CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, September 11, 2024**
Meeting Time: **7:00 pm**

1. **CALL TO ORDER**
2. **MOMENT OF SILENCE**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL ATTENDANCE**
5. **PROCLAMATIONS/AWARDS**
6. **APPROVAL OF AGENDA**
7. **PUBLIC HEARINGS**
   - A. **FY2025 CIP APPROPRIATION FOR SCHOOL TECHNOLOGY EQUIPMENT NON-DEBT FINANCED PROJECT**
     (THIS RESOLUTION REQUIRES A 2/3 MAJORITY VOTE)
     SPONSORED BY MAYOR CARRIER BY REQUEST
   - B. **REPROGRAM UNEXPENDED CIP APPROPRIATIONS FROM SOUTH END FIRE STATION BUILDING IMPROVEMENTS TO SELF CONTAINED BREATHING APPARATUS REPLACEMENT**
     (THIS RESOLUTION REQUIRES A 2/3 MAJORITY VOTE TO BE HELD SEPTEMBER 25, 2024.)
     SPONSORED BY MAYOR CARRIER BY REQUEST
8. **PUBLIC FORUM**

   Taxpayers, Business owners, and Residents are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.
9. **CITY MANAGER'S REPORT**
10. **APPROVAL OF MINUTES**
    - A. **August 28, 2024 – Regular Meeting**
11. **MAYOR'S REPORT**
12. **UNFINISHED BUSINESS**
    - A. **ORDINANCES IN THE 2nd READING**
      1. **CHAPTER 170 RECODIFICATION ORDINANCE**
         (TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 9, 2024)
         SPONSORED BY MAYOR CARRIER BY REQUEST
    - B. **ORDINANCES IN THE 3RD READING**
    - C. **RESOLUTIONS**
      1. **FY2025 CIP APPROPRIATION FOR SCHOOL TECHNOLOGY EQUIPMENT NON-DEBT FINANCED PROJECT**
         (THIS RESOLUTION REQUIRES A 2/3 MAJORITY VOTE)
         SPONSORED BY MAYOR CARRIER BY REQUEST

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **B25012 FIRE INSPECTION SERVICES**
   SPONSORED BY MAYOR CARRIER BY REQUEST
2. **APPROVAL OF LEASE AGREEMENT WITH COMMUNITY SOLUTIONS, INC.**
   SPONSORED BY MAYOR CARRIER BY REQUEST
3. **AMENDING AND RESTARTING SCHEDULE A TO CITY OF DOVER POLICY GOVERNING FLAG DISPLAY**
   SPONSORED BY MAYOR CARRIER BY REQUEST

COMMITTEE REPORTS

1. **Arts Commission (Nemeth)**
2. **Conservation Commission (Williams)**
3. **Library Board of Trustees (Nemeth)**
4. **Appointments Committee (Williams)**
5. **Planning Board (Cullen)**
6. **School Board Liaison (Hackett)**
7. **Arena Commission (Hackett)**
8. **Recreation & Pool Advisory (Retrosi)**
9. Energy Commission (Richer)
10. **Parking Commission (Warach)**
11. McConnell Center Advisory Committee (Retrosi)
12. Legislative Liaison (Shanahan)
13. Committee for Racial Equity and Inclusion (Nemeth)
14. Graffiti Management Advisory Committee (Nemeth)
15. Ordinance Committee (Shanahan)
16. Solid Waste Advisory Committee (Hackett)
17. Transportation Advisory Commission (Richer)
18. Joint Building Committee – DHS (Carrier)
19. Heritage Commission (Retrosi)
20. Board of Health (Richer)
21. Downtown TIF Advisory Board (Warach)
22. Cocheco Waterfront Development Advisory Committee (Carrier)
23. COAST (Shanahan)
24. Waterfront TIF Advisory Board (Warach)
25. Dover Main Street (Carrier)
26. Strafford Regional Planning Commission (Williams)
27. Government Affairs (Carrier)
28. Cemetery Board (Warach)
29. Joint Building Committee – Athletic Complex (Cullen)

B. RESOLUTIONS

1. **COMMEMORATING INDIGENOUS PEOPLE'S DAY, NATIVE AMERICAN DAY, AND JUNETEENTH AND RECOGNIZING LAWS 2024, CHAPTER 182'S (HB1014) REQUIREMENTS IN RELATION TO SAME**
   SPONSORED BY MAYOR CARRIER BY REQUEST
2. **AMENDMENT OF FY2025 SCHEDULE OF FEES TO AMEND CERTAIN PARKING RATES AND FEES; AND TO ESTABLISH FEE FOR RSA 91-A LARGE ELECTRONIC INFORMATION REQUESTS**
   (TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 25, 2024)
   (THIS RESOLUTION REQUIRES A 2/3 MAJORITY VOTE)
   SPONSORED BY MAYOR CARRIER BY REQUEST
3. **CDBG SUBSTANTIAL AMENDMENT TO THE FY23 AND FY24 ACTION PLANS**
   (TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 25, 2024)
   SPONSORED BY MAYOR CARRIER BY REQUEST
4. **AUTHORIZATION TO ACCEPT AND EXPEND THE NH DEPARTMENT OF TRANSPORTATION #44159(CDS) CONGRESSIONALLY DIRECTED SPENDING GRANT**
   (TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 25, 2024)

(THIS RESOLUTION REQUIRES A 2/3 MAJORITY VOTE)
SPONSORED BY MAYOR CARRIER BY REQUEST

5. **AUTHORIZATION TO ACCEPT AND EXPEND THE NH DEPARTMENT OF TRANSPORTATION PROJECT #44350 (CMAQ) CONGESTION MITIGATION & AIR QUALITY GRANT #22-12CMAQ**
(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 25, 2024)
(THIS RESOLUTION REQUIRES A 2/3 MAJORITY VOTE)
SPONSORED BY MAYOR CARRIER BY REQUEST

C. ORDINANCES IN 1ST READING

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

16. ADJOURN

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2024.08.28 - 150**
Resolution Re: FY2025 CIP Appropriation for School Technology Equipment Non-Debt Financed Project

WHEREAS: On December 12, 2012, the City Council established a capital reserve fund titled School Technology Capital Reserve fund for the purpose of acquisition of technology equipment or improvements that has been identified as a project with the City's annual Capital Improvements Program; and

WHEREAS: The School District has identified the need to enhance the technological resources available to staff to improve educational outcomes and operational efficiency; and the School Board recognizes the critical importance of maintaining up-to-date technology equipment for staff to support the instructional and administrative needs of the district; and

WHEREAS: At their August 19, 2024 meeting, the Dover School Board adopted a resolution to seek approval from the City Council for an appropriation of $621,075.00 for School Technology Equipment and the project to be financed by a transfer from the School Technology Capital Reserve; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The following capital outlay is appropriated as part of the FY2025 Capital Improvements Program for the purpose of School Technology Equipment, so designated, and the Finance Director is authorized to transfer the funds from the respective Reserve Funds in the amounts listed.

		Proposed			
Item #	Description	Appropriation	Funding	Department	Fund
1	Technology Equipment	$621,075	School Technology Capital Reserve	School Department	Trust
	Total	$621,075			

NOTE: This Resolution Requires a Public Hearing and Vote of 2/3 Majority of members of the City Council per C6-6 of the City Charter.

