

## ORDINANCE NUMBER 2026-20

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AMENDING THE CITY OF EUSTIS LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE PROHIBITION OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE CITY PURSUANT TO SECTION 381.986(11)(b), FLORIDA STATUTES; PROVIDING LEGISLATIVE FINDINGS IN SUPPORT THEREOF; PROVIDING FOR DEFINITIONS, NONCONFORMING USES, AND ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Eustis, Florida (the “City”), is a municipal corporation organized and existing under the laws of the State of Florida and possesses home rule authority pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, to enact regulations for the protection of the public health, safety, and welfare; and

**WHEREAS**, Section 381.986(11)(b), Florida Statutes, expressly authorizes municipalities to adopt ordinances determining whether to permit or prohibit medical marijuana treatment center dispensing facilities within their jurisdictional boundaries; and

**WHEREAS**, the City has adopted Land Development Regulations (“LDRs”) pursuant to Chapter 163, Florida Statutes, for the purpose of implementing the City’s Comprehensive Plan and regulating land use in a manner that promotes compatibility, orderly development, and the preservation of community character; and

**WHEREAS**, in 2014, the City Commission adopted Ordinance Number 14-34 establishing a temporary moratorium on the acceptance and processing of applications related to marijuana dispensing organizations in order to evaluate appropriate regulatory responses; and

**WHEREAS**, in 2017, the City Commission adopted Ordinance Number 17-11 determining that medical marijuana dispensing facilities were not equivalent to pharmacies and prohibiting such uses within the City; and

**WHEREAS**, in 2020, the City Commission adopted Ordinance Number 20-46 revising its regulatory approach to permit medical marijuana treatment center dispensing facilities by classifying such uses as pharmacies within the Land Development Regulations; and

**WHEREAS**, the City Commission finds that its prior regulatory actions reflect an evolving policy approach in response to changes in state law, community considerations, and local land use planning objectives; and

**WHEREAS**, the City’s LDRs currently define “pharmacy” in a manner that has included medical marijuana treatment center dispensing facilities, thereby requiring such facilities to be treated as permitted uses in land use districts where pharmacies are allowed; and

**WHEREAS**, the City Commission has reviewed the statutory and regulatory framework governing medical marijuana treatment center dispensing facilities, including security requirements, controlled access protocols, patient verification procedures, product handling restrictions, and operational limitations, and finds that such facilities exhibit material and observable differences from traditional pharmacies regulated under Chapter 465, Florida Statutes; and

**WHEREAS**, the City Commission further finds that such facilities are not open to the general public in the same manner as traditional pharmacies, but instead operate as controlled-access facilities serving a limited class of authorized patients and caregivers; and

**WHEREAS**, the City Commission finds that the operational characteristics of such facilities, including but not limited to controlled access entry, security-driven site design, restricted interior access, patient verification procedures, on-site security measures, and episodic traffic and parking demand patterns associated with dispensing operations, create land use impacts and compatibility considerations distinct from those associated with traditional pharmacies and general retail uses; and

**WHEREAS**, the City Commission finds that the classification of medical marijuana treatment center dispensing facilities as “pharmacies” does not accurately reflect their operational characteristics and has limited the City’s ability to evaluate such uses independently within its land use framework; and

**WHEREAS**, the City Commission finds that multiple legally established Medical Marijuana Treatment Center dispensing facilities are currently operating within the City and that the City has had the opportunity to observe the operational characteristics, site design, and land use impacts associated with such facilities under existing regulations; and

**WHEREAS**, based upon such observations and experience, the City Commission finds that the operational characteristics of such facilities are materially distinct from traditional pharmacies and warrant independent land use classification and regulation; and

**WHEREAS**, the City Commission finds that such observations are based upon actual operating conditions within the City and constitute competent substantial evidence supporting the legislative determinations set forth herein; and

**WHEREAS**, the City Commission has considered staff reports, planning analysis, and regulatory approaches utilized by other Florida municipalities, and has evaluated less restrictive alternatives, including land use limitations, buffering requirements, and dispersion requirements, and finds that such alternatives would not adequately address the identified compatibility and land use concerns in a predictable, uniform, and administratively efficient manner; and

**WHEREAS**, the City Commission finds that a uniform, citywide prohibition constitutes the most effective and legally consistent method of implementing the City’s land use objectives while avoiding arbitrary, inconsistent, or parcel-specific determinations; and

**WHEREAS**, on April 3, 2025, the City’s Local Planning Agency conducted a duly noticed public meeting at which City staff presented the statutory regulatory options available under Section 381.986(11)(b), Florida Statutes, including prohibition or allowance under pharmacy equivalency standards; and

