



Town of Townsend Code Review Committee Meeting
October 30th, 2025, @ 3:00pm
VIA Conference Call & Town Hall
141 Main St, Townsend, DE 19734

3:00 pm Code Review Committee Meeting

- I.** Call to Order:
- II.** Opening Ceremonies
 - A.** Roll Call:
 - B.** Pledge of Allegiance:
 - C.** Recognition of Visitors:
 - D.** Announcements:
- III.** Citizens Comments & Participation.
- IV.** Adoption of Agenda.
- V.** **ACTION ITEM:** Discussion and review of Suggested Code edits list to prioritize efforts.
- VI.** **ACTION ITEM:** Discussion and review of Town Code section 18.08 as it relates to Manufactured Homes.
- VII.** **ACTION ITEM:** Discussion and Review of Title 21 of Delaware State Code and the potential adoption of Code into Town Municipal Code.
- VIII.** **ACTION ITEM:** Discussion and review of Town Code as it relates to Towing and impounding with potential edits.
- IX.** **ACTION ITEM:** Discussion and review of Townsend Code requirements as it relates to legal cannabis sales and manufacturing.
- X.** Discussion regarding new business.
- XI.** Discussion regarding next meeting date.
- XII.** Adjourn.

Committee Meetings will be held both in person and in a virtual format.

Those wishing to attend virtually may dial **1(301)715-8592**. When directed, provide following meeting ID **827-6421-7575#** and then the following password **361631#** to enter the meeting. If you choose to access the meeting online click the following link:
<https://us02web.zoom.us/j/82764217575?pwd=aHI4RDhTZ0xjME1HV0ZOcHRxSHZ3QT09>

Residents will be able to view documents posted to the meeting tab on the Town website at <https://townsend.delaware.gov> or by joining the meeting via computer.

Code edit Schedule

- 1.** General Provisions
 - a. Clean hands Policy
 - b. Construction Definitions
- 2.** Administration
 - a. Code of Conduct
 - b. Public Records
 - c. Elections
 - d. Emergency Operations
 - e. Hazard Mitigation Plan
- 3.** BLANK
- 4.** Taxation
 - a. Tax Collection
 - b. Fee Schedule
- 5.** BLANK
- 6.** Business Licensing
 - a. Definitions of Businesses & Fees
- 7.** BLANK
- 8.** Offenses- DONE
- 9.** BLANK
- 10.** Public Health and Safety
 - a. Streets and Sidewalks
- 11.** BLANK
- 12.** Utilities
 - a. Water Systems & Sewer Connections
 - b. Trash Disposal
 - c. Street lights
- 13.** BLANK
- 14.** Animals
 - a. Definitions
- 15.** BLANK
- 16.** Traffic and Vehicles- DONE
- 17.** BLANK
- 18.** Buildings and Building Regulations
 - a. Dangerous buildings
 - b. Standards
 - c. Rental Licenses- DONE
- 19.** BLANK
- 20.** Environment
- 21.** BLANK
- 22.** Planning
 - a. Comprehensive Plan
- 23.** BLANK
- 24.** Zoning and Unified Development Code- DONE
- 25.** Appendix

SUBSTITUTE NO. 1 TO ORDINANCE NO. 25-013

AN ORDINANCE TO AMEND CHAPTER 48 OF THE CITY CODE TO PERMIT THE CULTIVATION, MANUFACTURE, TESTING, AND RETAIL OF RECREATIONAL MARIJUANA WITHIN CERTAIN COMMERCIAL, MANUFACTURING, AND WATERFRONT ZONING DISTRICTS

**Rev. 1
#0034**

Sponsor:

**Council
Member
Johnson**

WHEREAS, the Delaware General Assembly passed House Bill No. 2 entitled “An Act to Amend Titles 4, 11, 16, and 30 of the Delaware Code Relating to the Creation of the Delaware Marijuana Control Act” (the “Delaware Marijuana Control Act”) to, among other things, provide for the lawful operation of certain marijuana-related establishments and authorize the issuance of 125 Statewide business licenses, some of which became available in late 2024 and some of which will become available in spring 2025, for the following four types of marijuana-related uses: cultivation (60 licenses), manufacturing (30 licenses), retail (30 licenses), and testing (5 licenses); and

WHEREAS, although Chapter 48 of the Wilmington City Code (the “Zoning Code”) does not currently define or explicitly permit marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores, such uses are currently permitted in various zoning districts in the City of Wilmington (the “City”) by virtue of the Delaware Marijuana Control Act and the Zoning Code’s generic permitted uses, such as retail store or shop and light manufacturing; and

WHEREAS, some of the City’s zoning districts in which the four types of marijuana-related uses are currently permitted are not necessarily appropriate for such uses; and

