



PETITION TO AMEND TEXT of *Zoning Ordinance*

Applicant Development Advisory Committee Meeting of June 3, 2026

Report to the Dover Planning Commission for June 15, 2026

Proposed Changes: Text Amendments to the following:

- *Dover Code of Ordinances*, Appendix B: Zoning (*Zoning Ordinance*)
 - Article 3 – District Regulations, Section 19 – Manufacturing Zone (M)
 - Article 3 – District Regulations, Section 20 – Industrial Park Manufacturing Zone (IPM)
 - Article 3 – District Regulations, Section 20A – Industrial park manufacturing zone- Business and Technology Center (IPM2)
 - Article 3 – District Regulations, Section 20B – Industrial park manufacturing zone- Industrial aviation and aeronautics center (IPM3),
 - Article 12 – Definitions regarding Clean Hydrogen

Summary of Amendments:

This is a series of text amendments to the *Zoning Ordinance* pertaining to clean hydrogen production facilities by amending the *Dover Code of Ordinances*, Appendix B - Zoning by adding a definition for “clean hydrogen” in Article 12 and by amending Article 3, Sections 19, 20, 20A and 20B to allow clean hydrogen production facilities to operate as permitted uses in certain zones and adding supplementary regulations by which these facilities must abide. The zoning districts for clean hydrogen production facilities include the M (Manufacturing Zone), IPM (Industrial Park Manufacturing Zone), IPM2 (Industrial Park Manufacturing Zone – Business and Technology Center), and IPM3 (Industrial Park Manufacturing Zone – Industrial Aviation and Aeronautics Center). Ordinance #2026-10.

File Number: MI-26-06 Text Amendments: Clean Hydrogen Production Facilities

Ordinance Number: #2026-10

I. BACKGROUND ON DEVELOPMENT OF TEXT AMENDMENTS

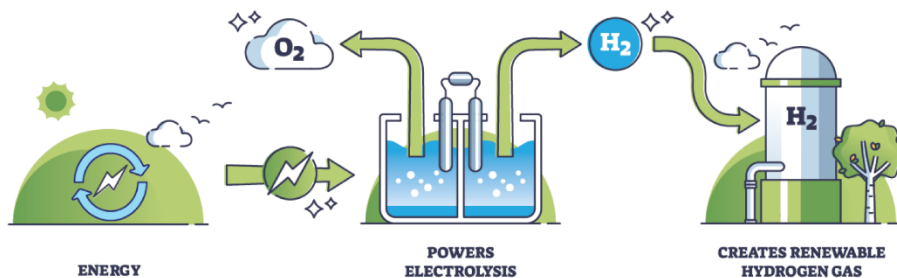
The proposed ordinance amendments to the manufacturing related zones (M, IPM, IPM2, and IPM3) address the City Code revisions needed to allow the manufacturing of clean hydrogen in pursuit of the Mid-Atlantic Clean Hydrogen Hub (MACH2) initiative within the City.

CLEAN HYDROGEN

The recently released 2025 Delaware Climate Action Plan includes strategies related to clean hydrogen production. In particular, regarding clean hydrogen, it is noted that Delaware is exploring the potential uses of hydrogen and that it is the production method of hydrogen fuel that matters. It further states that “only clean hydrogen produced by methods that generate little to no greenhouse gas emissions should be advanced as part of Delaware’s strategies to reach net-zero emissions”. The following graphic provides further information regarding clean hydrogen.

What is clean hydrogen?

- Produced using low- or zero-emission energy sources, such as renewable electricity from wind, solar or nuclear
- Defined as 0.45 kilogram (kg) carbon dioxide equivalent (CO₂e) or less per kg of hydrogen produced compared to fossil fuels based energy which emits ~53 kg carbon dioxide/MMBtu
- A sustainable feedstock and energy carrier solution to significantly reduce industrial carbon emissions



**1 metric tonne
of clean
hydrogen can
displace up to
6.5 metric
tonnes of CO₂
emissions**

SAFETY

Today, more than 100M metric tons of hydrogen are manufactured throughout the world as a clean energy source. Electrolytic hydrogen is a clean manufacturing process with essentially no waste materials in production. There is NO toxic smoke, soot, or secondary combustion products. Hydrogen is fourteen (14) times lighter than air and readily disperses thus reducing accumulation risks. Although hydrogen has a similar safety profile to natural gas, there are physical differences between hydrogen and natural gas which require different engineering controls, detection and operating practices which are well established in the United States. In fact, there are 1,600 miles of operating hydrogen pipelines in the American Gulf Coast.