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: Jerrica Vansylyvong-Bizier, City Clerk

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2024.08.28 - 150**
Resolution Re: FY2025 CIP Appropriation for School Technology Equipment Non-Debt Financed Project

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 S. April Ritcher, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2024.08.28 - 150**
Resolution Re: FY2025 CIP Appropriation for School Technology Equipment Non-Debt Financed Project

RESOLUTION BACKGROUND MATERIAL:
This resolution makes an appropriation for a FY2025 Capital Improvements Program project in the amount of Six Hundred Twenty-One Thousand Seventy-Five dollars ($621,075.00) for School Technology Equipment.

The School Technology Department has developed a comprehensive capital improvement plan that includes the acquisition of new laptops for staff members to replace outdated equipment.

Funds are available in the School Technology Capital Reserve Fund specifically designated for such capital improvements.

The following table reflects the amount to be appropriated from the School Technology capital reserve and the available balance as of 6/30/2024:

Description	Proposed Appropriation	Balance 6/30/2024
Trust Reserve Funds CIP		
School Technology Capital Reserve	$621,075	$1,190,280
Totals	$621,075	

Over the last four years, the Dover School District has purposefully accumulated $1,190,280 in the School Technology Capital Reserve Fund to intentionally lessen the impact of aggressively adopting a 1:1 student and staff device program. These funds were required to develop and maintain a fiscally responsible replacement cycle for the 4,685 laptops that were purchased and leased with Federal Funds during the COVID pandemic. Working with the technology department we have made a point to keep the costs associated with financing these devices as low as possible while having little to no impact on the school district's annual budget cycle. The chart on the following page demonstrates the school district's plan to move forward at a lower annual cost than prior years 2020 to 2024.

At their August 19, 2024 meeting, the Dover School Board adopted a resolution to seek approval from the City Council for an appropriation of $621,075.00 for School Technology Equipment and the project to be financed by a transfer from the School Technology Capital Reserve.

RESOLUTION

RE: FY2024-2025 CAPITAL IMPROVEMENT PROGRAM APPOPRIATION REQUEST

WHEREAS, on December 12, 2012, the Dover City Council established a capital reserve fund titled School Technology Capital Reserve fund for the purpose of acquisition of technology equipment or improvement that has been identified as a project with the City's annual Capital Improvements Program; and

WHEREAS, the Dover School District has identified the need to enhance the technological resources available to staff to improve educational outcomes and operational efficiency;

WHEREAS, the School Board recognizes the critical importance of maintaining up-to-date technology equipment for staff to support the instructional and administrative needs of the district;

WHEREAS, the Technology Department has developed a comprehensive capital improvement plan that includes the acquisition of new laptops for staff members to replace outdated equipment;

WHEREAS, funds are available in the School Technology Capital Reserve Fund specifically designated for such capital improvements;

WHEREAS, the lease for the District's staff laptops is set to expire on December, 31st, 2024.

NOW, THEREFORE, BE IT RESOLVED THAT HEREIN IS A FORMAL REQUEST FROM THE DOVER SCHOOL BOARD TO THE MAYOR AND DOVER CITY COUNCIL THAT:

The following capital outlays are appropriated as part of the FY2025 Capital Improvements Program for the purposes so designated and the Finance Director is authorized to transfer the funds from the respective Reserve Funds in the amounts listed.

Item #	Description	Proposed Appropriation	Funding	Department	Fund
1	Technology Equipment	$621,075	School Technology Capital Reserve	School Department	Trust
	Total	$621,075			

SUBMITTED BY:

Robin Trefethen, Chairperson

Carolyn Mebert, Vice Chairperson

Michelle Clancy, Secretary

Maggie Fogarty

Elizabeth Goldman

Micaela Demeter

Craig Flynn

August 19, 2024

Resolution Background:

Over the last four years, the Dover School District has purposefully accumulated $1,190,280 in the School Technology Capital Reserve Fund to intentionally lessen the impact of aggressively adopting a 1:1 student and staff device program. These funds were required to develop and maintain a fiscally responsible replacement cycle for the 4,685 laptops that were purchased and leased with Federal Funds during the COVID pandemic. Working with the technology department we have made a point to keep the costs associated with financing these devices as low as possible while having little to no impact on the District's annual budget cycle. The chart on the following page demonstrates the District's plan to move forward at a lower annual cost than prior years 2020 to 2024.

Student Devices	4-Year Cycle		TRANSITION YEAR	4-Year Replacement Cycle			
	Purchase 12/2020	Lease 12/2020	Purchase 1/2023	Purchase 7/2024	Purchase 7/2025	Purchase 7/2026	Purchase 7/2027
Tablets	GR K 300						
Chromebooks	GR 1-8 2,250		GR 1,5,9, CTC 1,025	GR 1,5,9, CTC 900	GR 1,5,9, CTC 850	GR 1,5,9, CTC 850	GR 1,5,9, CTC 850
Laptops		GR 9-12 1,500					
Device Tot:	2,550	1,500	1,025	900	850	850	850
Acquisition Cost:	$ 883,800.00		$458,550.00	$ 387,000.00	$ 365,500.00	$ 365,500.00	$ 365,500.00
Annual Payment:							
Staff Devices							
		Lease 12/2020	Purchase 1/2023	Purchase 7/2024	Purchase 7/2024	Purchase 7/2024	Purchase 7/2024
Laptops		All Staff 635	4	625			
Device Tot:		2,135	4	625			
Acquisition Cost:		$1,752,835.00	$ 4,040.00	$ 621,075.00			
Annual Payment:		$ 431,640.00		$ -		$ -	
4 Yr. Cost Total		$1,726,560.00		$ -		$ -	
$ DIFF		$ 26,275.00		$ -		$ -	
	Student Devices	4,050	Student Devices 1,025			Student Devices	4,475
	Staff Devices	635	Staff Devices 4			Staff Devices	629
	Total Devices	4,685	Total Devices 1,029			Total Devices	5,104
	Acquisition Cost	$2,636,635.00	Acquisition Cost 458,550			Acquisition Cost	$2,567,165.00
	Cost Per Year - 4 Years	$ 659,158.75				Cost per year - 5 Years	$ 513,433.00

CITY OF DOVER - RESOLUTION

Agenda Item#: 7.B.
PUBLIC HEARING ONLY

CITY OF DOVER

Resolution Number: **R – 2024.08.28 - 151**
Resolution Re: Reprogram Unexpended CIP Appropriations from South End Fire Station Building Improvements to Self Contained Breathing Apparatus Replacement

WHEREAS: On an annual basis the City Council adopts the Capital Improvements Program (CIP), which includes the Debt Financing authorization for certain CIP projects; and

WHEREAS: The City has identified the immediate need for additional funding for the replacement of the Self-Contained Breathing Apparatus (SCBA), as the replacement of the SCBA is currently a priority over other Fire Department capital improvement projects; and

WHEREAS: Due to the more immediate need for the replacement of the Self-Contained Breathing Apparatus (SCBA) there is a need to reprogram $451,200 of unexpended Funds from the South End Fire Station Building Improvements CIP budget; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT: The amount of $451,200.00 (Four Hundred Fifty-One Thousand Two-Hundred) of unexpended appropriations is hereby reprogrammed from the South End Fire Station CIP project to the Self-Contained Breathing Apparatus project as follows:

Project Number	Project Description	Available Balance	Reprogram Adjustment	Adjusted Balance
4022.1.220.42280.4725.02201.22	So End Fire Building Improvements	809,195.00	(451,200.00)	357,995.00
4022.1.220.42220.47??.022??.22	Self-Contained Breathing Apparatus Replacement	0.00	451,200.00	451,200.00
		809,195.00	0.00	809,195.00

NOTE: This resolution reprograms unexpended bonding authorization and therefore requires a duly advertised public hearing and a 2/3 favorable vote of all members for passage with the vote deferred until at least three (3) days after the public hearing.

