



**CITY OF DOVER, DELAWARE
ACTION FORM**

PROCEEDING: Council Committee of the Whole (Legislative, Finance, and Administration Committee)

DEPARTMENT OF ORIGIN: City Manager’s Office **SUBMITTED ON:** October 9, 2024

PREPARED BY: Sharon J. Duca, P.E., Assistant City Manager, and Ann Marie Townshend, Rossi Group

REVIEWED BY: Sharon J. Duca, P.E., Assistant City Manager

SUBJECT: Recreational Marijuana Land Uses and Related Zoning Regulations

TIMETABLE: Recommendation from Council Committee of the Whole October 15, 2024

First Reading of Recommended Ordinances October 28, 2024

Planning Commission Hearing on Recommended Ordinances November 18, 2024

Council Hearing and Action on Recommended Ordinances December 9, 2024

Expiration of Moratorium December 31, 2024

RELATED PROJECT: n/a

EXHIBITS: Ordinance #2024-24A

Ordinance #2024-24B

Ordinance #2024-25A

Ordinance #2024-25B

REFERENCE: n/a

EXPENDITURE REQUIRED: \$0

AMOUNT BUDGETED: \$0

FUNDING SOURCE (Dept./Page in CIP & Budget): n/a

STAFF RECOMMENDATION:

That City Council provide direction to staff on their selected path forward to meet the proposed timetable.

BACKGROUND AND ANALYSIS:

On September 24, 2024, Dave Hugg, City Manager, and Ann Marie Townshend, Senior Project Manager for the Rossi Group, presented to the Council Committee of the Whole (CCW) on the Marijuana Ordinance Development. The materials provided within the packet included draft ordinances, draft

ordinance amendments, a white paper, questions and answers from the discussion that occurred at the August 5, 2024, meeting, a summary of survey results, and a presentation to facilitate discussion.

The information provided below is to summarize amendments made to the draft marijuana ordinances based on discussion at prior meetings of the CCW as well as action taken at the September 24, 2024, CCW meeting. As previously discussed, four (4) ordinances are being considered, two (2) addressing business licensing and two (2) addressing zoning. A summary of each draft ordinance and amendments incorporated is noted. For the current discussion, we have numbered the business licensing ordinances as 2024-24A and 2024-24B and the zoning ordinances as 2024-25A and 2024-25B. The “A” ordinances address cultivation, manufacturing, and testing, and the “B” ordinances address retail uses.

- **Ordinance #2024-24A** – This draft ordinance would establish the business license fee for marijuana cultivation, manufacturing, and testing facilities. No amendments have been made to this draft ordinance.
- **Ordinance #2024-24B** – This draft ordinance would establish the business license fee for marijuana retail stores and compassion centers. Lines 13 and 14 of this draft ordinance have been amended to strike through the words “cultivates, manufactures, delivers, transfers, transports,” as the only compassion center in Dover is a retail-only establishment.
- **Ordinance #2024-25A** – This draft ordinance would permit marijuana cultivation, manufacturing, and testing facilities in the Manufacturing (M) and Industrial Park Manufacturing (IPM) zones, allow marijuana cultivation in the Agriculture (A) zone, and establish the standards by which such businesses would be required to operate. Lines 92, 93, 131, 132, 168, and 169 have been amended to add child daycare centers and substance abuse disorder treatment facilities to the list of facilities from which the marijuana-related uses must be distanced at least 500 feet. Lines 121, 122, 123, 160, 161, and 162 have been amended to clarify that for cultivation and manufacturing uses, the applicant may be required to make off-site utility upgrades to support the utility demands for the use. Lines 182, 183, and 184 have been amended to remove “not-for-profit” and “cultivates, manufactures, delivers, transfers, transports” from the compassion center definition.
- **Ordinance #2024-25B** – This draft ordinance would permit marijuana retail stores in the Highway Commercial (C-4) zone and establish the standards by which such businesses would be required to operate. Line 25 has been amended to add child daycare centers and substance abuse disorder treatment facilities to the list of facilities from which marijuana retail stores must be distanced at least 500 feet. Language on lines 40 through 44 has been added to reflect the amendment approved by the City Council Committee of the Whole on September 24 to exempt compassion centers that receive a conversion license from the distancing requirements.

This information has been provided to again facilitate discussion. The choices before the Committee are to either prohibit some or all of the above uses which would require a modification to the proposed ordinances, permit with restrictions as submitted (or subsequently amended), or to simply permit. It should be noted that taking no action will default to permitting uses throughout the City.

Based upon the above, staff recommends that the City Council provide direction to staff on their selected path forward to meet the proposed timetable.



