



CITY OF DOVER PROPOSED 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 by inserting the text indicated in bold, blue font 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.

~~19.18~~ **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 by inserting the text indicated in bold, blue font 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 by inserting the text indicated in bold, blue font 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 by inserting the text indicated in bold, blue font 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.

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:
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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:
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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.

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.**

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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.**

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203
204 ADOPTED: *

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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