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 Wyatt, City Attorney

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 7.B.
PUBLIC HEARING ONLY

Resolution Number: **R – 2024.08.28 - 151**
Resolution Re: Reprogram Unexpended CIP Appropriations from South End Fire Station Building Improvements to Self Contained Breathing Apparatus Replacement

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 S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does pass.		

CITY OF DOVER - RESOLUTION

Agenda Item#: 7.B.
PUBLIC HEARING ONLY

CITY OF DOVER

Resolution Number: **R – 2024.08.28 - 151**
Resolution Re: Reprogram Unexpended CIP Appropriations from South End Fire Station Building Improvements to Self Contained Breathing Apparatus Replacement

RESOLUTION BACKGROUND MATERIAL:

This resolution does not authorize any additional appropriation. The City Council previously authorized the appropriation for the South End Fire Station Building Improvements project. On November 18, 2020 the City Council adopted the FY2022 Capital Improvements Plan (CIP) Authorization for bonding, which included $830,000.00 for the South End Fire Station Building Improvements project.

This resolution does not authorize an increase in the indebtedness of the City. The City Council previously authorized financing the South End Fire Station project. This resolution reprograms funding from South End Fire Station Building Improvements to the Self-Contained Breathing Apparatus Replacement project.

The Self-Contained Breathing Apparatus (SCBA) Replacement project was identified in the FY2025-FY2030 CIP in FY2025 to be grant funded. The forecasted grant funding did not come to fruition.

The SCBA Replacement project is a priority to be completed at this time. The estimated cost reflected in the FY2025 CIP was $987,000. The City has $535,800 in available ARPA grant funds that can be used for the project, leaving $451,200 to be funded.

The South End Station project is not complete at this time as the anticipated cost to complete the project is more than currently available. Therefore, the City is recommending reprogramming $451,200 from the South End Station project to the SCBA Replacement project.

The amount necessary to complete the South End Station project will be included in the FY2026 – FY2031 CIP. The requested funding in FY2026 for the South End Station project would allow for the renovations to stay on track.

Originally purchased in 2014, the SCBA equipment carries a 10 year warranty. History has proven that this timeframe coincides with an increase in routine maintenance items that are no longer covered under the warranty. Additionally, recent technology has allowed for the inclusion of Therma Imaging technology into the face pieces of the individual SCBA.

City Manager's Report

September 11, 2024

Reporting On:
August 2024

By: J. Michael Joyal, Jr.
City Manager

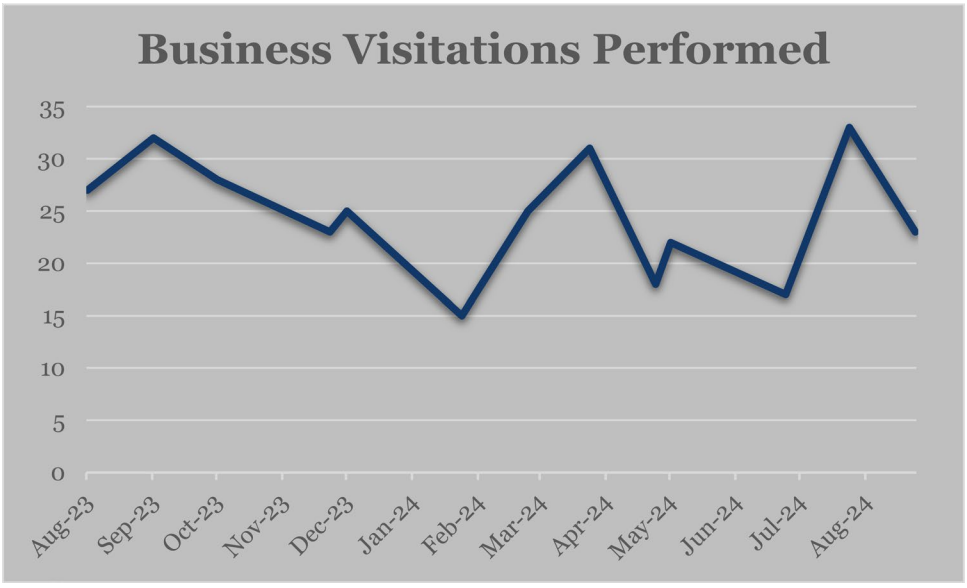
Executive Department

Six Divisions ♦ 23 Employees

Office of Business Development (OBD)

Christopher Parker, Deputy City Manager; James Burdin, Business Development Coordinator; Reid Bickley, Business Development Specialist

	July 2023	July 2024	12-Mo. Avg.
Dover Labor Force	18,690	18,680	18,643
Dover Unemployment Rate	1.6%	2.4%	2.1%
Median Home Sales-Single Family	$560,000	$489,500	$559,654
Average Days on Market	8	21	17



New Business / Commercial Development / Downtown Updates

- → The retail sector, while still facing challenges, showed a modest improvement in August sales compared to July. Retailers incorporating classes, events, and entertainment into their offerings are finding it an essential component for maintaining customer engagement and driving sales. This trend emphasizes the importance of innovative and engaging customer experiences.

- → The cost of buildouts is a significant obstacle for new businesses entering Dover. Many potential entrepreneurs are deterred by the high expenses associated with preparing commercial spaces, as most of the currently available commercial properties require substantial customization and are not move-in ready. Addressing this challenge will be vital for sustaining the growth and diversity of the local business community.

- → The restaurant industry in Dover is experiencing mixed reports, with some establishments thriving while others struggle to establish their niche. The overall trend, however, is positive, with several notable expansions underway and others being considered.

- → The arts sector is flourishing, contributing to the vibrancy of the community. Reports from several local galleries highlight the growing appreciation for cultural experiences and the potential for further economic contributions from the arts.

- → Interest in the Central Avenue corridor is growing, driven by businesses seeking visibility and walkability in Dover. The influx of new businesses has intensified competition, with increased demand for prime locations emphasizing the community's desirability. This trend is expected to persist, shaping the commercial real estate market and the larger business environment.

Economic Activity

- ❖ The New Hampshire industrial market has seen the statewide vacancy rate rise to 5.9% as completion of new construction has outpaced the leasing of new spaces. Statewide this has led to a 1% decline in industrial rents as of the end of Q2 2024.

- ❖ The vacancy rate in the Dover sub-market remained steady at 3.7%, with average direct rents of $11.39/square foot, slightly below the state average.