CITY OF DOVER PROPOSED ORDINANCE #2024-24A

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

3
4 That Chapter 26 – Businesses, Article II – Licenses, Section 26-31. – Definitions, be amended by
5 inserting the text indicated in bold, blue, italics in alphabetical order as follows:

6
7 **Sec. 26-31. Definitions.**

8
9 The following words, terms, and phrases, when used in this article, shall have the meanings
10 ascribed to them in this section, except where the context clearly indicates a different meaning:

11
12 *Marijuana cultivation facility or cultivation facility* means an entity licensed by the
13 State of Delaware to cultivate, prepare, and package marijuana and sell marijuana to retail
14 marijuana stores, to marijuana product manufacturing facilities, and to other marijuana
15 cultivation facilities, but not to consumers. A marijuana cultivation facility may not produce
16 marijuana concentrates, tinctures, extracts, or other marijuana products.

17
18 *Marijuana product manufacturing facility* means an entity licensed by the State of
19 Delaware to: purchase marijuana; manufacture, prepare, and package marijuana products,
20 and sell marijuana and marijuana products to other marijuana product manufacturing
21 facilities and retail marijuana stores, but not to consumers.

22
23 *Marijuana testing facility* means an entity licensed by the State of Delaware to test
24 marijuana for potency and contaminants.

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26
27 **BE IT FURTHER ORDAINED:**

28
29 That Appendix F – Fees and Fines, Chapter 26 – Businesses, Article II. - Licenses be amended
30 by inserting the text indicated in bold, blue font as follows:

| Chapter 26. Businesses | Fees and Fines |
|--|---|
| <i>Article II. Licenses</i> | |
| Sec. 26-35. License required; fees | |
| Subsec. (d)(2) Manufacturers/contractors/ <i>marijuana cultivation, product manufacturing, and testing facilities rate</i> | \$0.00046 of aggregate gross receipts/ Minimum fee |

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| | \$128.00 |
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ADOPTED: *

SYNOPSIS

This ordinance amends Chapter 26 – Businesses of the Dover Code by adding definitions of marijuana cultivation, product manufacturing, and testing facilities, and by adding these business license types to Appendix F – Fees and Fines.

(SPONSORS: ANDERSON and NEIL)

