



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#:

Ordinance Number: **O – 2022.08.10 -**
Ordinance Title: Zoning
Chapter: 170
Section: 6 Word Uses and Definitions
8 Zoning Map
12 Applicability of Tables of Use and Dimensional regulations by District
20 Central Business District Regulations
32 SIGN Review and Regulations

The City of Dover Ordains:

1. PURPOSE

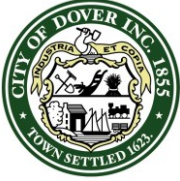
The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, to reflect changes in the community's zoning ordinance. Further information is set forth in the Background section of this ordinance.

2. AMENDMENT

Chapter 170 entitled "Zoning" is hereby amended by revising Section 170-12, "Applicability of Tables of Use and Dimensional Regulations by District", by revising the Dimensional Regulations Table in the Commercial Manufacturing (CM) District special exception criteria for a Vehicle Refueling and Recharging Station and Auto Service as follows:

a. THE FOLLOWING ARE AMENDED:

- A. The use of land for vehicle refueling/recharging station may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any vehicle refueling/recharging station which discontinues operations for a period in excess of one hundred eighty (180) days shall be required to file a new application for a special exception with the Zoning Board of Adjustment. Such conditions may include, but need not be limited to, the provision of adequate and properly maintained screening around land so used.
- B. If petroleum based, the minimum lot size shall be eighty thousand (80,000) square feet, the minimum lot width shall be one hundred fifty (150) feet. Thirty-three percent (33%) of the subject parcel shall be open/green space.
- C. The total permitted sign area shall not exceed one hundred (100) square feet, inclusive of the canopy and fueling equipment, and any signage for retail or eating or drinking uses.-
- D. No fuel storage tanks may be constructed or enlarged closer than one-hundred (100) feet to any Conservation District, and two hundred (200) feet to a secondary groundwater protection zone.
- E. Year round consistent screening no less than 5 feet in height, shall be provided from the street, or any abutting residential structure to the pumps. The building may act as the screening.
- F. Hours of operations shall be limited to 6 am to 9 pm
- G. If a drive-in thru service is proposed, said facility shall be setback either fifty (50) feet from a residential abutting lot or one-hundred (100) feet from the abutting



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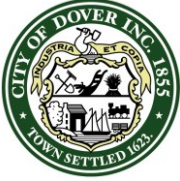
residential structure, whichever is greater, and shall also be screened consistent with Section E above.

3. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-12, “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Dimensional Regulations Table in the Commercial\District (C) special exception criteria for a Vehicle Refueling and Recharging Station and Auto Service as follows:

a. THE FOLLOWING ARE AMENDED:

- A. The use of land for VEHICLE REFUELING/RECHARGING STATION may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any vehicle refueling/recharging station which discontinues operations for a period in excess of one hundred eighty (180) days shall be required to file a new application for a special exception with the Zoning Board of Adjustment. Such conditions may include, but need not be limited to, the provision of adequate and properly maintained screening around land so used.
- B. If petroleum based, tThe minimum lot size shall be eighty thousand (80,000) square feet; the minimum lot width shall be one hundred fifty (150) feet. Thirty three percent (33%) of the subject parcel shall be open/green space.
- C. The total permitted sign area shall not exceed one-hundred (100) square feet, inclusive of the canopy and fueling equipment, and any signage for retail or eating or drinking uses.
- ~~D. If a drive-in thru service is proposed, said facility shall be setback either fifty (50) feet from a residential abutting lot or one hundred (100) feet from the abutting residential structure, whichever is greater. Additionally, adequate vegetative or fence screening shall be constructed. Audible ordering system design features shall include, but not be limited to; non-audible ordering systems (touchpad or human contact) shall be utilized, and hours of operation for the drive-in portion of the business shall be limited to 6:00 a.m. to 9:00 p.m. Hours of operations shall be limited to 6 am to 9 pm~~
- E. If a drive-in thru service is proposed, said facility shall be setback either fifty (50) feet from a residential abutting lot or one-hundred (100) feet from the abutting



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residential structure, whichever is greater and shall also be screened consistent with Section G below.

F. No fuel storage tanks may be constructed or enlarged closer than one-hundred (100) feet to any Conservation District, and two hundred (200) feet to a secondary groundwater protection zone.

~~**D-G.**~~ Year round consistent screening no less than 5 feet in height, shall be provided from the street, or any abutting residential structure to the pumps. The building may act as the screening.

4. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-12, “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Dimensional Regulations Table in the Commercial Manufacturing District (CM) and Innovative Technology District (IT) Conditional Use Permit criteria for a Self-Storage Facility as follows:

a. THE FOLLOWING ARE AMENDED:

SELF-SERVICE STORAGE FACILITY shall be allowed if a Conditional Use Permit is granted by the PLANNING BOARD upon a finding that the following criteria are met:

A. The minimum front SETBACK shall be double the SETBACKs required in the district.

~~**B.** Any No~~ storage unit BUILDING which units are externally accessed shall be visible from the STREET ~~shall be located to be perpendicular to the STREET, with no storage unit doors facing the STREET.~~

~~**C.**~~ Hours of operation shall be limited to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.

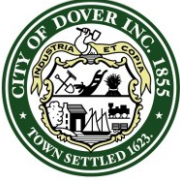
~~**B.**~~

~~**C.D.**~~ If adjacent to a residential district or a LOT containing a residential use, the facility shall:

i. Be limited to a one story STRUCTURE with a height no more than twenty (20) feet.

~~ii. Restrict the hours of operation to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.~~

~~iii.~~ ii. Not hold auctions or sales of contents of storage containers.



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~~iv.iii.~~ Have screening sufficient to block the view of the BUILDINGS from abutting parcels and shall prohibit lighting from shedding onto abutting parcels.

~~D.E.~~ All setbacks shall be double the setbacks required in the district, not just the front setback.

~~E.F.~~ The architectural design standards of Chapter 153-14L(8)(b) shall be adhered to.

5. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-12, “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Dimensional Regulations Table in the Commercial District (C) Conditional Use Permit criteria for a Self-Storage Facility as follows:

a. THE FOLLOWING ARE AMENDED:

SELF-SERVICE STORAGE FACILITY shall be allowed if a Conditional Use Permit is granted by the PLANNING BOARD upon a finding that the following criteria are met:

A. The minimum front SETBACK shall be double the SETBACKs required in the district.

~~B. Any No~~ storage unit BUILDING which units are externally accessed shall be visible from the STREET ~~shall be located to be perpendicular to the STREET, with no storage unit doors facing the STREET.~~

~~C. Hours of operation shall be limited to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.~~

~~B.~~

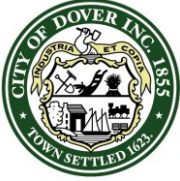
~~E.D.~~ If adjacent to a residential district or a LOT containing a residential use, the facility shall:

i. Be limited to a one story STRUCTURE with a height no more than twenty (20) feet.

~~ii. Restrict the hours of operation to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.~~

~~iii.ii.~~ Not hold auctions or sales of contents of storage containers.

~~iv.iii.~~ Have screening sufficient to block the view of the BUILDINGS from abutting parcels and shall prohibit lighting from shedding onto abutting parcels.



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D.E. All setbacks shall be double the setbacks required in the district, not just the front setback.

E.F. The architectural design standards of Chapter 153-14L(8)(b) shall be adhered to.

6. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-6, “Word Usage and Definitions,” by revising the definition for Self-Storage Facility as follows:

a. THE FOLLOWING ARE AMENDED:

“SELF-SERVICE STORAGE FACILITY means a building or a group of buildings consisting of individual, self-contained units of various sizes rented or leased for self-storage of customers’ property. Internally accessed facilities shall be considered warehousing but still are required to have the parking and screening requirements of externally accessed self-storage facilities.

7. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8, “Zoning Map”, as follows:

a. THE FOLLOWING ARE AMENDED:

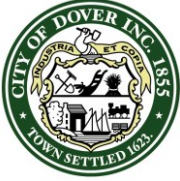
The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Gateway District” (G) to “Heritage Residential” (HR) District an area of approximately 1.8 acres located along Rutland Street, consisting of Map 13 lots 25, 26 and 27 and the portion of Map 13 lot 23 between lots 28A and 27, within approximately 280 feet of the Rutland Street right of way.

8. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8, “Zoning Map”, as follows:

a. THE FOLLOWING ARE AMENDED:

The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Medium Density Residential” (R-12) to “Heritage Residential” (HR) District an area of approximately 30 acres located along Clifford, Parker, Woodman Park



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Drive, Fisher Street and Rutland Street consisting of Map 13 lots 4, 4A, 5, 28, 28A, 29 and Map 15 lots 54, 55, 56, 57, 58, 58A, 58B, 59, 60 and 61.

9. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-12, “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Dimensional Regulations Table in the Gateway District (G) as follows:

a. THE FOLLOWING ARE AMENDED:

DOWNTOWN ARCHITECTURAL STANDARDS*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business-Gateway District is integral to maintaining the character and identity of our community. Buildings designs and materials along Central Ave should enhance the appearance of Dover, reinforce pedestrian character where appropriate, reflect a consistency found within the sub-district, neighboring buildings, and natural and cultural resources. Building design should also minimize potential aesthetic conflicts between residential and nonresidential uses and between single family and multifamily uses. Architectural Standards are not intended to stifle creativity or variety, but produce designs respectful of place and context. **For more information, please see Section 2 of Dover’s CBD Architectural Design Guidelines.**

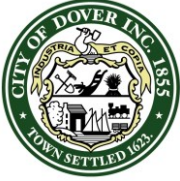
The following **Architectural Standards** must apply for a residential building with 5 units or more and all mixed use/non-residential uses along Central Ave. Applicants will also be expected to prepare a narrative explaining how the project meets all of the architectural standards.

Required Ground Floor Standards:

- No less than 30% of the façade shall be windows.
- A pedestrian entrance shall be required at the street side or front façade.
- Residential uses permitted.
- The use of ground floor exterior lighting on the building should offer a feeling of warm security and increase safety to pedestrians without being overwhelming.

Required Building Standards:

- Building designs shall be harmonious with neighboring structures in terms of mass, width, height, proportion, spacing, and setback.
- All exterior walls that front on a public way with adjacent pedestrian



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traffic/infrastructure must incorporate wood, brick, stone or a suitable contemporary material appropriately detailed within the first 20 vertical feet.

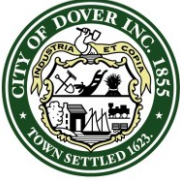
- Large structures shall be broken into smaller masses to provide human scale, variation, and depth.
- The design of the building shall incorporate views that are directed to the street and garden/courtyard rather than adjacent neighbors.
- Buildings shall be placed at or near the street, along the outer edge of their sites, to ensure the unity of those streets and to encourage and facilitate pedestrian activity.
- Building design shall enhance the pedestrian environment and streetscape.
- Utility elements shall be screened in an aesthetically pleasing manner.
- Use of architectural details and changes in depth are included on building elevations to increase visual interest and scale.
- Garages shall not face the street.
- Solar/Green Roof Standard:
- All buildings must be solar ready
- Commercial and mixed use buildings that are 25,000 sq ft or more must also incorporate solar panels and or a green roof on at least 30 percent of the roof area.

Optional Standards:

- Use of elements that accentuate and/or provide coverage at the entry such as canopy, porch, recessed entry, etc. are encouraged.
 - Ornamental roof features that exceed the allowed building height are subject to the CUP process.
 - Energy efficient design techniques, LEED standards, or an equivalent standard are encouraged.
 - Other integrated green infrastructure elements are encouraged.
 - Approved public art is encouraged.
- *CUP (170-20B) may be used to adjust standards.*

STREETSCAPE STANDARDS

Streetscape standards were crafted to ensure streets in mixed use areas of the [CBD Gateway](#) district have a relationship with adjacent buildings, accommodate pedestrians and bicyclists, and are compatible with the character of Dover's neighborhoods. All street elements must be consistent with Dover Streetscape and Landscape Standards. **For more information on streetscape standards, please see Section 3 of Dover's CBD Architectural Design Guidelines.**



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- Sidewalks ~~shall be encouraged to~~ be brick and a ~~shall be~~ minimum of 5 feet wide.
- Street trees shall be planted at an average spacing of 25 to 30 feet on center. Planting method shall allow for maximum root zone space where possible. Existing healthy street trees shall be protected, if possible.
- Unpaved ground area along the frontage shall be planted with appropriate groundcover or shrubs, no bare ground permitted. Low Impact Development techniques such as rain gardens, bioretention areas, tree boxes and other green infrastructure techniques shall be incorporated into these landscaped areas and maintained to ensure 5' wide walkway.
- Projects shall be designed to maintain and enhance, the quality of vehicular, bicycle and pedestrian circulation and safety on affected public streets.
- Street furniture ~~shall be encouraged to~~ be provided as follows:
 - 1 bench for every 75 feet of frontage.
 - At least 1 waste bin at each block corner.
 - 1 bike rack per non-residential project.
- Lighting and mechanical equipment standards per 170-20(E) (3)(d).
**CUP (170-20B) may be used to adjust standards.*

