



CITY OF DOVER ORDINANCE #2022-21

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

That Appendix B – Zoning, Article 3 Section 20A Industrial Park Manufacturing Zone – Business and Technology Center (IPM2) be amended as follows:

APPENDIX B – ZONING

ARTICLE 3 - DISTRICT REGULATIONS

Section 20A. Industrial park manufacturing zone – Business and Technology Center (IPM2)

Sec. 20A.A Purpose and Intent. The industrial park manufacturing zone – Business and Technology Center (IPM2) is established for the following:

- (a) To provide locations for the development of light to moderate industrial manufacturing, warehousing, distribution, logistics, research, and technology establishments as well as offices and professional services which could be compatible with residential uses.
- (b) To provide employment opportunities for nonoffensive industries, businesses, and technologies in close proximity to centers of population.
- (c) To include guidelines and performance standards which will control and confine any offensive features such as noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic waste, or unsightly storage.

Sec. 20A.1.

20A.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:

20A.11 Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing, industrial, or technological processing of any goods, materials, products, instruments, appliances, biotechnology, and devices.

20A.12 Research, design, testing and development laboratories.

- 20A.13 Offices and corporate support operations for business and professional services, data management, financial services, insurance, and health care industries.
- 20A.14 Agricultural or farm uses as defined and permitted in [article 3](#), section 1.11.
- 20A.15 Production of electricity provided that the power source used shall be gas, oil solar, or wind.
- 20A.16 Warehousing, transshipment and distribution, and logistics support and trucking terminals.
- 20A.17 Printing, publishing, binding, and packaging.
- 20A.18 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.
- 20A.19 Indoor recreation and amusement establishments.

20A.2 Conditional uses: 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:

- 20A.21 Building contractor's yard provided that:
 - (a) Outside storage is within a completely enclosed and secure area and appropriately screened from public view and not in any required setback from property lines.
 - (b)
- 20A.22 Vocational education facility
- 20A.23 Associated retail uses in conjunction with and accessory to a permitted use, provided that the associated retail use does 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.
- 20A.24 Craft distillery and microbrewery provided that:
 - (a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.
 - (b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.

- (c) Such establishment may offer to the public, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.
- (d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller, and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.
- (e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware.
- (f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:
 - i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
 - ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height.
 - iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the City of Dover.
 - iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the Dover Code of Ordinances, Chapter 22 and Chapter 46.
 - v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Dover and State of Delaware.
 - vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be

maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.

- vii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

20A.3 Uses prohibited. The following uses are specifically prohibited:

20A.31 Residences, except those existing at the time of adoption of this amendment.

20A.32 Manufacturing uses involving primary production of the following products from raw materials: Asphalt, cement, charcoal, and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, and carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric, and sulphuric acids; coal, coke, and tar products, including gas manufacturing; explosives, fertilizers, glue, and size (animal); linoleum and oil cloth; matches; paint, varnishes, and turpentine; rubber (natural or synthetic); and soaps, including fat rendering.

20A.33 Storage, except that which is incidental to the primary use on the lot.

20A.34 The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting, and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, and lubricating oil; distillation of wood or bones; and reduction and processing of wood pulp and fiber, including papermill operations.

20A.35 Operations involving stock yards, slaughter houses, and slag piles.

20A.36 Storage of explosives, and bulk or wholesale storage of gasoline above the ground.

20A.37 Dumps.

20A.38 Quarries, stone crushers, screening plants, and storage of quarry screenings, accessory to such uses.

20A.39 Junkyards, automobile dismantling plants, or storage of used parts of automobiles or other machines or vehicles or of dismantled or junked automobiles.

20A.4 Site development plan approval. Site development plan approval, in accordance with article 10, section 2 hereof, shall be required of land zoned IPM2 prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

20A.5 Performance standards. All uses are subject to performance standards as set forth in article 5, section 8.

BE IF FURTHER ORDAINED:

That Appendix B – Zoning, Article 12 – Definitions be amended by inserting the text indicated in bold,

blue font in appropriate alphabetical order:

Vocational education facility: Services or instruction which are geared toward training for a specific occupation or set of skills.

ADOPTED: JANUARY 9, 2023

SYNOPSIS

This is a text amendment to the Zoning Ordinance provisions related to the IPM2 zone. These revisions add a purpose section, clarified the definition of allowed manufacturing uses, adds the uses of vocational education facility, building contractor's yard, retail component as an accessory use and craft distillery and microbreweries to the Industrial Park Manufacturing Zone – Business and Technology Center (IPM2).

(SPONSORS: COUNCILMAN TAYLOR AND COUNCILMAN ANDERSON)

Actions History:

- 01/09/2023 - Final Reading - City Council
- 12/19/2022 - Public Hearing - Planning Commission
- 11/28/2022 - First Reading
- 11/15/2022 - Legislative Finance, and Administration Committee