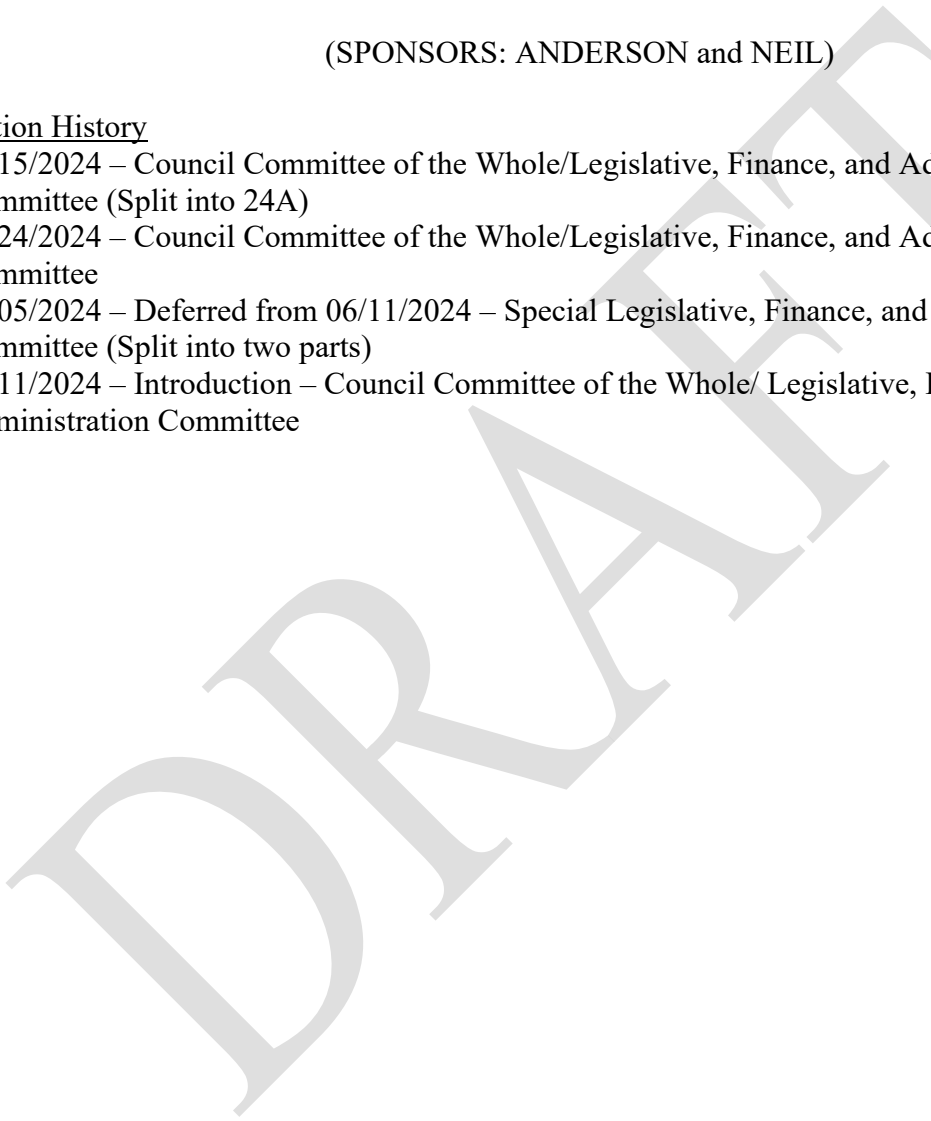
Action History

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

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, DELAWARE ACTION FORM

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RELATED PROJECT: n/a

EXHIBITS: Ordinance #2024-24A

Ordinance #2024-24B

Ordinance #2024-25A

Ordinance #2024-25B

REFERENCE: n/a

EXPENDITURE REQUIRED: \$0

AMOUNT BUDGETED: \$0

FUNDING SOURCE (Dept./Page in CIP & Budget): n/a

STAFF RECOMMENDATION:

That City Council provide direction to staff on their selected path forward to meet the proposed timetable.

BACKGROUND AND ANALYSIS:

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- **Ordinance #2024-24A** – This draft ordinance would establish the business license fee for marijuana cultivation, manufacturing, and testing facilities. No amendments have been made to this draft ordinance.
- **Ordinance #2024-24B** – This draft ordinance would establish the business license fee for marijuana retail stores and compassion centers. Lines 13 and 14 of this draft ordinance have been amended to strike through the words “cultivates, manufactures, delivers, transfers, transports,” as the only compassion center in Dover is a retail-only establishment.
- **Ordinance #2024-25A** – This draft ordinance would permit marijuana cultivation, manufacturing, and testing facilities in the Manufacturing (M) and Industrial Park Manufacturing (IPM) zones, allow marijuana cultivation in the Agriculture (A) zone, and establish the standards by which such businesses would be required to operate. Lines 92, 93, 131, 132, 168, and 169 have been amended to add child daycare centers and substance abuse disorder treatment facilities to the list of facilities from which the marijuana-related uses must be distanced at least 500 feet. Lines 121, 122, 123, 160, 161, and 162 have been amended to clarify that for cultivation and manufacturing uses, the applicant may be required to make off-site utility upgrades to support the utility demands for the use. Lines 182, 183, and 184 have been amended to remove “not-for-profit” and “cultivates, manufactures, delivers, transfers, transports” from the compassion center definition.
- **Ordinance #2024-25B** – This draft ordinance would permit marijuana retail stores in the Highway Commercial (C-4) zone and establish the standards by which such businesses would be required to operate. Line 25 has been amended to add child daycare centers and substance abuse disorder treatment facilities to the list of facilities from which marijuana retail stores must be distanced at least 500 feet. Language on lines 40 through 44 has been added to reflect the amendment approved by the City Council Committee of the Whole on September 24 to exempt compassion centers that receive a conversion license from the distancing requirements.

This information has been provided to again facilitate discussion. The choices before the Committee are to either prohibit some or all of the above uses which would require a modification to the proposed ordinances, permit with restrictions as submitted (or subsequently amended), or to simply permit. It should be noted that taking no action will default to permitting uses throughout the City.

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CITY OF DOVER PROPOSED ORDINANCE #2024-24A

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

3
4 That Chapter 26 – Businesses, Article II – Licenses, Section 26-31. – Definitions, be amended by
5 inserting the text indicated in bold, blue, italics in alphabetical order as follows:
6

7 **Sec. 26-31. Definitions.**

8
9 The following words, terms, and phrases, when used in this article, shall have the meanings
10 ascribed to them in this section, except where the context clearly indicates a different meaning:
11

12 *Marijuana cultivation facility or cultivation facility* means an entity licensed by the
13 State of Delaware to cultivate, prepare, and package marijuana and sell marijuana to retail
14 marijuana stores, to marijuana product manufacturing facilities, and to other marijuana
15 cultivation facilities, but not to consumers. A marijuana cultivation facility may not produce
16 marijuana concentrates, tinctures, extracts, or other marijuana products.
17

18 *Marijuana product manufacturing facility* means an entity licensed by the State of
19 Delaware to: purchase marijuana; manufacture, prepare, and package marijuana products,
20 and sell marijuana and marijuana products to other marijuana product manufacturing
21 facilities and retail marijuana stores, but not to consumers.
22

23 *Marijuana testing facility* means an entity licensed by the State of Delaware to test
24 marijuana for potency and contaminants.
25