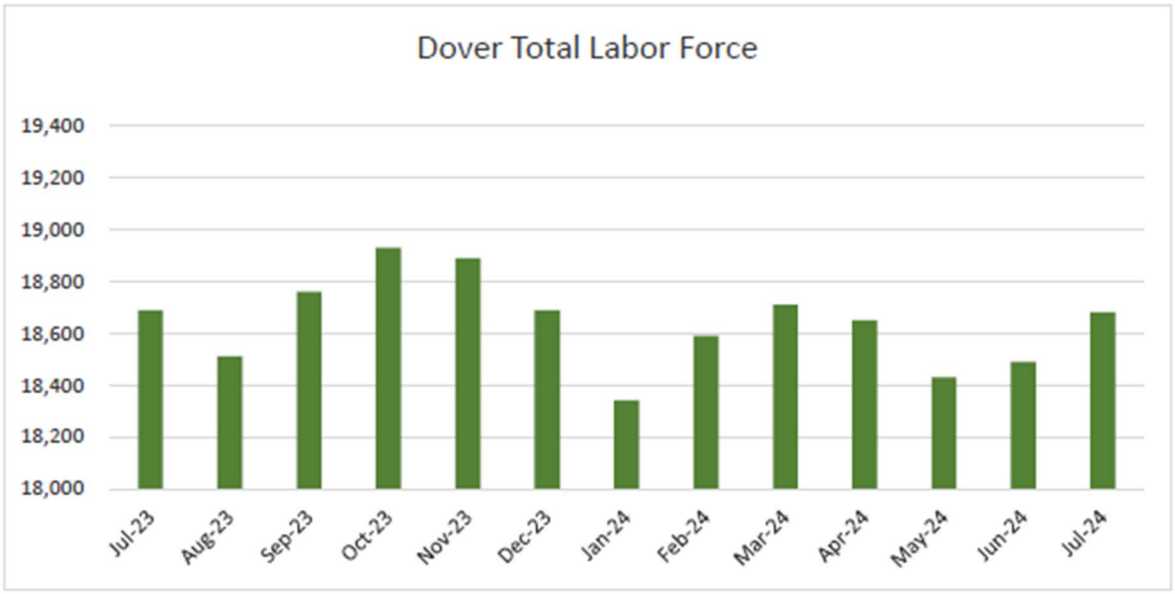
- ❖ These trends are largely seen as a return to a stable market, as low vacancies compared to high demand have favored landlords in recent years. However, demand for certain property types and functionality continues to outpace the supply. Tenants are increasingly seeking small-to medium-sized spaces, and supply of contractor bays or similar spaces has not been able to keep up with demand.

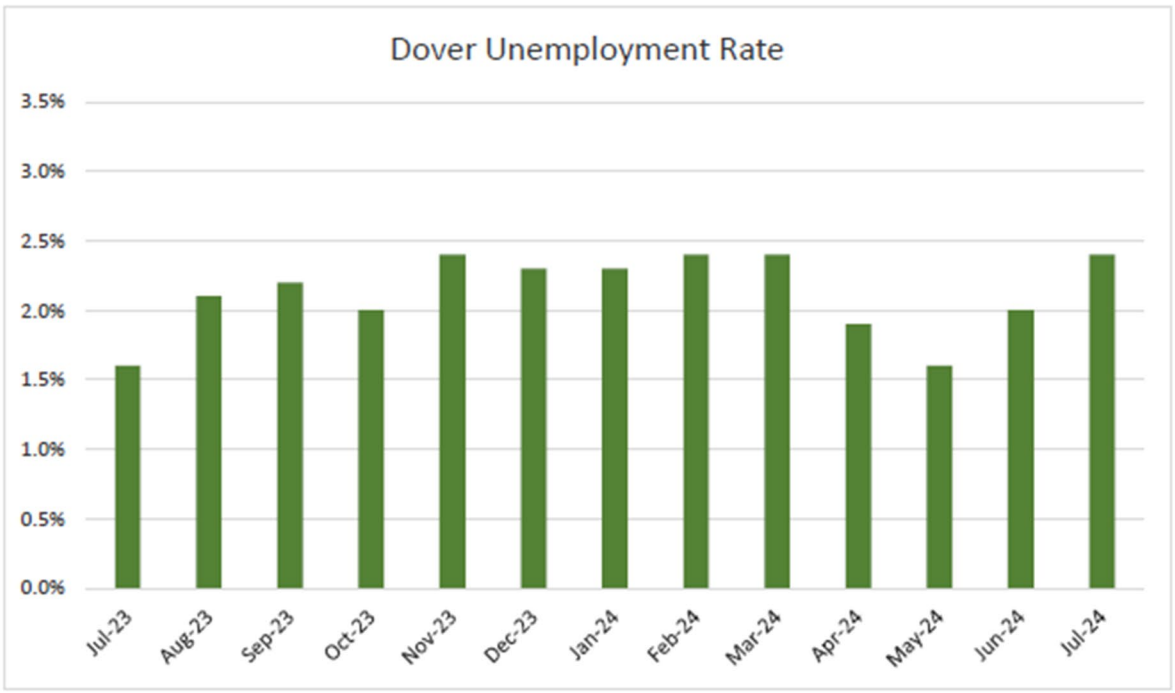
- Office vacancy rates saw a dramatic increase in Q4 2023 due to closure of Liberty Mutual, but statewide office vacancies in Q1 and Q2 2024 appear to have plateaued. Despite the overall availability of office space statewide, some office users are struggling to find spaces that meet their needs, especially as tenants seek smaller spaces to accommodate a hybrid workforce.

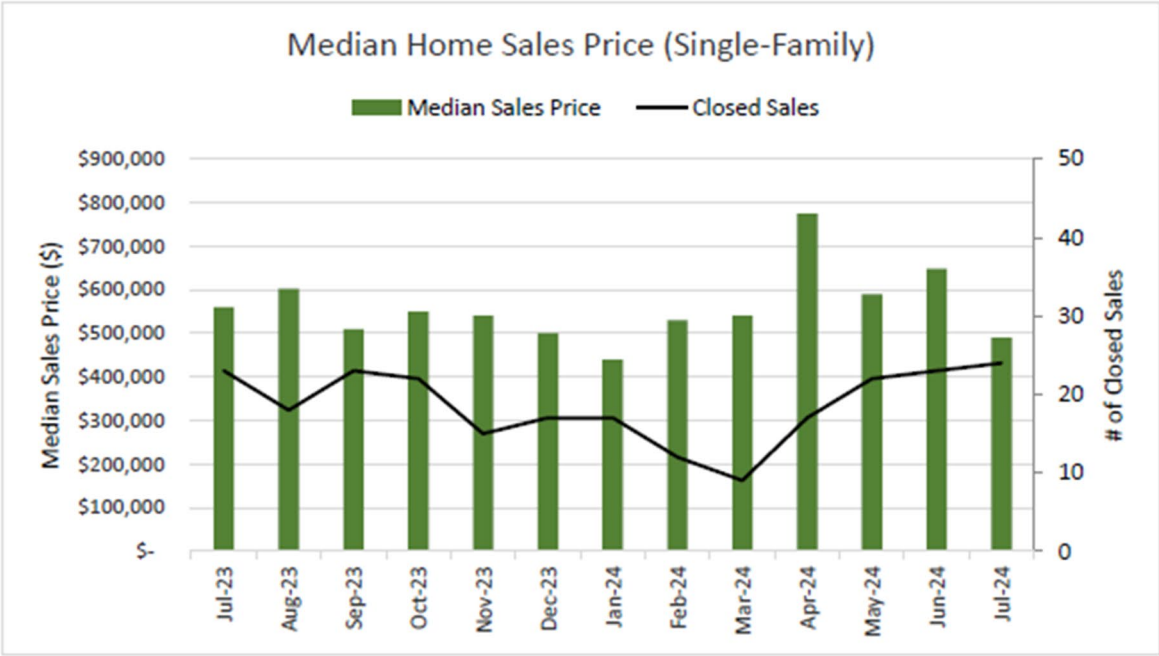
- Dover's office market has remained stable apart from the Liberty Mutual closure, with a net change of only 1,600 square feet of office space that has been vacated but not yet absorbed as of Q2 2024.