WHEREAS, the Delaware Marijuana Control Act allows municipalities to (i) prohibit or limit the operation of the four types of marijuana-related uses through the enactment of an ordinance or through an initiated or referred measure and (ii) enact ordinances or regulations,

which do not conflict with State laws and regulations, governing the time, place, and manner that marijuana establishments may operate in the municipalities; and

WHEREAS, the City would like to amend the Zoning Code to define and explicitly permit marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores with certain restrictions including: (i) limiting the zoning districts in which such uses would be permitted (namely, all four uses would be permitted as a matter of right in the C-5 (Heavy Commercial) commercial zoning district, the M-1 (Light Manufacturing) and M-2 (General Industrial) manufacturing and industrial zoning districts, and the W-1 (Waterfront Manufacturing), W-2 (Waterfront Manufacturing/Commercial), and W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation) waterfront zoning districts and retail marijuana stores and marijuana testing facilities would be permitted as special exception uses in the W-4 (Waterfront Residential/Commercial) waterfront zoning district); (ii) requiring a 300-foot buffer zone between any of the four marijuana-related uses and (a) residential zoning districts or (b) public and private schools serving any grade between kindergarten and twelfth grade; and (iii) adding parking requirements for marijuana product testing facilities (additional parking requirements are not necessary for the marijuana cultivation facilities or marijuana product manufacturing facilities, which are treated as manufacturing for the purposes of parking, or retail marijuana stores, which are treated as retail operations for purposes of parking, because parking requirements are already provided for manufacturing and retail operations in the City Code), as illustrated on the map attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, this Substitute Ordinance only addresses the cultivation, manufacture, testing, and retail of recreational marijuana and does not affect medical marijuana related to "compassion centers" as defined in Title 4, Section 1302 of the Delaware Code; and

WHEREAS, at its March 25, 2025 meeting, the City Planning Commission reviewed the amendments contained in this Substitute Ordinance and, by its Revised Resolution 3-25, recommended the proposed amendments to the Zoning Code contained in this Substitute Ordinance; and

WHEREAS, in light of the foregoing, City Council deems it necessary and appropriate to amend Chapter 48 of the City Code as described above and set forth below.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Chapter 48 of the City Code is hereby amended by amending Section 48-2 thereof by adding the underlined language to read as follows:

Sec. 48-2. - Definitions.

(c) The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this subsection, as follows:

Consumer means an individual 21 years of age or older who purchases marijuana, marijuana products, or marijuana accessories for personal use by the individual or other individuals 21 years of age or older, but not for resale to others.

License means any license or permit to cultivate, possess, manufacture, sell, transport, or test marijuana or marijuana products and accessories authorized or issued by the Marijuana Commissioner for the State of Delaware.

Marijuana means all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or resin. "Marijuana" does not include any of the following:

(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;

(2) Products approved by the US Food and Drug Administration; or

(3) Industrial hemp as defined in Section 2801 of Title 3 of the Delaware Code.

Marijuana accessories means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana; or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

Marijuana cultivation facility or *cultivation facility* means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers. A marijuana cultivation facility may not produce marijuana concentrates, tinctures, extracts, or other marijuana products.

Marijuana establishment means an entity licensed as a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

Marijuana product manufacturing facility means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and retail marijuana stores, but not to consumers.

Marijuana products means products that are comprised of marijuana, including concentrated marijuana and other ingredients, and are intended for use or consumption, such as edible products, ointments, and tinctures.

Marijuana testing facility means an entity licensed to test marijuana for potency and contaminants.

Public place means any indoor or outdoor area or portion thereof generally accessible to the public.

Retail marijuana means marijuana that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana establishment.

Retail marijuana store means an entity licensed to purchase marijuana from marijuana cultivation facilities; to purchase marijuana and marijuana products from marijuana product manufacturing facilities; and to sell marijuana and marijuana products to consumers.

SECTION 2. Chapter 48 of the City Code is hereby amended by amending Article I (In General) thereof by adding a new Section 48-7 and renumbering the Reserved sections by deleting the stricken language and adding the underlined language to read as follows:

ARTICLE I. – IN GENERAL

Sec. 48-7. Controlling zoning districts for marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores.

Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores shall only be permitted in the zoning districts explicitly permitting such uses in this chapter. Such uses shall not be permitted in any other zoning districts pursuant to generic uses permitted in such zoning districts, such as retail store or shop or light manufacturing. The generic uses, however, shall govern the hours of operation and parking requirements for marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores, except to the extent that the Delaware Code or chapter 5 of this Code contains more restrictive requirements for hours of operation.

Secs. 48-78 - 48-30. – Reserved.

SECTION 3. Chapter 48 of the City Code is hereby amended by amending Section 48-197 thereof by adding the underlined language to read as follows:

Sec. 48-197. - C-5 districts.