MACH2

MACH2 represents a significant opportunity to position Delaware, and Dover specifically, at the forefront of clean energy innovation and advanced manufacturing. As part of a federally supported network of hydrogen hubs, this initiative connects Delaware with southeastern Pennsylvania and southern New Jersey to strengthen regional competitiveness while accelerating the transition to low-emission energy sources. By leveraging Delaware's established manufacturing base and strategic location, MACH2 enhances energy resilience, reduces environmental impacts, and creates a foundation for long-term, sustainable growth.

STATE OF DELAWARE SUPPORT

The State of Delaware has demonstrated strong, bipartisan support for MACH2 across multiple administrations, recognizing its potential for innovation, economic development, and clean energy production. Delaware actively pursued this designation in partnership with the Delaware Prosperity Partnership, with support from the Governor's Office and federal delegation, including funding for feasibility studies and targeted marketing. Securing a role in MACH2 against strong regional competition was a major achievement and the current Meyer administration continues to advance the effort through cabinet-level leadership and over \$1M in direct support for early-stage

implementation. This sustained commitment underscores the importance of enabling projects at the local level.

CITY OF DOVER ECONOMY

Due to its central location in Delaware, the City of Dover has the opportunity to be the first Clean Hydrogen Manufacturing site in the State and the region. This delivers substantial economic and community benefits while supporting safe, modern industrial development. The project will generate significant private investment, create hundreds of construction jobs, and establish new permanent skilled positions (approximately thirty-five), while also attracting related industries to the area. Updating City Code to allow hydrogen and oxygen production will enable the deployment of advanced, proven technologies that operate with minimal emissions and strong safety controls. Taking this step positions Dover to capture immediate economic benefits while establishing itself as a leader in the emerging clean energy economy.

PROPOSED ORDINANCE #2026-10

The proposed ordinance adds clean hydrogen production facilities into the manufacturing and industrial zoning districts (zones) and defines them. It is noted that other zoning districts such as the Airport Environs Overlay Zone (Article 3, Section 22) and the Source Water Protection Overlay Zone (Article 3, Section 29) may also determine the compatibility of the clean hydrogen production facilities and the location of such facilities. The development and construction of clean hydrogen production facilities will be subject to other provisions of the *Zoning Ordinance*, State regulations, adopted Building Codes as well as Fire Codes for plan and permit review.

II. TEXT AMENDMENT REVIEW PROCESS

As part of the process of developing the proposed ordinance amendments, review was performed by the City Solicitor in addition to City staff. The formal review process for Text Amendments to the *Zoning Ordinance* is outlined in the *City of Dover Code of Ordinances*, Appendix B – Zoning, Article 10, Section 5. Amendments. Because these are Text Amendments proposed to the *Zoning Ordinance*, a Public Hearing and Recommendation by the Planning Commission is required. This review process began when the proposed Ordinance was presented as a Draft Ordinance to the Council Committee of the Whole – Legislative, Finance, and Administration Committee. It was then forwarded from the Committee and submitted to the City Council for First Reading on May 11, 2026. The City Council has referred the Ordinance #2026-10 to the Planning Commission for a Public Hearing and consideration on June 15, 2026. Then it is scheduled for Final Reading, Public Hearing and Final Action by Council on July 13, 2026. At the meeting the City Council may act to adopt the whole Ordinances, to reject it, or to adopt the Ordinances with amendments. Legal Advertisements were published in the Daily State News on May 29, 2026 and June 5, 2026 giving notice and participation information for the Public Hearings as scheduled.

III. RECOMMENDATION OF PLANNING STAFF:

Review and Recommendations:

As part of the process outlined in *Zoning Ordinance*, Article 10 Section 5, the City Planner must evaluate the following factors when preparing a report on the text amendment request:

Article 10 § 5.22 *City planner report*. For each proposed zoning text amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that evaluates the following factors:

(A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and;

(B) Whether proposed amendment is consistent with the aims of the comprehensive plan of the city.

The City of Dover developed the subject Ordinances in response to the State and regional efforts related to the clean hydrogen industry and the MACH2 program as described above. In developing the Ordinances, the principles and aims of the *Zoning Ordinance* and the *2019 Comprehensive Plan* were considered.

The *2019 Comprehensive Plan* includes Chapter 10: Economic Development Plan which discusses industrial areas in the City (pages 10-4 to 10-7) and the planning for the City's Economic Future. The following are some of the related goals of this Chapter (pages 10-22 to 10-26):

Goal 1: Attract and Retain High-paying Quality Jobs by Targeting Business Sectors that are Best Suited for Dover and Kent County

Successful economic development requires understanding the economic environment, determining opportunities and targets, developing a sound marketing and promotional strategy, and establishing the mechanisms necessary for business retention and recruitment.

