



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.