26
27 **BE IT FURTHER ORDAINED:**

28
29 That Appendix F – Fees and Fines, Chapter 26 – Businesses, Article II. - Licenses be amended
30 by inserting the text indicated in bold, blue font as follows:
31

| Chapter 26. Businesses | Fees and Fines |
|--|---|
| <i>Article II. Licenses</i> | |
| Sec. 26-35. License required; fees | |
| Subsec. (d)(2) Manufacturers/contractors/ <i>marijuana cultivation, product manufacturing, and testing facilities rate</i> | \$0.00046 of aggregate gross receipts/ Minimum fee |

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| | \$128.00 |
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ADOPTED: *

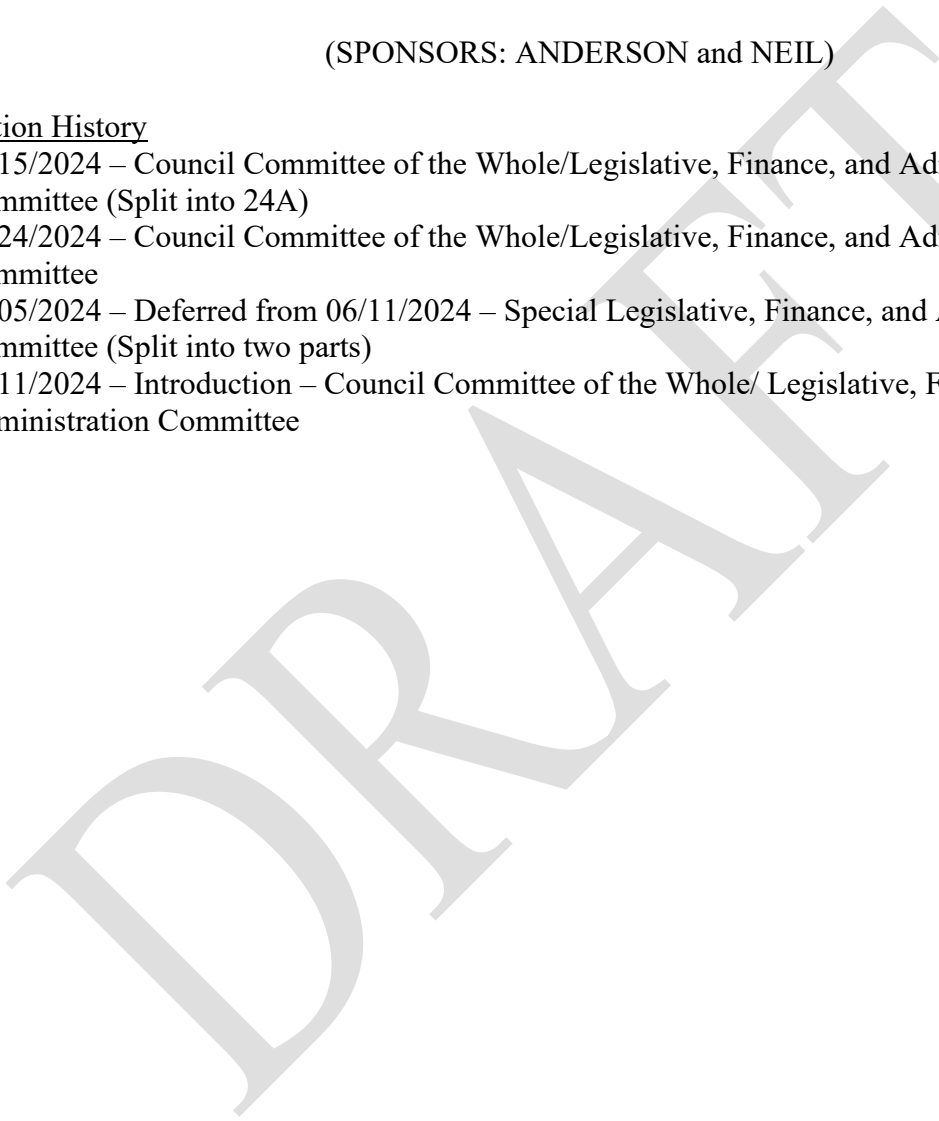
SYNOPSIS

This ordinance amends Chapter 26 – Businesses of the Dover Code by adding definitions of marijuana cultivation, product manufacturing, and testing facilities, and by adding these business license types to Appendix F – Fees and Fines.

