

To: Dover City Council
From: Donna Benton, AICP
CC: J. Michael Joyal, City Manager
Christopher Parker, AICP
Dover Planning Board
Date: August 3, 2022
Re: Zoning Amendments

ISSUE:

On July 26, 2022, the Planning Board unanimously approved 9 amendments to the City's Zoning Ordinance, Chapter 170.

INTENT:

This memo will briefly describe the findings of the Planning Board and ensure compliance with Chapter 170-53(F) of the Code.

GOALS:

The proposed zoning amendments must meet certain criteria for the Planning Board to support their adoption. This memo reviews the report criteria laid out in Chapter 170 to explain the findings of the Planning Board.

PROCESS:

The Planning Board and staff prepared a set of amendments in response to a list of areas of the Zoning Code the Board selected at its January 11th goal setting session.

The Planning Board posted the amendments after consideration on March 8, 2022 and March 22, 2022. It held public hearings on June 14, June 28, and July 26, 2022. The Board unanimously approved amended amendments at the July 26, 2022 hearing and forwarded them to the City Council for ratification.

ATTACHMENTS:

- Property Owner Letter

As per section 170-53(F), the Planning Board shall provide to the City Council a report on each proposed amendment that has been proposed and endorsed by it. This report shall include the Board's findings and recommendations on the following:

The consistency of the proposed amendments with the Master Plan;

Amendment 1 is supported through multiple Chapters but most notably in the 2018 Climate Adaptation Chapter. The 2012 Vision Chapter notes the need for Planning and development regulations to include architectural standards that preserve and safeguard the historic and architectural quality of Dover's historic buildings, downtown and neighborhoods. Amendments 2, 3 and 4 are based upon that goal. The 2017 Stewardship Chapter notes the need to encourage developers and homeowners to pursue energy conservation measures on their properties which Amendments 6, 7, and 8 support.

Amendments 5 and 9 are more housekeeping and syntax in nature rather than rooted or have an impact upon the Master Plan, other than they propose an orderly code for development.

The consistency of the proposed amendment with other plans, studies, or technical reports prepared by or for the Board and the City;

The proposed amendments do not conflict with any other plans, studies or technical reports.

The effect of the proposed amendment on the City's municipal services and capital facilities as described in the Capital Improvements Program;

There is no conflict with the Capital Improvements Program within the proposed amendments.

The effect of the proposed amendment on the natural, environment, and historical resources of the City;

Amendment 1, 6, 7, and 8 are designed to enhance the natural and environmental aspects of the City. Amendment 3 is designed to maintain established neighborhoods from less restrict zoning districts nearby.

The effect of the proposed amendment on neighborhood including the extent to which nonconformities will be created or eliminated;

The rezoning of certain lots from R-12 to Heritage Residential District (HR) and from Gateway to HR are designed to maintain the neighborhood feel which is consistent with HR. Any outliers that would become nonconforming from this rezone would be considered legal nonconforming. Many situations that may vary from zoning requirements in the HR can be relieved via a Conditional Use Permit, if needed.

The effect of the proposed amendment on the City's economy and fiscal resources; and

No real effect anticipated. Amendments 6, 7, and 8 help to clarify the flexibility in that there is the option of solar or green roof for developments over a certain threshold and to expand that requirement to other districts.

The recommendation of the Planning Board relative to whether the proposed amendment should be adopted or rejected, and any recommendations for modifications to the proposed amendment.

The Planning Board unanimously approved the amendments (with a few amendments to the amendments since posting based off of public feedback) and hereby submits them to the City Council for ratification.