



City of Eustis

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TO: Eustis City Commission

FROM: Rick Gierok, Interim City Manager

DATE: April 2, 2026

RE: First Reading of Ordinance Number 2026-20: Amendment to the Land Development Regulations – Prohibition of Medical Marijuana Treatment Center Dispensing Facilities

Introduction

The proposed ordinance amends the City of Eustis Land Development Regulations to prohibit Medical Marijuana Treatment Center (“MMTC”) dispensing facilities within the City pursuant to Section 381.986(11)(b), Florida Statutes. The ordinance establishes a separate land use classification for MMTC dispensing facilities, removes such uses from the definition of “pharmacy,” and prohibits such uses in all land use districts.

Existing legally established MMTC dispensing facilities are permitted to continue as lawful nonconforming uses subject to the City’s nonconformity provisions.

Background/Prior City Regulatory Actions

The City has previously evaluated and revised its regulatory approach to MMTC dispensing facilities:

- **2017** – The City prohibited MMTC dispensing facilities.
- **2020** – The City revised its approach to allow such facilities by classifying them as “pharmacies.”
- **2025** – The Local Planning Agency (“LPA”) reviewed the statutory framework and regulatory options and reached a consensus on re-establishing the prior prohibition.
- **2026** – The LPA conducted a duly noticed public hearing and recommended approval of the proposed prohibition.

During the April 3, 2025 LPA meeting, staff presented the statutory options under Section 381.986(11)(b), Florida Statutes, including prohibition or allowance under pharmacy equivalency standards. The LPA discussed the operational characteristics and regulatory limitations associated with such facilities and reached consensus recommending that the City consider a prohibition while allowing existing facilities to continue.

During the April 2, 2026 LPA meeting, staff presented Ordinance Number 2026-20 and the LPA recommended it be forwarded to the City Commission for approval consideration.

Current Regulatory Framework

Under the current Land Development Regulations:

- MMTC dispensing facilities are treated as “pharmacies”
- Pharmacies are permitted or conditionally allowed in multiple land use districts

As a result, the City’s ability to regulate MMTC dispensing facilities independently is constrained by state law, which requires such facilities to be treated similarly to pharmacies unless prohibited.

Analysis/Statutory Authority

Section 381.986(11)(b), Florida Statutes expressly authorizes municipalities to:

1. Prohibit MMTC dispensing facilities; or
2. Allow such facilities subject to pharmacy equivalency requirements

The proposed ordinance exercises the City’s authority to prohibit such uses.

Land Use and Operational Characteristics

Based on observations of existing facilities within the City and review of regulatory requirements, MMTC dispensing facilities exhibit characteristics distinct from traditional pharmacies, including:

- Controlled-access entry and limited public accessibility
- Enhanced on-site security measures
- Patient verification procedures
- Restricted interior access
- Episodic traffic and parking demand patterns

These characteristics differ from traditional pharmacies, which operate as general retail uses open to the public.

Staff finds that these operational differences result in:

- Distinct land use impacts
- Compatibility considerations with surrounding uses
- Site design and operational characteristics not adequately addressed through pharmacy classification

Alternatives Considered

The City evaluated the following alternatives:

- Continued classification as pharmacies
- Location-based limitations (e.g., buffers, dispersion requirements)
- Conditional use approvals
- Citywide prohibition

The City determined that:

- Pharmacy classification limits regulatory flexibility
- Location-based restrictions may lead to inconsistent and parcel-specific outcomes
- Conditional use processes introduce unpredictability and administrative complexity
- A uniform prohibition provides a consistent, predictable, and administratively efficient regulatory framework

Existing Facilities and Access

There are multiple legally established MMTC dispensing facilities currently operating within the City. The ordinance:

- Allows these facilities to continue as lawful nonconforming uses
- Does not require cessation of operations
- Does not impose new operational restrictions on existing facilities

Additionally, MMTC dispensing facilities are available in surrounding jurisdictions, ensuring that qualified patients retain reasonable access.

Vested Rights and Pending Applications

The ordinance applies prospectively and includes provisions clarifying that:

- Applications must be complete to be considered
- Preliminary inquiries and verification requests do not establish vested rights
- Vested rights, if any, are determined under applicable Florida law

This approach ensures fairness while maintaining the City's ability to implement prospective land use policy.

Comprehensive Plan Consistency

The proposed ordinance is consistent with the City of Eustis Comprehensive Plan, including policies related to:

- Compatible land use patterns
- Protection of neighborhood character
- Predictable and orderly development
- Implementation of land development regulations that promote public health, safety, and welfare

Fiscal Impact

There is no direct fiscal impact anticipated.

- Existing facilities will continue operation
- No new regulatory programs or staffing are required
- Enforcement will occur through existing City processes

Recommendation

Staff recommends approval of Ordinance Number 2026-20. The proposed ordinance:

- Is expressly authorized under state law
- Is supported by the City's legislative findings and local observations
- Provides a clear, uniform, and administratively efficient regulatory framework
- Preserves existing lawful uses while establishing prospective land use policy

Business Impact Estimate

A Business Impact Estimate has been prepared in accordance with Section 166.041(4), Florida Statutes. The estimate concludes that:

- No direct compliance costs are imposed on existing businesses
- No new fees or charges are created
- Impacts are limited to future businesses that may seek to locate within the City

Attachments

Ordinance Number 2026-20

Exhibit "A" – Land Development Regulation Amendments

Business Impact Estimate Eligibility Form

Business Impact Estimate

Section 381.986, Florida Statutes (2025)

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