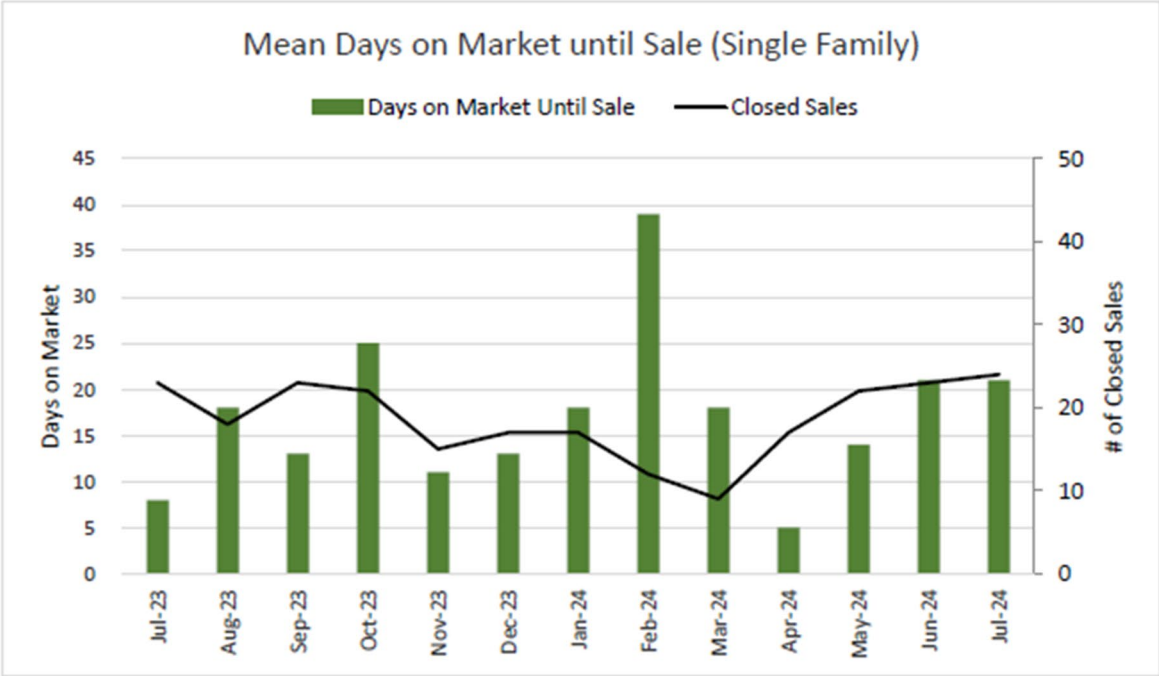
Some non-local items were excerpted from the Federal Reserve Beige Book-Boston.

Housing metrics obtained from NHAR-Strafford County.


Dover Total Labor Force
19,400
19,200
19,000
18,800
18,600
18,400
18,200
18,000
Jul-23
Aug-23
Sep-23
Oct-23
Nov-23
Dec-23
Jan-24
Feb-24
Mar-24
Apr-24
May-24
Jun-24
Jul-24


Dover Unemployment Rate
3.5%
3.0%
2.5%
2.0%
1.5%
1.0%
0.5%
0.0%
Jul-23
Aug-23
Sep-23
Oct-23
Nov-23
Dec-23
Jan-24
Feb-24
Mar-24
Apr-24
May-24
Jun-24
Jul-24


Median Home Sales Price (Single-Family)
Median Sales Price
Closed Sales
Median Sales Price ($)
$900,000
$800,000
$700,000
$600,000
$500,000
$400,000
$300,000
$200,000
$100,000
$-
# of Closed Sales
50
40
30
20
10
0
Jul-23
Aug-23
Sep-23
Oct-23
Nov-23
Dec-23
Jan-24
Feb-24
Mar-24
Apr-24
May-24
Jun-24
Jul-24


Mean Days on Market until Sale (Single Family)
Days on Market Until Sale
Closed Sales
Days on Market
45
40
35
30
25
20
15
10
5
0
# of Closed Sales
50
40
30
20
10
0
Jul-23
Aug-23
Sep-23
Oct-23
Nov-23
Dec-23
Jan-24
Feb-24
Mar-24
Apr-24
May-24
Jun-24
Jul-24



As of September 4, 2024

Waterfront Update:

The progress update for August 2024 highlights significant milestones achieved by the private partner in their development project. Building C is nearing completion of its footing and foundation requirements, and backfilling is underway to facilitate vertical progress. Foundation preparations for Building D are also in progress.



In addition, North East Earth Mechanics has been working on privately owned utilities within parcels 1-4, 1-5, and 1-6, associated with a separate contract with Windover Construction for Cathartes. This work is not related to the City's obligated work.

Regarding the City's obligated infrastructure, work on electrical and telecommunication duct banks continues along Payne Street towards the project limit. The granite toe wall construction from the Makem Bridge to the proposed pavilion area is complete, and Flex MSE wall construction elements are being installed to create a vegetated wall along the shoreline.

Finally, the City's obligated pad ready conditions for the three townhome footprints are progressing, with the processing of previously blasted ledge materials to provide constructible surfaces E-1, E-2, and E-3.

Office of the City Attorney (OCA)

Joshua Wyatt, City Attorney; Jennifer Perez, Deputy City Attorney; Patricia Moniello, Legal Assistant

The Office of the City Attorney provides legal support to City Council, City Manager, City staff and to volunteer boards, commissions and committees of the City of Dover to assist efforts to provide services to constituents/customers. In addition, legal support is provided to the Dover School District and its officials.

Legal support levels are tracked to the extent feasible. The tracking of legal support efforts revolves around "matters" (legal questions and issues raised by staff and all other sources warranting ongoing attention), litigation, legal documents created or reviewed (contracts, deeds etc.), resolutions, and responses to Right to Know requests. It is important to note, however, that not all activity each month results in a new "matter" being created, as a considerable number of tasks performed each month relate to preexisting, in-progress matters that span months (or longer).