(c) *Uses permitted as a matter of right.* The following uses are permitted as a matter of right:

- (11) Marijuana cultivation facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.
- (12) Marijuana product manufacturing facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.
- (13) Marijuana testing facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.
- (14) Retail marijuana store, subject to the buffer zone requirement set forth in section 48-481 of this Code.

SECTION 4. Chapter 48 of the City Code is hereby amended by amending Article VI (Manufacturing and Industrial Districts), Division 2 (Use Regulations) thereof by adding the underlined language to read as follows:

ARTICLE VI. – MANUFACTURING AND INDUSTRIAL DISTRICTS

DIVISION 2. – USE REGULATIONS

Sec. 48-246. - M-1 districts.

(b) *Permitted uses.* In any M-1 district no building or premises shall be used and no building shall be erected or altered, except as provided elsewhere in this chapter, which is arranged, intended or designed to be used except for one or more of the uses listed below, and subject to off-street parking and loading requirements of article X of this chapter:

(20) Marijuana cultivation facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.

(21) Marijuana product manufacturing facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.

(22) Marijuana testing facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.

(23) Retail marijuana store, subject to the buffer zone requirement set forth in section 48-481 of this Code.

Sec. 48-247. - M-2 districts.

(b) *Permitted uses.* Subject to the prohibitions and controls specified in the following subsections of this section, all uses not otherwise prohibited by law are permitted in any M-2 district, subject to the off-street parking and loading requirements of article X of this chapter. Specifically permitted in M-2 districts are consumer recycling collection centers, without restriction of hours of operation. Specifically permitted are neighborhood police stations. Use shall be subject to the limitation on hours of operation contained in chapter 5 of this Code. Specifically permitted are marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores, subject to the buffer zone requirement set forth in section 48-481 of this Code. Use shall be subject to the limitations on hours of operation contained in the Delaware Code or chapter 5 or 48 of this Code, with the most restrictive hours of operation governing. Antenna use shall be subject to the conditions specified for such use under article XI, division 4 and any regulations promulgated in furtherance thereof.

SECTION 5. Chapter 48 of the City Code is hereby amended by amending Article VIII (Waterfront Districts), Division 2 (Use Regulations) thereof by adding the underlined language to read as follows:

ARTICLE VIII. – WATERFRONT DISTRICTS

DIVISION 2. – USE REGULATIONS

Sec. 48-336. - W-1 district.

(b) *Uses permitted as a matter of right.* The following uses are permitted as a matter of right:

(16) Marijuana cultivation facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.

(17) Marijuana product manufacturing facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.

(18) Marijuana testing facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.

(19) Retail marijuana store, subject to the buffer zone requirement set forth in section 48-481 of this Code.

Sec. 48-337. - W-2 district.

(b) *Uses permitted as a matter of right.* The following uses are permitted as a matter of right:

(21) Marijuana cultivation facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.

(22) Marijuana product manufacturing facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.

(23) Marijuana testing facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.

(24) Retail marijuana store, subject to the buffer zone requirement set forth in section 48-481 of this Code.

Sec. 48-338. - W-3 district.

(b) *Uses permitted as a matter of right.* The following uses are permitted as a matter of right:

(16) Marijuana cultivation facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.

(17) Marijuana product manufacturing facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.

(18) Marijuana testing facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.

(19) Retail marijuana store, subject to the buffer zone requirement set forth in section 48-481 of this Code.

Sec. 48-339. - W-4 district.

(c) Uses permitted under zoning board of adjustment approval. The following uses are permitted if approved by the zoning board of adjustment as provided in article II, division 3 of this chapter, subject to the condition that the proposed development will be consistent with the waterfront development review standards and will not preclude the development of those uses permitted as a matter of right:

(12) Marijuana testing facility, subject to the buffer zone requirement set forth in section 48-481 of this Code.

(13) Retail marijuana store, subject to the buffer zone requirement set forth in section 48-481 of this Code.

SECTION 6. Chapter 48 of the City Code is hereby amended by amending Section 48-445 thereof by adding the underlined language to read as follows:

Sec. 48-445. - Parking spaces accessory to storage, manufacturing and industrial uses and indoor commercial horticultural operations.

After March 8, 1962, no building shall be erected for the storage, manufacturing and industrial uses listed in the following table unless accessory parking space is provided and maintained on the premises in accordance with the requirements specified in such table:

Use and District	Minimum Amount of Parking Space Required
Warehouse or storage establishment or indoor commercial horticultural operation:	
C-1, C-2, C-3, C-4, C-5, C-6, M-1, M-2, W-1, W-2, W-3	One for each 3,000 square feet of gross floor area
C-2-A	The greater of one for each employee or one for each 2,000 square feet of gross floor area
Manufacturing or industrial establishment:	
C-2-A	The greater of one for each employee or one for each 2,000 square feet of gross floor area
M-1, M-2, W-1, W-2, W-3	One for each three employees, computed on the basis of the estimated maximum number of employees at any one time, in an establishment with four or more employees
Laboratory, Research, and Testing Facilities:	
C-5, M-1, M-2, W-1, W-2, W-3, W-4 (for W-4, only if approved by the zoning board of adjustment)	<u>The greater of one space per employee or one space per 2,000 square feet of gross floor area</u>