(SPONSORS: ANDERSON and NEIL)

Action History

- 10/15/2024 – Council Committee of the Whole/Legislative, Finance, and Administration Committee (Split into 24A)
- 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 PROPOSED ORDINANCE #2024-24B

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

3
4 That Chapter 26 – Businesses, Article II – Licenses, Section 26-31. – Definitions, be amended by
5 inserting the text indicated in bold, blue, italics in alphabetical order as follows:
6

7 **Sec. 26-31. Definitions.**

8
9 The following words, terms, and phrases, when used in this article, shall have the meanings
10 ascribed to them in this section, except where the context clearly indicates a different meaning:
11

12 *Compassion center* means an entity registered pursuant to §4914A of Title 16 of the
13 Delaware State Code that acquires, possesses, ~~cultivates, manufactures, delivers, transfers,~~
14 ~~transports,~~ sells, supplies, or dispenses marijuana, paraphernalia, or related supplies and
15 educational materials to registered qualifying patients who have designated the dispenser to
16 cultivate marijuana for their medical use and the registered designated caregivers of these
17 patients.
18

19 *Retail marijuana store* means an entity licensed by the State of Delaware to purchase
20 marijuana from marijuana cultivation facilities; to purchase marijuana and marijuana
21 products from marijuana product manufacturing facilities, and to sell marijuana and
22 marijuana products to consumers.
23

24 BE IT FURTHER ORDAINED:

25
26 That Appendix F – Fees and Fines, Chapter 26 – Businesses, Article II. - Licenses be amended
27 by inserting the text indicated in bold, blue font as follows:
28

| 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 |

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30 ADOPTED: *
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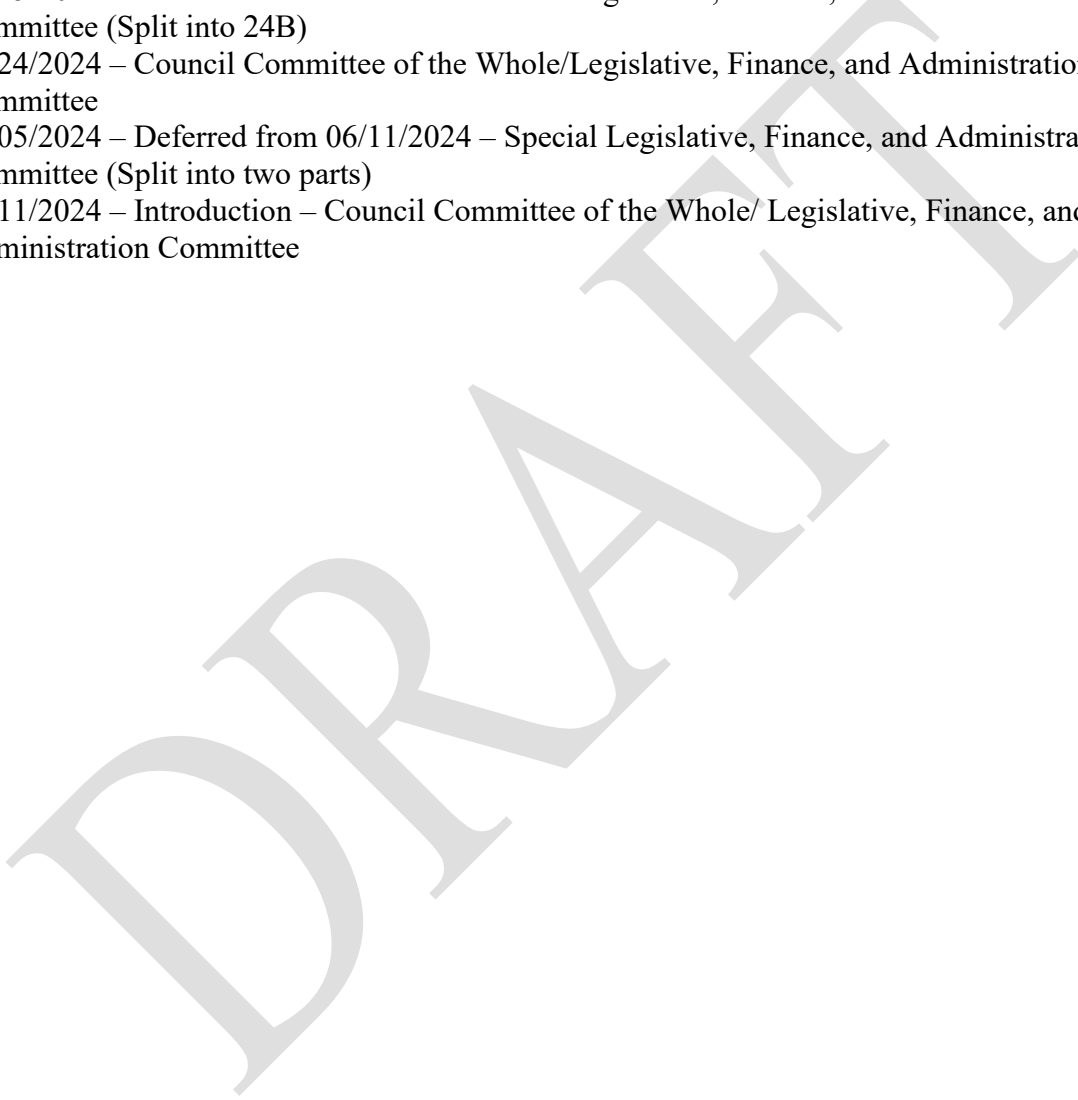
SYNOPSIS