**WHEREAS**, during such meeting, the Local Planning Agency engaged in public discussion regarding the operational characteristics, land use implications, and regulatory limitations associated with medical marijuana treatment center dispensing facilities, including the requirement that such facilities be treated as pharmacies if not prohibited; and

**WHEREAS**, following such discussion, the Local Planning Agency reached consensus recommending that the City Commission direct staff to prepare an ordinance prohibiting future medical marijuana treatment center dispensing facilities while allowing existing facilities to continue as lawful nonconforming uses; and

**WHEREAS**, the City Commission has reviewed the agenda materials, staff presentations, and approved minutes of the April 3, 2025 Local Planning Agency meeting, which are incorporated herein by reference as part of the legislative record supporting this Ordinance; and

**WHEREAS**, on April 2, 2026, the Local Planning Agency conducted a duly noticed public hearing and recommended approval of this Ordinance to the City Commission as consistent with the Comprehensive Plan and Land Development Regulations; and

**WHEREAS**, the City Commission finds that this Ordinance is adopted pursuant to prior policy direction and constitutes the continuation of a legislative policy evaluation process; and

**WHEREAS**, the City Commission has considered the availability of medical marijuana treatment center dispensing facilities both within the City and in surrounding jurisdictions and finds that reasonable access to such facilities exists notwithstanding the prohibition established herein; and

**WHEREAS**, the City Commission further finds that, while prior policy considerations included facilitating local access, such considerations must be balanced against the City’s land use planning objectives, compatibility standards, and long-term development patterns; and

**WHEREAS**, the City Commission finds that the continued operation of existing legally established medical marijuana treatment center dispensing facilities as lawful nonconforming uses, together with the availability of such facilities in surrounding jurisdictions, provides reasonable access for qualified patients; and

**WHEREAS**, the City Commission has reviewed the City of Eustis Comprehensive Plan and finds that this Ordinance is consistent with policies requiring compatible land use patterns, protection of neighborhood character, predictable and orderly development, and implementation of land development regulations that promote the public health, safety, and welfare; and

**WHEREAS**, the City Commission finds that the regulation of such uses is grounded in land use compatibility, intensity of use, and operational characteristics, and does not regulate

medical treatment, patient eligibility, physician conduct, or access to medical marijuana, which remain matters of statewide concern; and

**WHEREAS**, the City Commission finds that this Ordinance applies uniformly throughout the City, constitutes a legislative determination of general applicability, and is supported by a rational basis grounded in land use planning principles and statutory authority; and

**WHEREAS**, the City Commission recognizes that claims of vested rights or inordinate burden, if any, must be evaluated on a case-by-case basis under applicable Florida law, and finds that this Ordinance constitutes a generally applicable land use regulation governing a use classification; and

**WHEREAS**, the City Commission finds that this Ordinance is prospective in application and is not intended to impair any legally established vested rights, if any, determined in accordance with applicable Florida law; and

**WHEREAS**, the City Commission finds that this Ordinance is a valid exercise of the City's police powers and is not intended to, nor does it, result in a taking or an inordinate burden within the meaning of the Bert J. Harris, Jr., Private Property Rights Protection Act; and

**WHEREAS**, based upon the foregoing, the City Commission determines that adoption of this Ordinance is in the best interest of the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Eustis, Florida:

**SECTION 1. Authority.**

This Ordinance is adopted pursuant to Article VIII, Section 2 of the Florida Constitution, Chapters 163 and 166, Florida Statutes, and Section 381.986(11)(b), Florida Statutes, which expressly authorizes municipalities to determine by ordinance whether to permit or prohibit medical marijuana treatment center dispensing facilities within their jurisdictional boundaries.

**SECTION 2. Creation of Defined Use.**

Chapter 100, "Definitions," of the Land Development Regulations is hereby amended to add the following definition:

"Medical Marijuana Treatment Center Dispensing Facility" shall mean a dispensing facility as defined in Section 381.986, Florida Statutes, as may be amended from time to time. Such use is hereby designated as a distinct and independent land use classification and shall not be classified, interpreted, or regulated as a pharmacy, drug store, medical office, or general retail use.

**SECTION 3. Amendments to Land Development Regulations.**

The amendments set forth in this Section are further described in Exhibit "A," attached hereto and incorporated herein by reference.

(A) Amendment to Chapter 100 – Definition of Pharmacy.

Chapter 100 of the Land Development Regulations is hereby amended such that the definition of “Pharmacy” shall read as follows:

“Pharmacy” shall mean a place where medicines are compounded or dispensed in accordance with Chapter 465, Florida Statutes. This definition shall not include Medical Marijuana Treatment Center Dispensing Facilities.

(B) Amendment to Section 109-4 – Use Regulations Table.