SECTION 7. Chapter 48 of the City Code is hereby amended by amending Article XI (Supplementary Regulations), Division 1 (Generally) thereof by adding a new Section 48-481 and renumbering the Reserved sections by deleting the stricken language and adding the underlined language to read as follows:

ARTICLE XI. – SUPPLEMENTARY REGULATIONS

DIVISION 1. – GENERALLY

Sec. 48-481. – Buffer zone for marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores.

A buffer zone of 300 feet shall exist between any marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, or retail marijuana store and any:

- (1) residential zoning district; or
- (2) public or private school serving any grade between kindergarten and twelfth grade.

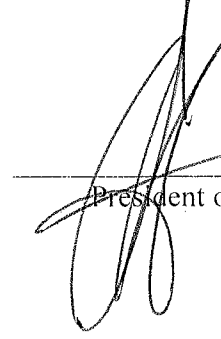
Secs. 48-481~~2~~ - 48-490. – Reserved.

SECTION 8. The aforementioned revisions are illustrated on the map attached hereto and made a part hereof as Exhibit “A”.

SECTION 9. This Substitute Ordinance shall be effective upon its passage by City Council and approval by the Mayor.

First Reading April 3, 2025
Second Reading April 3, 2025
Third Reading May 1, 2025

Passed by City Council,
May 1, 2025



President of City Council

ATTEST: Akira Grenardo
City Clerk

Approved this 5th day of May, 2025.

John C. Curry
Mayor

SYNOPSIS: In light of and consistent with the passage of the Delaware Marijuana Control Act by the Delaware General Assembly, this Substitute Ordinance amends various sections of Chapter 48 of the City Code to explicitly permit and limit the cultivation, manufacture, testing, and retail of recreational marijuana within certain commercial, manufacturing, and waterfront zoning districts in the City of Wilmington as follows: (i) marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores will be permitted as a matter of right in the C-5 (Heavy Commercial) commercial zoning district, the M-1 (Light Manufacturing) and M-2 (General Industrial) manufacturing and industrial zoning districts, and the W-1 (Waterfront Manufacturing), W-2 (Waterfront Manufacturing/Commercial), and W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation) waterfront zoning districts and (ii) marijuana testing facilities and retail marijuana stores will be permitted as special exception uses in the W-4 (Waterfront Residential/Commercial) waterfront district. In addition, this Substitute Ordinance requires a buffer zone of 300 feet between any of the four permitted marijuana-related uses and (i) residential zoning districts or (ii) public and private schools serving any grade between kindergarten and twelfth grade. Finally, this Substitute Ordinance establishes parking requirements for laboratory, research, and testing facilities, which will apply to marijuana testing facilities.

FISCAL IMPACT STATEMENT: There is no anticipated negative fiscal impact associated with this Substitute Ordinance.

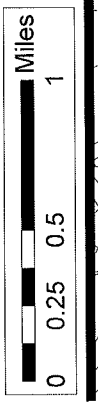
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EXHIBIT A

Revised CPC Resolution 3-25

Legend

- Permitted Areas
- Permitted Areas (W-4 with permission)
- Prohibited Areas
- Prohibited (300 ft. Buffer Around Residential Zones)
- Prohibited (300 ft. Buffer Around School Property)
- Council Districts



Current Zoning Code	Proposed Zoning Ordinance to be Introduced in April 2025*	Permitted as a Special Use District	Permitted as a Special Use District
Use of Land	Permitted as a Special Use District	Permitted as a Special Use District	Permitted as a Special Use District
Residential	C-5, M-1, M-2, W-1, W-2, W-3	M-1, M-2, W-1, W-2, W-3, C-5	M-1, M-2, W-1, W-2, W-3, C-5
Manufacturing	C-5, M-1, M-2, W-1, W-2, W-3	M-1, M-2, W-1, W-2, W-3, C-5	M-1, M-2, W-1, W-2, W-3, C-5
Retail	C-5, M-1, M-2, W-1, W-2, W-3	M-1, M-2, W-1, W-2, W-3, C-5	M-1, M-2, W-1, W-2, W-3, C-5
Office	C-5, M-1, M-2, W-1, W-2, W-3	M-1, M-2, W-1, W-2, W-3, C-5	M-1, M-2, W-1, W-2, W-3, C-5

MARCH 2025



CITY OF DOVER ORDINANCE #2024-29

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Appendix B – Zoning, Article 3 – District Regulations, Section 19 – Manufacturing Zone (M) be amended to read as follows:

Section 19. – Manufacturing Zone (M).