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

10/15/2024 – 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





CITY OF DOVER PROPOSED ORDINANCE #2024-25A

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

3
4 That Appendix B – Zoning, Article 3 – District Regulations, Section 19 – Manufacturing Zone
5 (M) be amended by inserting the text indicated in bold, blue font as follows:
6

7 **Section 19. – Manufacturing Zone (M).**

8
9 19.1 *Uses permitted.* No building or premises shall be used, and no building or part of a building
10 shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any
11 purpose, except the following, and in accordance with performance standards procedure as set
12 forth in article 5, section 8 and subject to the site development plan approval as set forth in article
13 10, section 2:
14

15 19.17 Railroad yards, sidings, and storage facilities.

16
17 **19.18 Marijuana cultivation facilities, marijuana manufacturing facilities, and**
18 **marijuana testing facilities subject to the requirements outlined in article 5,**
19 **section 24.**

20
21 ~~19.18~~ **19.19** Accessory uses:
22

23 (a) On-site offices, clinics, food service facilities, recreation facilities and child day care
24 services collocated within the permitted use and limited to exclusive use by employees,
25 and such other accessory uses and structures clearly incidental to, and customary to and
26 associated with the permitted use.

27 (b) The following uses may be permitted as conditional uses if approved by the planning
28 commission in accordance with the provisions and procedures set forth in article 10,
29 section 1 and any specified requirements set forth below:
30

31 (1) Associated retail uses in conjunction with and accessory to a permitted use,
32 provided that the associated retail uses do not occupy more than 30 percent of
33 the gross floor area of the building or group of buildings on a lot. Parking shall
34 be provided at a rate of one parking space per 300 square feet of retail space for
35 the exclusive use of retail customers in addition to the bulk parking requirements
36 of this zoning district for a particular use.
37

38 (2) Outside storage which is incidental to the primary uses on the lot, within a
39 completely enclosed and secure area appropriately screened from public view
40 and not in any required setback from property lines.
41

42 **BE IT FURTHER ORDAINED:**

43
44 That Appendix B – Zoning, Article 3 – District Regulations, Section 20 – Industrial Park
45 Manufacturing Zone (IPM) be amended by inserting the text indicated in bold, blue font as follows:
46

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

48
49 20.1 *Uses permitted.* No building or premises shall be used and no building or part of a building
50 shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any
51 purpose, except the following, and in accordance with performance standards procedure as set
52 forth in article 5, section 8, and subject to site development plan approval as set forth in article 10,
53 section 2:
54

55 **20.19 Marijuana cultivation facilities, marijuana manufacturing facilities, and**
56 **marijuana testing facilities, subject to the requirements outlined in Article 5,**
57 **Section 24.**
58

59 **BE IT FURTHER ORDAINED:**

60
61 That Appendix B – Zoning, Article 3 – District Regulations, Section 23 – Agricultural Zone (A)
62 be amended by inserting the text indicated in bold, blue font as follows:
63

64 **Section 23 - Agricultural Zone (A).**

65
66 23.1 *Uses Permitted.* In an agricultural zone (A), no land or building shall be used and no building
67 or part of a building shall be erected or altered which is arranged, intended or designed to be used,
68 in whole or in part, for any uses except the following:
69

70 **23.17 Marijuana cultivation facilities, subject to the requirements outlined in Article**
71 **5, Section 24.**
72

73 **BE IT FURTHER ORDAINED:**

74
75 That Appendix B – Zoning, Article 5 – Supplementary Regulations, be amended by inserting the
76 text indicated in bold, blue font as follows:
77

78 **Section 24. Marijuana Related Businesses.**

79
80 **24.1 Purpose.** The purpose of this section is to protect public health and safety by
81 **applying standards under which marijuana related businesses may operate**
82 **within the City of Dover, Delaware.**
83

84 24.2 A compassion center is classified as retail use and is permitted in all commercial
85 zones where retail uses are permitted.

86
87 24.3 Where permitted in accordance with Article 3, marijuana cultivation facilities
88 are subject to the following restrictions:

89
90 24.31 The building footprint within which a marijuana cultivation facility is to
91 be located shall be at least 500 feet away from any residential zone, and any
92 private or public K-12 school, hospital, college or university, child day care
93 center, or substance abuse disorder treatment facility.