Chapter 109, Section 109-4, “Use Regulations Table,” is hereby amended to include “Medical Marijuana Treatment Center Dispensing Facility” as a listed use and to designate such use as not permitted within any land use district established under Chapter 109 of the Land Development Regulations.

All references to “pharmacy” or similar uses shall not be interpreted to include Medical Marijuana Treatment Center Dispensing Facilities.

(C) Creation of Prohibited Use.

A new provision is hereby established within Chapter 109 of the Land Development Regulations to provide that:

Medical Marijuana Treatment Center Dispensing Facilities are prohibited in all land use districts, land use categories, and development designations within the City of Eustis, as defined and applied within Chapter 109 of the Land Development Regulations, and shall not be approved as a permitted use, conditional use, special exception, variance, or by any other discretionary or administrative approval.

**SECTION 4. Legislative Intent.**

It is the express intent of the City Commission to exercise the authority granted under Section 381.986(11)(b), Florida Statutes, to prohibit Medical Marijuana Treatment Center Dispensing Facilities within the City.

This Ordinance constitutes a generally applicable land use regulation adopted based upon compatibility, intensity of use, operational characteristics, and long-term planning objectives.

This Ordinance is not intended to regulate, and shall not be construed as regulating, the practice of medicine, physician certification, patient eligibility, or the availability of medical marijuana under state law, all of which remain matters of statewide concern and are preempted to the State of Florida.

**SECTION 5. Prohibition.**

Pursuant to Section 381.986(11)(b), Florida Statutes, the City hereby expressly exercises its statutory authority to prohibit Medical Marijuana Treatment Center Dispensing Facilities. This prohibition shall apply regardless of whether such use is proposed as a principal use, accessory use, or component of a mixed-use development.

Such facilities are hereby prohibited in all land use districts, land use categories, and development designations within the municipal boundaries of the City.

No development order, permit, approval, or land use authorization shall be issued for any use, structure, or activity that constitutes or includes a Medical Marijuana Treatment Center Dispensing Facility after the effective date of this Ordinance, except as otherwise provided herein.

**SECTION 6. Applicability; Vested Rights; Pending Applications.**

This Ordinance shall apply prospectively to all applications for development orders, permits, licenses, or approvals submitted or deemed complete after the effective date of this Ordinance.

For purposes of this Section, an application shall be deemed complete only upon submission of all required materials and payment of all applicable fees in accordance with the Land Development Regulations.

No application shall be deemed vested unless it has received final development order approval or has otherwise obtained vested rights under applicable Florida law.

Requests for land use verification letters, zoning verification letters, preliminary inquiries, or incomplete applications shall not be considered vested.

Nothing herein shall impair legally established vested rights, if any, as determined under applicable Florida law. No person or entity shall be deemed to have acquired any right to develop or operate a Medical Marijuana Treatment Center Dispensing Facility by virtue of reliance upon prior provisions of the Land Development Regulations unless such reliance has resulted in the establishment of vested rights under applicable Florida law.

**SECTION 7. Nonconforming Uses.**

Any Medical Marijuana Treatment Center Dispensing Facility lawfully established and operating within the City prior to the effective date of this Ordinance shall be deemed a legal nonconforming use.

No expansion, intensification, or increase in operational capacity shall be permitted.

Such nonconforming uses shall be subject to the following limitations:

- (1) Such use shall not be expanded, enlarged, intensified, or increased in scope or operation;
- (2) Such use shall not be relocated to another site or parcel;
- (3) Such use shall not be changed to another Medical Marijuana Treatment Center use or any substantially similar use;
- (4) If such use is discontinued for a period exceeding one hundred eighty (180) consecutive days, such use shall not be reestablished;
- (5) If such use is destroyed or damaged to an extent exceeding fifty percent (50%) of its replacement value, such use shall not be reconstructed or resumed.

All such uses shall otherwise comply with the City's nonconformity provisions contained within the Land Development Regulations.

Nothing herein shall be construed to authorize the continuation of any use that was not lawfully established prior to the effective date of this Ordinance.

Any change in ownership, tenancy, or operator of a nonconforming use shall not be construed as authorization to expand, intensify, or alter such use beyond its lawful status as of the effective date of this Ordinance.

**SECTION 8. Enforcement.**

The provisions of this Ordinance shall be enforced in accordance with the City's code enforcement procedures, Land Development Regulations, and all applicable provisions of Florida law.

Any violation of this Ordinance shall constitute a violation of the Land Development Regulations and shall be subject to all remedies available at law or in equity, including but not limited to:

- (1) Code enforcement proceedings;
- (2) Administrative fines;
- (3) Liens;
- (4) Injunctive relief.

Each day that a violation continues shall constitute a separate and distinct violation.