STREETSCAPE ELEMENTS

“# On Dover Point Road, within 300 feet of the center line of New Rochester Road, and for lots on Rutland Street:

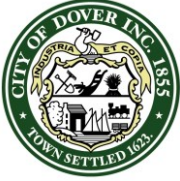
- *Building Height is limited to 2 Stories, unless a structure on adjacent property is 3 stories, in which case this may be matched.*
- *Residential is limited to Single Family and Two Family Dwelling units, unless part of a permitted mixed use building*
- *Professional Service & Office, Eating and Drinking Establishments and Retail/Personal Services are limited to 2,000 sf per unit”*

10. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-20, “Central Business District”, subsections D(2) and (3), to read as follows:

a. THE FOLLOWING ARE AMENDED:

D. Standards and regulations



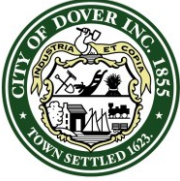
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- (1) The standards for use and dimensions to be utilized within the CBD are shown on the tables at the end of the section. Included in each table are the following areas:
 - (a) District Purpose
 - (b) LOT Occupation Regulations
 - (c) Diagram of BUILDING HEIGHT
 - (d) Diagram of BUILD TO LINEs
 - (e) Special Regulations
 - (f) Permitted Uses
- (2) Through the issuance of a conditional use permit, BUILDING HEIGHT may be increased by one (1) story, which shall be setback from the allowed height to create a terrace, for either:
 - (a) Each ~~subgrade~~ fully below-grade story of parking provided on the site; or.
 - (b) Additional units resulting from this CUP are restricted so that the rent of said units conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority.
- (3) General Guiding Principles for BUILDING Placement
 - (a) The goal of the BUILDING HEIGHT and BUILD TO LINE standards is the creation of a healthy and vital public realm through good STREET space.
 - (b) BUILDINGs are aligned and close to the STREET.



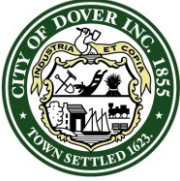
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- (c) The STREET is a coherent space, with consistent BUILDING forms on both sides of the STREET, creating a clear PUBLIC SPACE and community identity.
- (d) BUILDINGs oversee the STREET (and SQUARE) with active fronts contributing to a vital and safe PUBLIC SPACE.
- (e) Property lines are physically defined by BUILDINGs or STREET WALLs.
- (f) BUILDINGs are designed for an urban feel and situation. Views are directed to the STREET and the garden/courtyard, not toward the neighbors. However within the STREET wall alcoves or small courtyards are permitted to allow for seating and public access
- (g) Vehicle storage, garbage and mechanical equipment are kept away from the STREET.
- (h) Within the General, and Mixed Use, sub-districts, new non-residential activities must make up at least 20 percent of the structure or be located on the GROUND FLOOR.
 - 1. If retail and commercial activities are located on the GROUND FLOOR of BUILDINGs not fronting directly onto a STREET or municipal parking lot, the HEIGHT of the BUILDING may be increased by one (1) story.
 - i. Any additional stories shall be setback to create a terrace, and approved via a Conditional Use Permit.
- (i) In the TOD residential may be located on the GROUND FLOOR, however new retail and commercial activities are encouraged to be developed.



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- (j) Parking (not including on-street parking) should be away from the STREETS and shared by multiple owners/users.
- (k) Historic character should be preserved and enhanced by context sensitive construction.

11. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-12, “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Permitted Uses Table in the Commercial Manufacturing (CM) by adding footnote 9 to be placed at the heading for “Permitted Uses” as follows:

a. THE FOLLOWING ARE AMENDED:

[9] Solar/Green Roof Standard:

- All buildings must be solar ready
- Commercial and mixed use buildings that are 25,000 sq ft or more must also incorporate solar panels and/or a green roof on at least 30 percent of the roof area.

12. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-12, “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Permitted Uses Table in the Commercial (C) by adding footnote 8 to be placed at the heading for “Permitted Uses” as follows:

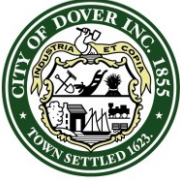
a. THE FOLLOWING ARE AMENDED:

[8] Solar/Green Roof Standard:

- All buildings must be solar ready
- Commercial and mixed use buildings that are 25,000 sq ft or more must also incorporate solar panels and/or a green roof on at least 30 percent of the roof area.

13. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-12, “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Permitted Uses Table in the Innovative Technology (IT) by adding footnote 15 to be placed at the heading for “Permitted Uses” as follows:



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a. THE FOLLOWING ARE AMENDED:

[15] Solar/Green Roof Standard:

- All buildings must be solar ready
- Commercial and mixed use buildings that are 25,000 sq ft or more must also incorporate solar panels and/or a green roof on at least 30 percent of the roof area.

14. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-32, “SIGN Review and Regulations”, to amend errant references from “Subsection Q” to “Subsection O”, in subsections C(1), C(9), O(1)(a)(iv), and O(1)(c)(i), and any other such instance, as follows:

a. THE FOLLOWING ARE AMENDED:

SIGNS AND FENCES

170-32. SIGN Review and Regulations.

...

C. General provisions. All SIGNs shall conform to the following regulations:

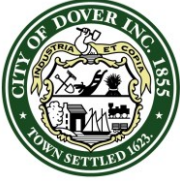
- (1) SIGN Location. SIGNS shall relate only to the premises upon which they are located, excluding TEMPORARY SIGNs as regulated in Subsection QQ.

...

- (9) TEMPORARY SIGNs are prohibited, except as otherwise provided in Subsection QQ.

...

O. TEMPORARY SIGNs. No TEMPORARY SIGN shall be erected or placed in the City of Dover without a TEMPORARY SIGN permit issued by the Planning and



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Community Development Department, except as noted in Subsections (1)(b). The following regulations shall apply:

(1) TEMPORARY SIGNS are prohibited in all residential zoning districts (R-40, R-20, R-12, RM-SU, RM-U, HR, and CBD-R). Where permitted TEMPORARY SIGNS are subject to the following regulations:

(a) TEMPORARY SIGNS Allowed With One-Week Permit. A LOT or tenant may obtain a TEMPORARY SIGN permit for one week, provided that all of the following conditions are met:

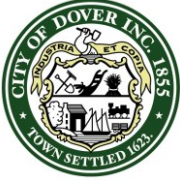
...

iv. If the TEMPORARY SIGN is located on a City SIDEWALK or within a public right-of-way directly in front of the BUILDING, the requirements in Subsection QQ.(1)(d) must be met.

...

(c) TEMPORARY SIGNS Allowed With Annual Permit. One (1) TEMPORARY SIGN shall be permitted per each PRINCIPAL BUILDING. BUILDINGs with an excess of one hundred (100) feet of STREET FRONTAGE shall be permitted one (1) additional TEMPORARY SIGN per every additional one hundred (100) feet of STREET FRONTAGE. See District Tables of Use for additional requirements.

(i) If the TEMPORARY SIGN is located on a City SIDEWALK or within a public right-of-way directly in front of the BUILDING, the requirements in Subsection QQ.(1)(d) must be met.



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15. TAKES EFFECT

This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18.

REQUIRES A PUBLIC HEARING AFTER TEN DAYS PUBLIC NOTICE PER RSA 675:7 AND DOVER CODE 170-53

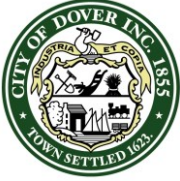
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal
Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Susan M. Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#:

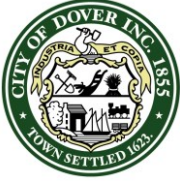
Ordinance Number: **O – 2022.08.10 -**
Ordinance Title: Zoning
Chapter: 170
Section: 6 Word Uses and Definitions
8 Zoning Map
12 Applicability of Tables of Use and Dimensional regulations by District
20 Central Business District Regulations
32 SIGN Review and Regulations

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		



CITY OF DOVER

CITY OF DOVER - ORDINANCE

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ORDINANCE BACKGROUND MATERIAL:

For reference, amendments to the City of Dover’s zoning ordinance are governed by Dover Code Chapter 170-53 and RSA chapter 675.

The Planning Board “posted” amendments in March 2022 and, after public hearings on June 14, June 28, and July 26, 2022, the Planning Board unanimously adopted the amendments set forth in this ordinance on July 26, 2022.

One of the amendments is to rezone part of the R-12 District to Heritage Residential (HR) and part of the Gateway District to HR.

It is requested that the City Council waive the notice by first class mail in accordance with Dover Code Chapter 170-53(G)(2).

Included as part of the background are the following documents:

- Memorandum from Donna Benton, AICP to the Dover City Council dated August 3, 2022, containing the required report of findings;
- A copy of the letter mailed to each property owner in Dover.