Goal 4: Ensure that Land Development, Zoning, Infrastructure and Other Development Requirements Encourage the Economic Development and Uses Desired

Sound economic development and redevelopment is a balance between business opportunities and those regulations and processes designed to promote safe, well-designed, well-planned communities. The intent is to strike that balance between the proper exercise of public policy and a sustainable and viable economy.

Recommendation 10: Review and Modify Regulations to ensure that Desired Uses Are Encouraged

- Be flexible with contemporary zoning provisions that are responsive to emerging technologies and emerging business opportunities and activities, especially in the health care, arts and entertainment, and tourism sectors.
- Implement appropriate zoning and other provisions that support development and expansion of targeted businesses, ensure the appropriateness of uses within respective zones, promote sustainability, encourage balanced growth, promote small businesses and startups, and ensure responsiveness to emerging economic and societal trends.
- Update provisions addressing the growing variety and complexity of home occupations and accessory business activities in residential areas as the line defining traditional work evolves.
- Actively pursue development of ordinances, policies and strategies to address blight, vacancy, abandonment, environmental contamination, and underutilization of business sites and facilities throughout the City.

Goal 5: Actively market the Garrison Oak Business and Technology Center (GOBTC)

Garrison Oak Business and Technology Center (GOBTC) is a City-developed business-ready facility in the City well-suited for larger and technology focused enterprises to help balance the City's options for economic development and job creation. Capitalize on the GOBTC's broad appeal to a larger universe of potential business activities consistent with the original intent of the facility and with the IPM2 zoning district.

The *2019 Comprehensive Plan*, Chapter 12: Land Development Plan discusses goals for various land use types (Land Use Categories). Relative to the proposed Ordinance, the following sections apply. In relation to Industrial Land Uses, they are discussed in the Employment Centers segment (page 12-16 to 12-18).

In relation to Employment Centers, the Plan includes the following goal and policies (page 12-17):

Goal: Employment Centers

Create a more vibrant, growing economy with a broader range of job opportunities through collaborative efforts to market the region, identify potential targets, and respond to opportunities to foster an increase in office and industrial development in appropriate and designated areas.

Policies: Employment Centers

1. Protect existing industrial, office park and manufacturing establishments from encroachment by incompatible land uses which could result in nuisance complaints, hazardous situations, and human conflict.
2. Provide sufficient land area for industrial purposes to enable the expansion of existing industries, the establishments of new facilities, and revitalization of underutilized older industrial sites.
3. Provide for a variety of office park and industrial development opportunities through the designation of areas for small, medium and large establishments within planned industrial parks.
4. Promote alternative modes of accessibility including pedestrian and bicycle facilities, bus shelters and transit stops, and provide incentives for car and van pooling of employees.
5. Create flexible and contemporary industrial zoning provisions that reflect emerging trends in uses, facilities, and business opportunities to meet future needs.

The Planning Office finds that the proposed Ordinances are consistent with the aims and principles of the *Zoning Ordinance* and the zones specifically addressed, as well as with the goals and policies of the *2019 Comprehensive Plan*.

Additionally, the following advisory items are noted.

- 1) The Planning Office provided an opportunity for the Development Advisory Committee (DAC) members to comment on the proposed Text Amendments at their meetings on

May 27, 2026 and June 3, 2026. Several Departments/Agencies which participate in the DAC process provide comments of “no objection” with regard to the proposed Text Amendments. It is noted that some of these Departments participated in the research into the development of the proposed ordinances.

- 2) The Proposed Ordinance is also subject to Legal Review by the City Solicitor, which may identify additional clarifications or corrections.
- 3) The approval of these Text Amendments does not authorize the establishment of the regulated uses at any specific location. Prior to the establishment of a use, the appropriate applications for site development activity plan review, Building Permits, and other construction activity Permits, Business and Occupancy Licensing, etc. of the City of Dover are required.

V. PLANNING COMMISSION REVIEW FOR RECOMMENDATION

This is a request for a zoning text amendment which revises the text in the *Zoning Ordinance*. The Planning Commission as part of their public hearing and review process will provide a recommendation on the zoning text amendment request to City Council. As part of the process outlined in *Zoning Ordinance*, Article 10 Section 5, the Planning Commission must evaluate the following factors when considering the request:

Article 10 § 5.23 *Report of the planning commission*. Regarding each proposed amendment to the ordinance text, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

(A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and

(B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.

A Recommendation Report from the Planning Commission will be forwarded to the City Council for their consideration of the Text Amendment Application.