94
95 24.32 All marijuana cultivation facilities shall install odor control technology,
96 as necessary, to control ventilation at the establishment in such a manner that
97 no odor from cannabis products can be detected outside the building on the
98 same property or on adjacent properties or in public rights-of-way, or within
99 any other unit located within the same building. The facility owner/operator
100 shall properly maintain all odor mitigation equipment to ensure maximum
101 efficiency. An application for a certificate of occupancy shall be accompanied
102 by a certification by a Professional Engineer, Certified Industrial Hygienist, or
103 other equivalently qualified professional that proposed odor control measures
104 will effectively eliminate outdoor odors associated with the cultivation of
105 marijuana.

106
107 24.33 An application for a certificate of occupancy shall be accompanied by a
108 photocopy of a valid license as required by Chapter 13, Title 4 of the Delaware
109 State Code.

110
111 24.34 All building openings, entries and windows shall be located, covered or
112 screened in such a manner as to prevent a view into the interior from any public
113 or semipublic area.

114
115 24.35 The applicant is responsible for complying with the Code of Ordinances
116 of the City of Dover, Delaware including all provisions in Chapter 110, Article
117 II, Sec. 110-31 and Chapter 110, Article III, Sec. 110-63.

118
119 24.36 The applicant is responsible for all costs associated with infrastructure
120 upgrades, alterations, changes, or extensions required to provide adequate
121 water, wastewater, and electric utility service, including off-site upgrades
122 required to support the demand for water, wastewater, and electric utility
123 service.

124
125 24.4 Where permitted in accordance with Article 3, marijuana product
126 manufacturing facilities are subject to the following restrictions:

127
128 24.41 The building footprint within which a marijuana product manufacturing
129 facility is to be located shall be at least 500 feet away from any residential zone,

130 and from the lot line of any private or public K-12 school, hospital, college or
131 university, child day care center, or substance abuse disorder treatment
132 facility.

133
134 24.42 All marijuana product manufacturing facilities shall install odor control
135 technology, as necessary, to control ventilation at the establishment in such a
136 manner that no odor from cannabis products can be detected outside the
137 building on the same property or on adjacent properties or in public rights-of-
138 way, or within any other unit located within the same building. The facility
139 owner/operator shall properly maintain all odor mitigation equipment to
140 ensure maximum efficiency. An application for a certificate of occupancy shall
141 be accompanied by a certification by a Professional Engineer, Certified
142 Industrial Hygienist, or other equivalently qualified professional that proposed
143 odor control measures will effectively eliminate outdoor odors associated with
144 the manufacturing of marijuana.

145
146 24.43 An application for a certificate of occupancy shall be accompanied by a
147 photocopy of a valid license as required by Chapter 13, Title 4 of the Delaware
148 State Code.

149
150 24.44 All building openings, entries, and windows shall be located, covered, or
151 screened in such a manner as to prevent a view into the interior from any public
152 or semipublic area.

153
154 24.45 The applicant is responsible for complying with the Code of Ordinances
155 of the City of Dover, Delaware including all provisions in Chapter 110, Article
156 II, Sec. 110-31 and Chapter 110, Article III, Sec. 110-63.

157
158 24.46 The applicant is responsible for all costs associated with infrastructure
159 upgrades, alterations, changes, or extensions required to provide adequate
160 water, wastewater, and electric utility service, including off-site upgrades
161 required to support the demand for water, wastewater, and electric utility
162 service.

163
164 24.5 Where permitted in accordance with Article 3, marijuana testing facilities are
165 subject to the following restrictions:

166 24.51 The building footprint upon which a marijuana testing facility is to be
167 located shall be at least 500 feet away from any residential zone, and from the
168 lot line of any private or public K-12 school, ~~or~~ hospital, child day care center,
169 or substance abuse disorder treatment facility.

170
171 24.52 An application for a certificate of occupancy shall be accompanied by a
172 photocopy of a valid license as required by Chapter 13, Title 4 of the Delaware
173 State Code.

174
175 **BE IT FURTHER ORDAINED:**

176
177 That Appendix B – Zoning, Article 12 – Definitions, be amended by inserting the text indicated in
178 bold, blue font in proper alphabetical order as follows:

179
180 **Article 12. – Definitions.**

181
182 *Compassion center* means ~~an not-for-profit~~ entity registered pursuant to § 4914A of
183 Title 16 of the Delaware State Code that acquires, possesses, ~~cultivates, manufactures,~~
184 ~~delivers, transfers, transports,~~ sells, supplies, or dispenses marijuana, paraphernalia, or
185 related supplies and educational materials to registered qualifying patients who have
186 designated the dispenser to cultivate marijuana for their medical use and the registered
187 designated caregivers of these patients.