TRACKED UTILIZATION DATA FOR THE MONTH OF AUGUST 2024

	For Month	FY25 FYTD	FY24	FY23
Legal Matters/Questions Handled	70	137	1,072	1,061
Review Existing Legal Contracts & Draft Memo	12	30	156	153
Legal Contracts/Memo Created	21	41	213	201
Right to Know Requests Processed	7	14	81	100
Resolutions	4	10	66	70
Ordinances	2	2	16	17
Leases	2	2	10	4
Primex Auto Claims Handled	4	4	59	80
Primex Liability Claims Handled	0	3	56	67
Primex Property Claims Handled	3	6	52	54

Pursuant to RSA 91-A, the following Right to Know requests were received for June & July, 2024:

- Henry Walker – Re: request for current fleet of street sweepers and cleaners
- Peter Miller – Request for SAU employment agreement between school district employees and the IT Department
- Bradley Amari – Request for information regarding Middle Road spray painting project
- Caitlin Wilkie – Re: request for transfer of developmental rights application fees
- Abramson, Brown & Dugan – Re: any and all police, accident and/or incident reports, dispatch logs, recorded 911 calls, photographs, statements, witness statements regarding June 16, 2024 fire pit fatality
- Katie Nelson – Re: information on when resolution was passed on Great Bay Rowing use at Hilton Park
- Justin Cunningham – Re: request for all vendors, purchase orders and contacts of all current City employees for time period of 01/01/2022 to present

The City Attorney's Office supported Council, Master Plan, and City Attorney's Office Strategic Plan goals by handling the following:

- Economic Development: Assisted with sales of City real estate.
- Inclusivity/welcoming & accessibility goals: Assisted with timely responses to public records requests to enhance public transparency.
- Updated template City Vendor Agreement.

Other activities of potential interest in June and July 2024:

Review of Professional Literature: The Office also conducted normal review of applicable decisions of the New Hampshire Supreme Court, the United States District Court for the District of New Hampshire, and the United States First Circuit of Appeals (our federal circuit). The Office also reviewed case highlights provided by the International Municipal Lawyers Association. The Office reviewed professional journals, as well as periodic review of federal legal developments in the field of education, labor, and other matters.

Review of State Legislation: The Office reviews new state legislation (generally weekly) for potential impacts on current or future operations. With this legislative term over, the Office continues to monitor status of various bills sent to the Governor for signature. Many newly enacted statutes will take effect this summer. The Office also reviews the rulemaking register for New Hampshire as requested or needed.

Staff Liaison to Boards/Committees: The City Attorney serves as the chair of the City's Records Committee (as the City Manager appointee), which met in June 2024 to address certain departmentally-specific records questions. The Office of the City Attorney assists the Ordinance Committee as staff liaison. The Office of the City Attorney also serves as staff liaison for the Ethics Committee. A representative of the Office also attends meetings of the City Council.

Departmental Assistance

Dover School District: Assisted with contract review; assisted with public records requests.

Executive Department: Assisted with lease negotiation.

Community Services: Assisted with responses to citizen inquiries; drafted license agreement; assisted with property rights research as requested; assist with easement acquisitions.

Finance Department: Assisted with scholarship bequest; review of tax exemption applications as requested.

Fire & Rescue: Submitted local fire and life safety code to State for review per new legislation.

Planning: Assisted with conservation easement purchasing processes; assist with response to applicant inquiries; submitted local building and related codes to State for review per new legislation; assisted with Arts Commission fundraising.

Recreation: Assisted with lease administration; assist with collections issues.

Pending Litigation Updates

The use of outside counsel to handle specialty matters continues and consists of environmental matters and labor negotiations. There are a small number of attorneys hired on a variety of smaller matters. For clarification, the list below does not include bankruptcy filings or cases filed under seal.

Most recent developments bolded.

Maloney v. City of Dover –
Case is pending with Rockingham Superior Court. In July 2023, the trial court granted the City summary judgment. Plaintiff thereafter filed a motion for reconsideration, which the Court has now denied. Plaintiff has filed her brief. In April 2024, the City filed an answering brief. Plaintiff is preparing a reply brief, after which the Supreme Court is expected to determine whether and when oral argument will be scheduled. In May 2024, Plaintiff filed a reply brief, completing the briefing cycle on appeal. Case is now awaiting either oral argument or final decision on appeal. **Final appeal decision has now issued from the New Hampshire Supreme Court affirming the grant of summary judgment in City's favor.**

Opioid Epidemic Litigation –
Retained services of Robbins Geller of Boca Raton, Florida for fraudulent marketing practices of pharmaceutical manufacturers. Suit filed in USDC in Concord. Case has been transferred to federal court in Ohio as part of a multi-district litigation consolidation. In 2021, the City received its first payment from the State of New Hampshire pursuant to RSA 126-A:83, II, by virtue of an opioid-related settlement entered into by the State of New Hampshire. A national settlement as to certain defendants was accepted in January 2022. Settlements or other payments in satisfaction of City claims may be forthcoming from other defendants, but would be required to be tendered to the State's Opioid Abatement Trust Fund per RSA 126-A:83, I. Certain of the City's opioid claims have become part of bankruptcy proceedings. Following is a list of remaining defendants with a brief note about status of each case:

- → Purdue companies: Claims in bankruptcy; following a Second Circuit appeal ruling, the United States trustee has filed a motion to stay while seeking a writ of certiorari (i.e., acceptance of a discretionary appeal) from the United States Supreme Court. The United States Supreme Court has now granted certiorari and the appeal is believed to be in the briefing process. In June 2024, the United States Supreme Court issued an opinion affirming rejection of the proposed settlement and stating the Sacklers, as nondebtors, could not be discharged.
- → Endo companies: Claims in bankruptcy, though a potential settlement may be underway.
- → Mallinckrodt: Claims in bankruptcy, but money appears to have been distributed to the State of New Hampshire in January 2023.
- → Sacklers (Individuals): See Purdue update above. In June 2024, the United States Supreme Court issued an opinion stating the Sacklers could not be discharged.
- → Rite-Aid: Has now filed bankruptcy and this Office is working with the City's outside counsel to determine response options.

Mary Hebbard v. City of Dover, John & Karen Brough and Ryan Colbath -
Complaint and counterclaims concerning Old Garrison Road and Sprue Lane. Partial summary judgment rulings received in February 2021. Following trial in 2021, a final trial order was issued by the Court on April 1, 2022, finding in favor of the City on the width of Spruce Lane, the location of Old Garrison Road, several disputed issues of law concerning allowable uses on public roads, and issuing an injunction requiring remedial action. The Hebbards filed a motion for reconsideration, which the Court denied. The case was then appealed by Mr. and Mrs. Hebbard. The Hebbards filed an appeal brief in June 2023. The City and other parties submitted opposing briefs in August 2023. The Hebbards have filed a reply brief, which the City moved to strike portions of and the Court has not yet ruled upon. No appeal decision has been received. Case has still not yet been scheduled for oral argument. City received a notice of several Supreme Court Justices disqualifying themselves. No appeal decision has been received. Oral argument has not been scheduled. Case is awaiting either oral argument or final appeal decision. In June 2024, the parties received an Order on the merits affirming the trial court's rulings, granting the

City's motion to strike in part, and denying the Hebbards' request for a new trial. In July 2024, Mr. and Mrs. Hebbard moved for reconsideration by the New Hampshire Supreme Court. While that reconsideration motion was pending, the Hebbards then filed papers to have the case moved to the United States District Court for the District of New Hampshire. The City has since moved to remand the case back to the New Hampshire Supreme Court.

