMTCs it may not place any restrictions on the number of MMTCs allowed within its jurisdictional limits and may not adopt any regulations for MMTCs that are more restrictive than its ordinances regulating pharmacies. In order to be consistent with Florida Statute, the recommended staff changes to Ordinance No. 07-2025 are as follows:

- Incorporated "*Pharmacies/Drug Stores, and Medical Marijuana Dispensaries.*" into the title and throughout the Article.
- Added definitions for Medical Marijuana Dispensing Facility, Medical Marijuana Treatment Center, Medical Marijuana Treatment Center Dispensing Facility and Pharmacy/Drug Store.
- Defined location regulations for pharmacies/drug stores and medical marijuana dispensaries
 - Pharmacy/drug stores or medical marijuana dispensary facility shall not be located within 1,500 feet of another pharmacy, drug store or medical marijuana dispensary facility.

- Pharmacy/drug stores or medical marijuana dispensary facility shall not be located within 500 feet of any public or private park, religious institution, house of worship or public or private elementary school, middle school, secondary school unless approved as Major Conditional Use at a public hearing.
- Provided Major Conditional Use Approval process for pharmacy/drugs stores or medical marijuana dispensary facilities that do not meet the location regulations.

STAFF RECOMMENDATION: Section 163.3174, Florida Statutes requires the local planning agency to review proposed land Development regulations and make recommendations to the City Commission as to the consistency of the changes with the adopted Comprehensive PIn. Accordingly, staff recommends that the Planning and Zoning Board recommend that the City Commission approve Ordinance 07-2025 to modify the City's Land Development Code (LDC) related to Article XIV Medical Marijuana Dispensaries, of Chapter 110 "Zoning" of the Land Development Code

NEXT STEPS: The Mayor and City Commission will hear this item on April 7, 2025, for 1st Reading and May 5, 2025, for 2nd Reading.

ATTACHMENTS:

- Ordinance No. 07-2025.
- Article XIV – Redline.
- Article XIV – No Redline.