19.1 *Uses permitted.* No building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following, and in accordance with performance standards procedure as set forth in article 5, section 8 and subject to the site development plan approval as set forth in article 10, section 2:

19.17 Railroad yards, sidings, and storage facilities.

19.18 Marijuana cultivation facilities, marijuana manufacturing facilities, and marijuana testing facilities subject to the requirements outlined in article 5, section 24.

19.19 Accessory uses:

- (a) On-site offices, clinics, food service facilities, recreation facilities and child day care services collocated within the permitted use and limited to exclusive use by employees, and such other accessory uses and structures clearly incidental to, and customary to and associated with the permitted use.
- (b) The following uses may be permitted as conditional uses if approved by the planning commission in accordance with the provisions and procedures set forth in article 10, section 1 and any specified requirements set forth below:
 - (1) Associated retail uses in conjunction with and accessory to a permitted use, provided that the associated retail uses do not occupy more than 30 percent of the gross floor area of the building or group of buildings on a lot. Parking shall be provided at a rate of one parking space per 300 square feet of retail space for the exclusive use of retail customers in addition to the bulk parking requirements of this zoning district for a particular use.

- (2) Outside storage which is incidental to the primary uses on the lot, within a completely enclosed and secure area appropriately screened from public view and not in any required setback from property lines.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 20 – Industrial Park Manufacturing Zone (IPM) be amended to read as follows:

Section 20. – Industrial Park Manufacturing Zone (IPM).

20.1 *Uses permitted.* No building or premises shall be used and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following, and in accordance with performance standards procedure as set forth in article 5, section 8, and subject to site development plan approval as set forth in article 10, section 2:

20.19 Marijuana cultivation facilities, marijuana manufacturing facilities, and marijuana testing facilities, subject to the requirements outlined in Article 5, Section 24.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 23 – Agricultural Zone (A) be amended to read as follows:

Section 23 - Agricultural Zone (A).

23.1 *Uses Permitted.* In an agricultural zone (A), no land or building shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

23.17 Marijuana cultivation facilities, subject to the requirements outlined in Article 5, Section 24.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 5 – Supplementary Regulations, be amended to read as follows:

Section 24. Marijuana Related Businesses.

24.1 *Purpose.* The purpose of this section is to protect public health and safety by applying standards under which marijuana related businesses may operate within the City of Dover, Delaware.

24.2 A compassion center is classified as retail use and is permitted in all commercial zones where retail uses are permitted.

24.3 Where permitted in accordance with Article 3, marijuana cultivation facilities are subject to the following restrictions:

24.31 The building footprint within which a marijuana cultivation facility is to be located shall be at least 750 feet away from any residential zone, and any private or public K-12 school, hospital, college or university, child day care center, or State of Delaware licensed substance abuse disorder treatment facility.

24.32 All marijuana cultivation facilities shall install odor control technology, as necessary, to control ventilation at the establishment in such a manner that no odor from cannabis products can be detected outside the building on the same property or on adjacent properties or in public rights-of-way, or within any other unit located within the same building. The facility owner/operator shall properly maintain all odor mitigation equipment to ensure maximum efficiency. An application for a certificate of occupancy shall be accompanied by a certification by a Professional Engineer, Certified Industrial Hygienist, or other equivalently qualified professional that proposed odor control measures will effectively eliminate outdoor odors associated with the cultivation of marijuana.

24.33 An application for a certificate of occupancy shall be accompanied by a photocopy of a valid license as required by Chapter 13, Title 4 of the Delaware State Code.

24.34 All building openings, entries and windows shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semipublic area.

24.35 The applicant is responsible for complying with the Code of Ordinances of the City of Dover, Delaware, including all provisions in Chapter 110, Article II, Sec. 110-31 and Chapter 110, Article III, Sec. 110-63.

24.36 The applicant is responsible for all costs associated with infrastructure upgrades, alterations, changes, or extensions required to provide adequate water, wastewater, and electric utility service, including off-site upgrades required to support the demand for water, wastewater, and electric utility service.

24.4 Where permitted in accordance with Article 3, marijuana product manufacturing facilities are subject to the following restrictions:

24.41 The building footprint within which a marijuana product manufacturing facility is to be located shall be at least 750 feet away from any residential zone, and from the lot line of any private or public K-12 school, hospital, college or university, child day care center, or State of Delaware licensed substance abuse disorder treatment facility.

24.42 All marijuana product manufacturing facilities shall install odor control

technology, as necessary, to control ventilation at the establishment in such a manner that no odor from cannabis products can be detected outside the building on the same property or on adjacent properties or in public rights-of-way, or within any other unit located within the same building. The facility owner/operator shall properly maintain all odor mitigation equipment to ensure maximum efficiency. An application for a certificate of occupancy shall be accompanied by a certification by a Professional Engineer, Certified Industrial Hygienist, or other equivalently qualified professional that proposed odor control measures will effectively eliminate outdoor odors associated with the manufacturing of marijuana.