**SECTION 9. Interpretation.**

This Ordinance shall be construed in *pari materia* with the City's Land Development Regulations and Comprehensive Plan and shall be liberally construed to effectuate its legislative purpose.

In the event of a conflict between this Ordinance and any other provision of the City Code or Land Development Regulations, the more restrictive provision shall control, to the extent permitted by law.

The provisions of this Ordinance shall be interpreted in a manner consistent with Section 381.986, Florida Statutes, and other applicable state law.

**SECTION 10. Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 11. Severability.**

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect.

**SECTION 12. Codification.**

It is the intent of the City Commission that the provisions of this Ordinance shall become and be made a part of the City of Eustis Land Development Regulations, and that sections of this Ordinance may be renumbered, relettered, or reorganized to accomplish such intent.

**SECTION 13. Effective Date.**

This Ordinance shall become effective immediately upon adoption on second reading. Following the adoption of this Ordinance, the City may take all steps necessary to carry out the implementation of this Ordinance as provided herein.

**PASSED, ORDAINED AND APPROVED** in Regular Session of the City Commission of the City of Eustis, Florida, this 16<sup>th</sup> day of April 2026.

**CITY COMMISSION OF THE  
CITY OF EUSTIS, FLORIDA**

\_\_\_\_\_  
Emily A. Lee  
Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 16<sup>th</sup> day of April 2026 by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

\_\_\_\_\_  
Notary Public – State of Florida  
My Commission Expires: \_\_\_\_\_  
Notary Serial No. \_\_\_\_\_

**CITY ATTORNEY'S OFFICE**

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission.

\_\_\_\_\_  
City Attorney's Office

\_\_\_\_\_  
Date

## **CERTIFICATE OF POSTING**

The foregoing Ordinance Number 2026-20 is hereby approved, and I hereby certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

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Christine Halloran, City Clerk

**EXHIBIT “A” to Ordinance Number 2026-20  
LAND DEVELOPMENT REGULATION AMENDMENTS  
City of Eustis, Florida**

**SECTION 1. AMENDMENT TO CHAPTER 100 – DEFINITIONS**

Chapter 100, “Definitions,” of the City of Eustis Land Development Regulations is hereby amended as follows:

**(A) Creation of Definition**

The following definition is hereby created:

**Medical Marijuana Treatment Center Dispensing Facility:** A dispensing facility as defined in Section 381.986, Florida Statutes, as may be amended from time to time.

**(B) Amendment to Definition of “Pharmacy”**

The definition of “Pharmacy” is hereby amended to read as follows:

**Pharmacy:** A place where medicines are compounded or dispensed in accordance with Chapter 465, Florida Statutes. This definition shall not include Medical Marijuana Treatment Center Dispensing Facilities.

**SECTION 2. AMENDMENT TO CHAPTER 109 – USE REGULATIONS TABLE**

Chapter 109, Section 109-4, “Use Regulations Table,” of the Land Development Regulations is hereby amended as follows:

**(A) Addition of Use Classification**

The following use is hereby added as a specific use: **Medical Marijuana Treatment Center Dispensing Facility (“MMTC”)**

**(B) Permitted Use Status**

Medical Marijuana Treatment Center Dispensing Facilities are **not** permitted in any land use district within the municipal boundaries of the City of Eustis.

For clarity, this use is prohibited in all land use districts, including but not limited to:

- Rural Residential (RR)
- Suburban Residential (SR)
- Urban Residential (UR)
- Manufactured Home Community (MH)
- General Commercial (GC)
- General Industrial (GI)

- Central Business District (CBD)
- Residential/Office Transitional (RT)
- Mixed Commercial Residential (MCR)
- Mixed Commercial Industrial (MCI)
- Public/Institutional (PI)
- Agricultural (AG)
- Conservation (CON)

**(C) Interpretation**

Medical Marijuana Treatment Center Dispensing Facilities shall not be classified, interpreted, or regulated as a pharmacy or any other permitted, limited, or conditional use within the Use Regulations Table.

**SECTION 3. CREATION OF PROHIBITED USE PROVISION**

Chapter 109 of the Land Development Regulations is hereby amended to include the following provision:

Medical Marijuana Treatment Center Dispensing Facilities are prohibited in all land use districts, land use categories, and development designations within the City of Eustis. Such use shall not be approved as a permitted use, conditional use, special exception, variance, or by any other administrative or discretionary approval.

**SECTION 4. CODIFICATION INSTRUCTIONS**

The provisions of this Exhibit shall be codified within Chapter 100 and Chapter 109 of the City of Eustis Land Development Regulations. The City’s codifier is authorized to reorganize, renumber, and format these provisions as necessary to integrate them into the Code in a manner consistent with the intent of Ordinance Number 2026-20.