Attachments:

- Development Advisory Committee Comments
- Proposed Ordinance #2026-10



CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MAY 27, 2026



APPLICATION: Text Amendments: Clean Hydrogen Production Facilities
FILE #: MI-26-06
REVIEWING AGENCY: City of Dover Department of Public Works and Water & Wastewater
CONTACT PERSON: Jason A. Lyon, P.E., Director of Water & Wastewater / Engineering Services
CONTACT PHONE #: 302-736-7025
CONTACT EMAIL: jlyon@dover.de.us

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL

1. Our office has no objections to the proposed text amendments

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

SANITATION / GENERAL

1. None.

WATER

1. The owner / developer is responsible for all costs associated with all water infrastructure upgrades or extensions required to provide adequate fire and domestic service and capacity in relation to the project proposed.

WASTEWATER

1. The owner / developer is responsible for all costs associated with all wastewater infrastructure upgrades or extensions required to provide adequate service and capacity in relation to the project proposed.

STREETS / STORMWATER

1. The owner / developer is responsible for all costs associated with all street and stormwater infrastructure upgrades or extensions required to provide adequate service and capacity in relation to the project proposed.

ADVISORY COMMENTS TO THE APPLICANT

SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL

1. None

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER ELECTRIC
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MAY 27, 2026

APPLICATION:	Text Amendments: Clean Hydrogen Production Facility
FILE #:	MI-26-06
REVIEWING AGENCY:	City of Dover Electric Department
CONTACT PERSON:	Shawn Burgett, Engineering Services & System Ops Superintendent
CONTACT PHONE #:	302-674-7568
CONTACT EMAIL #:	sburgett@dover.de.us

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. The Electric Department has reviewed the proposed text amendment regarding Clean Hydrogen Production Facilities. At this time, the Electric Department has no specific objections to the proposed amendment; however, any future clean hydrogen production facility may require coordination with the City of Dover Electric Department regarding electrical load requirements, service availability, infrastructure impacts, and system capacity. The owner/developer may be responsible for any costs associated with required electric system upgrades, extensions, or infrastructure improvements necessary to support the proposed facility.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

1. None

ADVISORY COMMENTS TO THE APPLICANT

1. Future development proposals involving clean hydrogen production facilities may require detailed electrical load evaluations and coordination with the City of Dover Electric Department during site planning and engineering review.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 05/27/26

APPLICATION: Text Amendments Clean Hydrogen Production Facilities**FILE #:** MI-26-06 **REVIEWING AGENCY:** City of Dover, Office of the Fire Marshal**CONTACT PERSON:** Jason Osika, Fire Marshal
josika@dover.de.us**PHONE #:** (302) 736-4457

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESS BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. Proposal is a text amendment for zoning for clean hydrogen production facilities. This office has no objections.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. NFPA 2, hydrogen technologies code, 2023 edition has been adopted by the Delaware State Fire Prevention Regulations

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2021 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
 2021 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)
 2019 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)
 2019 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)
 2009 IBC (International Building Code)
 Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
 2021 Delaware State Fire Prevention Regulations
 City of Dover Code of Ordinances

*If you have any questions or need to discuss any of the above comments, please call the above contact person listed.



KENT CONSERVATION DISTRICT

1679 SOUTH DUPONT HIGHWAY • DOVER, DELAWARE 19901 • (302) 608-5370 • WWW.KENTCD.ORG

**CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
JUNE 2026**

APPLICATION: Text Amendment: Clean Hydrogen Production Facilities

FILE #: MI-26-06

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Cullen Baker

PHONE: (302) 608 – 5370

EMAIL: stormwater@kentcd.org

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY’S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

Kent Conservation District has no objection to a text amendment to the Zoning Ordinances regarding “clean hydrogen”.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
ADVISORY BRIEF
D.A.C. MEETING DATE: 6/3/2026

**Dover/Kent
County
Metropolitan
Planning
Organization**

MI-26-06 Text Amendments: Clean Hydrogen Production Facilities

FILE # MI-26-06

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Malcolm Jacob

PHONE #: (302) 387-6030

Attached, please find comments submitted by Dover Kent MPO for each of the current City of Dover Development Advisory Committee (DAC) applications. These comments are a part of the MPO's ongoing goals of promoting transportation safety and connectivity within the region. They are submitted in accordance with the support given by the MPO Council on November 6, 2024.

Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission
Text Amendment Review

MI-26-06 Text Amendments: Clean Hydrogen Production Facilities

Dover Kent MPO does not have any specific comments on the proposed text amendment. If the amendment is implemented, the MPO will be able to provide comments on individual site plans regarding clean hydrogen facilities as they are reviewed by the Development Advisory Committee. Such facilities are likely to have a variety of transportation impacts, including the transporting of supplies and the need to park and stage vehicles on the property.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.