24.43 An application for a certificate of occupancy shall be accompanied by a photocopy of a valid license as required by Chapter 13, Title 4 of the Delaware State Code.

24.44 All building openings, entries, and windows shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semipublic area.

24.45 The applicant is responsible for complying with the Code of Ordinances of the City of Dover, Delaware, including all provisions in Chapter 110, Article II, Sec. 110-31 and Chapter 110, Article III, Sec. 110-63.

24.46 The applicant is responsible for all costs associated with infrastructure upgrades, alterations, changes, or extensions required to provide adequate water, wastewater, and electric utility service, including off-site upgrades required to support the demand for water, wastewater, and electric utility service.

24.5 Where permitted in accordance with Article 3, marijuana testing facilities are subject to the following restrictions:

24.51 The building footprint upon which a marijuana testing facility is to be located shall be at least 750 feet away from any residential zone, and from the lot line of any private or public K-12 school, hospital, child day care center, or State of Delaware licensed substance abuse disorder treatment facility.

24.52 An application for a certificate of occupancy shall be accompanied by a photocopy of a valid license as required by Chapter 13, Title 4 of the Delaware State Code.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 12 – Definitions, be amended to read as follows:

Article 12. – Definitions.

Compassion center means an entity registered pursuant to § 4914A of Title 16 of the

Delaware State Code that acquires, possesses, sells, supplies, or dispenses marijuana, paraphernalia, or related supplies and educational materials to registered qualifying patients who have designated the dispenser to cultivate marijuana for their medical use and the registered designated caregivers of these patients.

Marijuana cultivation facility or *cultivation facility* means an entity licensed by the State of Delaware to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers. A marijuana cultivation facility may not produce marijuana concentrates, tinctures, extracts, or other marijuana products.

Marijuana product manufacturing facility means an entity licensed by the State of Delaware to: purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and retail marijuana stores, but not to consumers.

Marijuana testing facility means an entity licensed by the State of Delaware to test marijuana for potency and contaminants.

ADOPTED: January 2, 2025

SYNOPSIS

This ordinance amends Appendix B- Zoning of the Dover Code by adding definitions of marijuana-related businesses (with the exception of retail stores), allowing these businesses to operate as permitted uses in certain zones, and adding supplementary regulations, by which these businesses must abide.

(SPONSORS: ANDERSON and NEIL)

Action History

01/02/2025 – Council Adopted after Veto by Mayor Christiansen

12/09/2024 – Public Hearing/First Reading – City Council

11/18/2024 – Public Hearing - Planning Commission

10/28/2024 – First Reading – City Council (Ordinance number changed from #2024-25A to #2024-29)

10/15/2024 – Introduction – Council Committee of the Whole/ Legislative, Finance, and Administration Committee (Split into 25A)

09/24/2024 – Council Committee of the Whole / Legislative, Finance and Administration Committee

08/05/2024 – Deferred from 06/11/2024 – Special Legislative, Finance, and Administration Committee (Split into two parts)

06/11/2024 – Introduction – Council Committee of the Whole/Legislative, Finance, and Administration Committee.



CITY OF DOVER ORDINANCE #2024-25

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 26 – Businesses, Article II – Licenses, Section 26-31. – Definitions, be amended to read as follows:

Sec. 26-31. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Compassion center means an entity registered pursuant to §4914A of Title 16 of the Delaware State Code that acquires, possesses, sells, supplies, or dispenses marijuana, paraphernalia, or related supplies and educational materials to registered qualifying patients who have designated the dispenser to cultivate marijuana for their medical use and the registered designated caregivers of these patients.

Retail marijuana store means an entity licensed by the State of Delaware to purchase marijuana from marijuana cultivation facilities; to purchase marijuana and marijuana products from marijuana product manufacturing facilities; and to sell marijuana and marijuana products to consumers.

BE IT FURTHER ORDAINED:

That Appendix F – Fees and Fines, Chapter 26 – Businesses, Article II. - Licenses be amended to read as follows:

Chapter 26. Businesses	Fees and Fines
<i>Article II. Licenses</i>	
Sec. 26-35. License required; fees	
Subsec. (d)(3) Merchants/bottlers/retail marijuana stores/compassion centers rate	\$0.00046 of aggregate gross purchases for resale/ Minimum fee \$64.00

ADOPTED: January 2, 2025

SYNOPSIS

This ordinance amends Chapter 26 – Businesses of the Dover Code by adding definitions of marijuana retail stores and compassion centers, and by adding marijuana retail store and compassion center license types to Appendix F – Fees and Fines.