City of Dover v. Mary and Rick Hebbard -

Complaint filed in October 2019 concerning drainage in the Tanglewood Subdivision. Partial summary judgment rulings were received in February 2021. Case was tried by City Attorney, Deputy City Attorney, and outside counsel on April 7, 8 and 9 of April 2021. The post-trial briefing was divided into two areas: (1) injunctive relief concerning removal of a berm, and (2) remaining issues, including enforcement of a stipulated Court-Order for an underground drainage system. In May 2021, the Court issued an order granting an injunction and requiring removal of the berm and restoration of surface drainage. In September 2021, the Court issued a final Order on the remaining trial issues, finding the defendants to be in contempt of a prior stipulation and requiring that the defendant's complete construction of the drainage project within 90 days of receiving additional materials from the City. The drainage system is now believed to be constructed and completed. The Court held an evidentiary hearing on September 9, 2022 relating to damages alleged by the defendants. No decision has issued yet on that damages hearing. The Hebbards have filed other post-hearing items since, to which the City has responded to the extent necessary. The parties are or should be in the process of fulfilling the other obligations of the earlier stipulation they entered into, which includes conveyance of an easement and a mutual release. To summarize, as of end of January 2024, the Hebbards have not yet fulfilled all of their obligations under the earlier stipulation, and the "damages" matter has been briefed and is still awaiting decision, which includes the City's motion requesting an award attorney's fees (and/or used to setoff of any "damages" found to be due to Mr. and Mrs. Hebbard). In April 2024, City filed a motion for status conference. On May 28, 2024, the Superior Court held a brief telephonic status conference and indicated the Court would be issuing orders on pending motions/issues in the near future. **No Order has been received as of August 2024.**

City of Dover v. Secretary of State (House Redistricting) -

On July 26, 2022, a complaint was filed with the Strafford County Superior Court. In October 2022, the defendants filed a Joint Motion to Dismiss. In November 2022, the plaintiffs filed an objection, to which the defendants filed a reply. Plaintiffs filed a brief surreply memorandum. Case has not yet been scheduled for discovery. In June 2023, the Superior Court (Howard, J.) issued an Order denying the defendants' motion to dismiss. Thereafter, the defendants moved for reconsideration, which the Court denied. In August 2023, the defendants filed an answer to the complaint. In October 2023, with the parties unable to agree on case scheduling, the Court conducted a structuring conference and issued a scheduling order. A deposition of the plaintiffs' expert occurred in December 2023. The parties have now each filed for motions summary judgment. A four-hour summary judgment hearing is scheduled to occur on February 7, 2024. In April 2024, summary judgment issued in favor of the defendants. Case is being appealed to New Hampshire Supreme Court. In May 2024, plaintiffs filed an appeal. The defendants did not file a cross-appeal. Appeal has been accepted and case is awaiting further procedural instructions on appeal. A transcript of two hearings before the trial court is now being prepared as the next step in the appeals process. **Briefing order has now issued and appellants' opening appeal brief is due in September 2024.**

Richard Strahan v. William McNamara -
Declaratory judgment and injunction action filed in U.S. District Court by a citizen against the University of New Hampshire, the Town of Durham, and the City of Dover. In the Complaint, the plaintiff alleges various claims arising out of a no-trespass order related to UNH Wildcats Transit. Outside counsel is defending this matter and has moved to dismiss the claims asserted by the plaintiff against Chief Breault. The Court denied the plaintiff's requests for a preliminary injunction, following the most recent of which the plaintiff filed an interlocutory appeal to the U.S. First Circuit Court of Appeals. The First Circuit later dismissed the interlocutory appeal. Plaintiff moved to amend to assert claim against presiding judge. The United States District Court for New Hampshire has denied the motion to amend and has granted a motion to dismiss Chief Breault as a party. A new appeal to the First Circuit was recently filed. No appeal briefing has occurred yet. The First Circuit Court of Appeals issued an order allowing plaintiff to file brief late, but as of this report issuing no appeal briefing has occurred. In June 2024, the First Circuit Court of Appeals again issued an order allowing plaintiff to file a brief late, but as of this report issuing no appeal briefing has occurred. In July 2024, the First Circuit again extended the plaintiff's brief submission deadline to August 9, 2024. **The plaintiff's brief deadline has been extended several times but to date no appeal brief has been filed.**

Garry Lane et al v. City of Dover et al. -
In October 2022, abutters filed an appeal of a decision of the Zoning Board of Adjustment granting an equitable waiver of dimensional requirements. The City and other respondent have filed an answer. The City filed a certified record. The final hearing was held on March 22, 2023 and the appellants and the City each filed a memorandum with the Court. The intervenor filed a post-hearing memorandum and the appellants filed a reply to same. In October 2023, the trial court issued an Order on the merits affirming the decision of Dover's ZBA. Mr. and Mrs. Lane have now appealed to the New Hampshire Supreme Court. The appellants have filed their brief. In April 2024, the appellees (including City) filed an answering brief. Appellants are expected to file a reply brief, after which the Supreme Court is expected to determine whether and when to hold oral argument. In May 2024, appellants filed a reply brief. Case is awaiting either oral argument or final appeal decision.

Tibbett v. City of Dover -
The City was notified in January 2023 of an appeal to Superior Court of a subdivision approval in November. In February 2023, the City filed a certified record and answer to the complaint. The City filed a memorandum of law and a hearing on the merits was held on May 1, 2023. By Order dated June 27, 2023, the Superior Court (Will, J.) affirmed the decision by the Dover Planning Board. A motion for reconsideration was thereafter filed by the party/petitioner who filed the Court appeal. By Order dated September 20, 2023 the Court denied the motion for reconsideration. The petitioner has now filed an appeal with the NH Supreme Court. The parties underwent appellate mediation, which was not successful in resolving the dispute. Case is undergoing appeal briefing. All parties have filed their briefs. Case is awaiting either oral argument or final appeal decision.

Liberty Mutual v. City of Dover -
A taxpayer has filed a property tax abatement lawsuit with the Strafford County Superior Court. City has accepted service. In October 2023, the City filed an answer. Case has now been structured and is in general discovery. In April 2024, Liberty Mutual issued an expert disclosure. In May 2024, the parties convened a settlement meeting, coming out of which a tentative

settlement agreement is in process. **In June 2024, the parties entered into a settlement agreement, pursuant to which this case has now been resolved.**

Franklin Square Apartments, LLC v. City of Dover -
A taxpayer has filed a property tax abatement action with the Board of Tax and Land Appeals. The City Attorney and Deputy City Attorney have filed appearances. Case did not resolve within the mandated settlement period. Final hearing at the BTLA is now scheduled for October 2024, though that is likely to be continued to accommodate availability of taxpayer's representative. Final hearing at the BTLA is now scheduled for January 2025.

Essential Properties, LLC v. City of Dover -
A taxpayer has filed a property tax abatement action with the Strafford Superior Court. In December 2023, the City Attorney filed an appearance and answer. Case has been structured and is in general discovery.

