



CITY OF DOVER PROPOSED ORDINANCE #2024-29

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 750 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 State of Delaware licensed substance abuse disorder treatment**
94 **facility.**

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

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

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

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

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

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

128
129 **24.41 The building footprint within which a marijuana product manufacturing**

130 facility is to be located shall be at least 750 feet away from any residential zone,
131 and from the lot line of any private or public K-12 school, hospital, college or
132 university, child day care center, or State of Delaware licensed substance abuse
133 disorder treatment facility.

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

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

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

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

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

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

167 **24.51 The building footprint upon which a marijuana testing facility is to be**
168 **located shall be at least 750 feet away from any residential zone, and from the**
169 **lot line of any private or public K-12 school, hospital, child day care center, or**
170 **State of Delaware licensed substance abuse disorder treatment facility.**

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

175

176 **BE IT FURTHER ORDAINED:**

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

180
181 **Article 12. – Definitions.**

182
183 *Compassion center* means **an entity registered pursuant to § 4914A of Title 16 of the**
184 **Delaware State Code that acquires, possesses, sells, supplies, or dispenses marijuana,**
185 **paraphernalia, or related supplies and educational materials to registered qualifying**
186 **patients who have designated the dispenser to cultivate marijuana for their medical use and**
187 **the registered 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.**

194
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 10/28/2024 – Scheduled for First Reading – City Council (Ordinance number changed from
218 #2024-25A to #2024-29)

219 10/15/2024 – Introduction – Council Committee of the Whole/ Legislative, Finance, and
220 Administration Committee (Split into 25A)

221 09/24/2024 – Council Committee of the Whole / Legislative, Finance and Administration

222 Committee
223 08/05/2024 – Deferred from 06/11/2024 – Special Legislative, Finance, and Administration
224 Committee (Split into two parts)
225 06/11/2024 – Introduction – Council Committee of the Whole/Legislative, Finance, and
226 Administration Committee.

DRAFT