(SPONSORS: ANDERSON and NEIL)

Action History

01/02/2025 – Council Adopted after Veto by Mayor Christiansen

12/09/2024 – Public Hearing/Final Reading – City Council

10/28/2024 – First Reading – City Council (Ordinance number changed from #2024-24B to #2024-25)

10/15/2024 – Introduction – Council Committee of the Whole/ Legislative, Finance, and Administration Committee (Split into 24B)

09/24/2024 – Council Committee of the Whole / Legislative, Finance and Administration Committee

08/05/2024 – Deferred from 06/11/2024 – Special Legislative, Finance, and Administration Committee (Split into two parts)

06/11/2024 – Introduction – Council Committee of the Whole/Legislative, Finance, and Administration Committee.

Kelsey Gallagher

From: Lisa Hatfield <lhatfield@connollygallagher.com>
Sent: Tuesday, September 16, 2025 10:56 AM
To: Julie Goodyear
Subject: RE: Guidance on Marijuana Code Suggestions
Attachments: 05908433.PDF; Dover marijuana laws.pdf

This message originated from outside the organization

Good morning Julie,

Comments below in red. In addition, you likely already know, but you cannot limit medical marijuana compassion centers from opening. The office of medical marijuana for the state approves those locations BUT they must be in compliance with local zoning. Locally, you can limit time place and manner... Commercial district, for example. But you cannot regulate such that they are completely forbidden. Retail sales, you can.

Lisa R. Hatfield

PARTNER

lhatfield@connollygallagher.com



CONNOLLY
GALLAGHER

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O: (302) 757-7300 267 E. Main Street
D: (302) 757-7317 Newark, DE 19711

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From: Lisa Hatfield

On Sep 8, 2025, at 10:49 AM, Julie Goodyear <jgoodyear@townsend.delaware.gov> wrote:

Good Morning Lisa,

I am reaching out to seek some guidance regarding marijuana code considerations for the Town. We are beginning to review what options may be available to us should we allow the sale and/or manufacturing of marijuana within Town limits.

A few questions we are hoping you can assist us with:

1. Can the Town partake in any tax benefits for allowing marijuana sales within our limits? We are aware of the State tax, but can we also require a local tax? **You cannot impose a separate local tax for marijuana sales. You can impose the**

same license fee and general taxes you impose upon an retail establishment (coffee shop, boutique, pizza shop)

2. If we were to allow retail marijuana sales, could we limit the number of stores permitted to operate in Town? **Yes**
3. For manufacturing uses, is it possible to make this a conditional use? If so, how can we structure it to ensure that we have the ability to deny applications if they do not fit appropriately with our community? **Yes, you can make it a conditional use and can also limit the number of manufacturing facilities. When a use is a conditional use, there is some discretion in approval as well as some requirements such as decisions cannot be arbitrary/discriminatory, etc. We can work on language in the ordinance assuming you decide to draft one that allows this. Probably no rush as I believe no new permits are coming out soon.**

"To receive a special use permit, the applicant must attend a hearing before the City Council, and the City Council may grant the special use permit if it finds that the special use will not have adverse health or safety effects, "[b]e detrimental to the public welfare or injurious to property or improvements," and "[b]e in conflict with the purposes of the comprehensive development plan of the city." The City Council may also require additional conditions that "in its opinion, assure that the use will conform to the foregoing requirements and that such use will continue to do so."

Additionally, Councilman Chapman suggested we review how Boulder, CO implemented their marijuana code. Do you have any resources or examples from Boulder (or other municipalities) that might be useful for us to study?

Here is the link to Boulder. I am not sure how useful that really is since Colorado law is likely very difference from Delaware law. I have attached the City of Wilmington Statute addressing marijuana and the City of Dover.

https://library.municode.com/co/boulder/codes/municipal_code?nodeId=TIT6HESASA_CH16REMA

We want to ensure we are being proactive and thoughtful in how this may be addressed within our zoning and development codes, and your guidance would be greatly appreciated.

Thank you for your time and expertise, and I look forward to your advice.

Best Regards,

Julie M. Goodyear
Town Manager
Phone: 302-378-8082
Fax: 1-302-378-7099

jgoodyear@townsend.delaware.gov

<image001.jpg>

P.O Box 223 | 141 Main Street | Townsend, Delaware 19734 |

www.Townsend.Delaware.Gov

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From: Lisa Hatfield <lhatfield@connollygallagher.com>
Sent: Monday, September 15, 2025 11:04 AM
To: Julie Goodyear
Subject: RE: Title 21

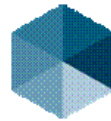
This message originated from outside the organization

Hi Julie,

The advantage of adopting Title 21 is that you get more money from the state for fines collected in JP court. It is not a bad idea. If you adopt it, the penalties must mirror what the state provides as well.