188
189 *Marijuana cultivation facility or cultivation facility* means an entity licensed by the
190 State of Delaware to cultivate, prepare, and package marijuana and sell marijuana to retail
191 marijuana stores, to marijuana product manufacturing facilities, and to other marijuana
192 cultivation facilities, but not to consumers. A marijuana cultivation facility may not produce
193 marijuana concentrates, tinctures, extracts, or other marijuana products.

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

199
200 *Marijuana testing facility* means an entity licensed by the State of Delaware to test
201 marijuana for potency and contaminants.

202
203
204 ADOPTED: *

205
206
207 **SYNOPSIS**

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

212
213 (SPONSORS: ANDERSON and NEIL)

214
215
216 Action History

217 10/15/2024 – Council Committee of the Whole/Legislative, Finance, and Administration
218 Committee (Split into 25A)

219 09/24/2024 – Council Committee of the Whole/Legislative, Finance, and Administration
220 Committee

221 08/05/2024 – Deferred from 06/11/2024 – Special Legislative, Finance, and Administration

222 Committee (Split into two parts)
223 06/11/2024 – Introduction – Council Committee of the Whole/ Legislative, Finance, and
224 Administration Committee

DRAFT



CITY OF DOVER PROPOSED ORDINANCE #2024-25B

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

3
4 That Appendix B – Zoning, Article 3 – District Regulations, Section 16 – Highway Commercial
5 Zone (C-4) be amended by inserting the text indicated in bold, blue text as follows:
6

7 **Section 16. Highway Commercial Zone (C-4).**

8
9 16.1 *Uses permitted.* In a highway commercial zone (C-4), no building or premises shall be used,
10 and no building or part of a building shall be erected, which is arranged, intended, or designed to
11 be used, in whole or in part, for any purpose, except the following:
12

13 **(q) Retail marijuana stores, subject to the requirements outlined in Article 5, Section 24.**

14
15 **BE IT FURTHER ORDAINED:**

16
17 That Appendix B – Zoning, Article 5 – Supplementary Regulations, be amended by inserting the
18 text indicated in bold, blue font as follows:
19

20 **24.6 Where permitted in accordance with Article 3, retail marijuana stores are**
21 **subject to the following restrictions:**

22
23 **24.61 The building footprint upon which a retail marijuana store is to be**
24 **located shall be at least 500 feet away from any private or public K-12 school,**
25 **child daycare center, substance abuse disorder treatment facility, or hospital**
26 **and at least 250 feet away from any residential zone, and from the lot line of**
27 **any college or university.**

28
29 **24.62 The building footprint within which a retail marijuana store is to be**
30 **located shall be at least 1 mile away from the lot line of any other retail**
31 **marijuana store within the City of Dover.**

32
33 **24.63 An application for a certificate of occupancy shall be accompanied by a**
34 **photocopy of a valid license as required by Chapter 13, Title 4 of the Delaware**
35 **State Code.**

36
37 **24.64 All building openings, entries, and windows shall be located, covered, or**
38 **screened in such a manner as to prevent a view into the interior from any public**

39 or semipublic area.
40 24.7 A Compassion Center licensed by the State of Delaware on or before January 1,
41 2024, that obtains a conversion license under the State of Delaware Marijuana
42 Regulations, must comply with the requirements of Article 3 District Regulations, and
43 shall be exempt from distancing requirements detailed in Appendix B- Zoning,
44 Article 5- Supplementary Regulations, 24.61 and 24.62.
45

46 **BE IT FURTHER ORDAINED:**

47
48 That Appendix B – Zoning, Article 12 – Definitions, be amended by inserting the text indicated in
49 bold, blue font in proper alphabetical order as follows:

50
51 **Article 12. – Definitions.**

52
53 ***Retail marijuana store means an entity licensed by the State of Delaware to purchase***
54 ***marijuana from marijuana cultivation facilities; to purchase marijuana and marijuana***
55 ***products from marijuana product manufacturing facilities; and to sell marijuana and***
56 ***marijuana products to consumers.***
57

58
59 ADOPTED: *

60
61
62 **SYNOPSIS**

63 This ordinance amends Appendix B- Zoning of the Dover Code by adding the definition of retail
64 marijuana store, allowing retail marijuana stores to operate as permitted uses in certain zones, and
65 adding supplementary regulations, by which retail marijuana stores must abide.

66
67 (SPONSORS: ANDERSON and NEIL)
68

69
70 Action History

71 10/15/2024 – Council Committee of the Whole/Legislative, Finance, and Administration
72 Committee (Split into 25B)

73 09/24/2024 – Council Committee of the Whole/Legislative, Finance, and Administration
74 Committee

75 08/05/2024 – Deferred from 06/11/2024 – Special Legislative, Finance, and Administration
76 Committee (Split into two parts)

77 06/11/2024 – Introduction – Council Committee of the Whole/ Legislative, Finance, and
78 Administration Committee