Let me know if you have any questions.
Lisa

Lisa R. Hatfield
PARTNER
lhatfield@connollygallagher.com



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From: Julie Goodyear <jgoodyear@townsend.delaware.gov>
Sent: Tuesday, September 9, 2025 11:18 AM
To: Lisa Hatfield <lhatfield@connollygallagher.com>
Subject: RE: Title 21

Hey Lisa,

Just pulling this back to the top of your inbox.

Call me with any questions.

Best Regards,

Julie M. Goodyear
Town Manager
Phone: 302-378-8082
Fax: 1-302-378-7099
jgoodyear@townsend.delaware.gov



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From: Julie Goodyear
Sent: Thursday, August 14, 2025 12:32 PM
To: Lisa Hatfield <lhathfield@connollygallagher.com>
Subject: Title 21

Good Afternoon Lisa,

In speaking with other municipalities Town Managers, they started asking if we were considering adopting Title 21.

What are your thoughts on that? Would you advise us to do that?

They mentioned the benefit are the penalties and fees.

Best Regards,

Julie M. Goodyear
Town Manager
Phone: 302-378-8082
Fax: 1-302-378-7099
jgoodyear@townsend.delaware.gov



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From: Longo Robert (Townsend PD) <Robert.Longo@CJ.State.de.us>
Sent: Monday, September 8, 2025 1:38 PM
To: Julie Goodyear
Cc: Scott Lobdell; Matthew Chapman
Subject: Re: Input on Marijuana Code Considerations

This message originated from outside the organization

Good morning,

Please see below the concerns of the PD as it relates to legal marijuana sales in Townsend as obtained from law enforcement & open source resources

Potential increases in crime, negative community impacts such as odors, quality of life, panhandling, homelessness,

A 2019 study in Denver found that areas with dispensaries initially **saw increased crime rates** compared to areas without them, though the association weakened over time.

From 2019-2021 marijuana use increased 14.8% among those aged 15 or younger has increased 3% among those 16 and 17, and 1.9% among those aged 18 and older. Overall, marijuana use amongst all age groups rose 6.2%.

Legalization is associated with a rise in cannabis-related hospitalizations and poisonings.

There is also concern over impaired driving, with detection of cannabis in drivers increasing in recent years.

Carries risks including addiction, lung damage, impaired cognitive function

Marijuana commercialization holds many negative ramifications for public health, social justice, and public safety.

Marijuana-infused “edibles” come in the form of cookies, candy, ice cream, sodas, and other sweet treats that are particularly appealing to children. Marketing tactics make use of bright colors and catchy names, replicating images or appropriating the names of well-known commercial food products. For example, the brand recognition of “Pop-Tarts,” a widely consumed kid-friendly breakfast product, was seized upon by one marijuana producer to market “Pot Tarts.”

Unfortunately, these products are thought to be contributing to the increased accidental marijuana exposures among children and others. These kinds of growth tactics by industry are not new. They largely mirror the boom of Big Tobacco in the early 1900s—and not by accident.

Municipalities, can make those restrictions or choose to ban the industry outright in their jurisdictions. towns, including Smyrna and Milford, are still in discussion on how to move

forward, with Wyoming being the only other jurisdiction to allow cannabis businesses so far.

In New Castle, Middletown, Odessa and Elsmere have chosen to ban the industry, Since the legislation was passed, about **one-third of the state's 57 municipalities have decided to ban the industry** from their town limits ahead of the anticipated start of legal sales this spring.

Although we welcome business growth in Townsend we are not supportive of cannabis stores in town.

Thank you for your time and for including us in this matter.

Sincerely

Robert J. Longo
Chief of Police
Townsend Police Department
661 South Street, PO Box 223
Townsend, DE 19734
302-464-1262 Phone
302-378-7099 Fax
302-739-4865 DISPATCH



"Blessed are the Peacemakers"

From: Julie Goodyear <jgoodyear@townsend.delaware.gov>
Sent: Monday, September 8, 2025 10:51 AM
To: Longo Robert (Townsend PD) <Robert.Longo@CJ.State.de.us>
Cc: Scott Lobdell <SLobdell@townsend.delaware.gov>; Matthew Chapman <mchapman@townsend.delaware.gov>
Subject: Input on Marijuana Code Considerations

Good Morning Chief,

As the Town begins to review potential code edits related to the sale and/or manufacturing of marijuana within Town limits, I wanted to reach out to you directly. Before any recommendations are developed, the Committee would greatly value your input.

If you have any concerns, hesitations, or specific considerations you believe we should be aware of from a public safety or policing perspective, please share them

so they can be taken into account during our discussions. Your perspective will be critical in ensuring any proposed regulations balance community safety with potential business and zoning impacts.

Thank you in advance for your guidance, and I look forward to hearing your thoughts.

Best Regards,

Julie M. Goodyear
Town Manager
Phone: 302-378-8082
Fax: 1-302-378-7099
jgoodyear@townsend.delaware.gov



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