NH Real Estate Comm. V. NE Coast to Country Realty Investments, LLC et al –
In December 2023, the City received a notice of a new civil receivership action commenced by the State through its Real Estate Commission. The Court has appointed a receiver to take over the assets of a real estate agency who allegedly committed various unlawful acts. The City appears to have received the notification because one possible real estate asset of the company's principal is owned in Dover, for which water/sewer liens have been perfected. The City Attorney filed an appearance and is monitoring the docket.

Reddyinfosys, Inc. v. City of Dover:
A property owner who appealed a water/sewer assessment to the Dover Utilities Commission and later City Council has now filed a Superior Court action seeking to abate water/sewer charges. City Attorney filed an appearance and motion to continue the hearing and answer deadline, which the Court granted. In April 2024, the City filed an answer and counterclaims. In May 2024, the Superior Court issued a notice of default to plaintiff for failure to answer the City's counterclaims. Plaintiff has been defaulted for failure to answer the City's counterclaims. Case has been structured and is in general discovery.

Ford's Landing Condo Assn v. Ann Lovald et al:
This case appears to be one of a condominium association asserting a lien against one owner and seeking to judicially foreclose on same. City appears to have been named as holder of real estate tax lien, which the plaintiff named for purposes of determining the priority of the parties' respective liens. City accepted service in June 2024 and is preparing an appearance and answer. In July 2024, the City Attorney and Deputy City Attorney filed appearances and answered the Complaint. **In August 2024, the plaintiff and City entered into and filed a stipulation acknowledging that City's real estate tax liens maintain first priority.**

Professional Development

The Office of the City Attorney places significant importance on professional development in areas germane to the City's needs. The City Attorney continues to serve on a bar committee investigating generative artificial intelligence and its impact on the practice of law. The City Attorney attended webinars offered by the International Municipal Lawyers Association. The Deputy City Attorney attends monthly meetings for the bar's Law Related Education Committee and is a member of the Inns of Court and participates in monthly networking and continuing education meetings.

Concluding Remarks

The Office continues its efforts to be more forward looking where possible, with the goal of increasing transparency and preventing problems or disagreements to the extent possible. The Office has increased its efforts to develop and use collaboratively created templates, "best practice" checklists, documented workflows, development of information sheets for legal issues of current public concern or attention, and dissemination of decision-making information to City staff and board members. City Code supplements are continuing on a quarterly update schedule. The recodification of the City's zoning ordinance was brought forward at the July 10, 2024 City Council meeting and is currently under review.

Office of the City Manager (OCM)

Michael Joyal, City Manager; Colleen Bessette, Executive Assistant

In addition to the day to day meetings and employee/citizen support, office staff handled the following throughout the month of May:

Whenever there is a workplace injury, claims are sent immediately from all city departments to the City Manager's Office. During the month, the City Manager's Assistant (CMA) received and processed 4 Worker's Compensation Claims, as well as continued to monitor and update all open claims throughout the month and coordinated efforts with PRIMEX. These were all medical claims, no lost time claims.

Staff is continuing to recruit using JazzHR. This month, the City Manager's Assistant gathered information from various departments and processed a total of 8 job postings during the month. Part of this process is making sure the hiring teams for each posting are continuing to monitor applicants as they come in and that positions are being closed out properly when an applicant is hired. The large concern this month is the lack of fleet mechanics.

The City Manager's Assistant monitored new position and/or new hire physicals and background/motor vehicle checks for 5 employees. This oversight ensures all eligible employees and/or applicants are able to move on in the hiring process.

The City Manager held a Coordinating meeting this month where the Planning Director, Community Services Director, City Engineer discussed various projects going on in the City of Dover.

The City Manager also held the standard two Department Head meetings. All department heads and executive division heads attend these meetings. Updates on department happenings and projects are given by each attendee. These meetings are very important to keep everyone on the same page and departments in sync working together.

Kevin Hebert was hired as the new Recreation Director in August. Interim Director Rick Conway will be showing Kevin the ropes and setting him up for success.

As time allows, the CMA continues to work with the City Clerk Tax Collector in organizing Board/Committee members and coming up with a new updated procedure for onboarding/offboarding members. The CMA and City Clerk Tax Collector met with IT and Media Services to hash out procedures and get ideas from each other on moving forward with this process.

Office of Human Resources (OHR)

Heather Worrall, Director of Human Resources; Jean Tsouramanis, HR Assistant; Gwen Milliman, HR Office Assistant

August Employment Statistics

Employment Separations = 09		Employment New Hires = 04	
Community Services	1	Fire Department	2
Fire Department	1	Recreation Department	2
Police Department	1		
Recreation	5		
Public Welfare	1		

Employee Anniversaries - September		
Employee Name	Employee Department	Length of Service
Maxfield, James H	Inspection Services	30
Berry, Lisa M	Recreation	27
Bessette, Colleen E	Executive	26
Hilton, Warren E	Comm Serv	24
Meyers, Kathleen B	Executive	22
Treadwell, Cynthia L	Finance	20
Nadeau, Mark R	Police	15
Mitrushi, Alexander K	Police	12
Simmons, Patrick S	Fire	12
Carpenter, David A	Planning	9
Mitchell, Casey S	Comm Serv	9
Moran, Kelly A	Library	9
Neenan, Ryan W	Comm Serv	8
Chambers, Jordan C	Comm Serv	5
Gore, Bryon	Police	4
Jalbert, Molly S	Police	4
Reno, Kayla	Fire	4
Jacobson, Maxwell	Comm Serv	4
West, Robert	Fire	4
DeGrace, Amelia B	Comm Serv	3
Kaspari, Jackson H	Planning	3
Greene, Scott	Comm Serv	3
Harding, Dawn L	Police	2

Thompson, Seth G	Comm Serv	1
Robinson, Andrew M	Comm Serv	1
Parker, Cody R	Police	1
Renner, John C	Comm Serv	1
Rexroad, Kelly M	Finance	1
Baker, Annie D	Finance	1

Office of Information Technology (OIT)

Annie Dove, Director of Information Technology; Kevin Foster, Deputy Director of IT; Kathleen Meyers, Asset Management Admin, Timothy Pine, Asset Management Tech; Zach Endres, Enterprise Systems Admin; Dave Peters, Systems Tech; Robert Stallings, Utility Systems Admin; Matt Faucher, Public Safety IT Admin; Nick Neathawk, Public Safety IT Tech

Update unavailable at time of this report.

Office of Media Services (OMS)

Michael Gillis, Director of Media Services; Brian Early, Media Services Admin; Tom Zimmerman, Media Services Tech; Lynn Clement, Media Services Tech, Jared Mancuso, Camera Operator

In August, Media Services provided numerous updates on a variety of city and school projects, public services, and current events. These included special events, weather updates, construction and infrastructure projects, and previews of upcoming meetings of public bodies.

Media Services produced five episodes of the Dover Download podcast in August. Topics included an overview of the city's permitting system, a conversation with Youth to Youth, and update on street trees and Community Power, and an overview of meetings held by public bodies. Dover Download is a weekly look at what's happening in Dover, hosted by Deputy City Manager Christopher Parker.

Media Services covered special events in August, including Greater Dover Chamber of Commerce and Dover Main Street events.

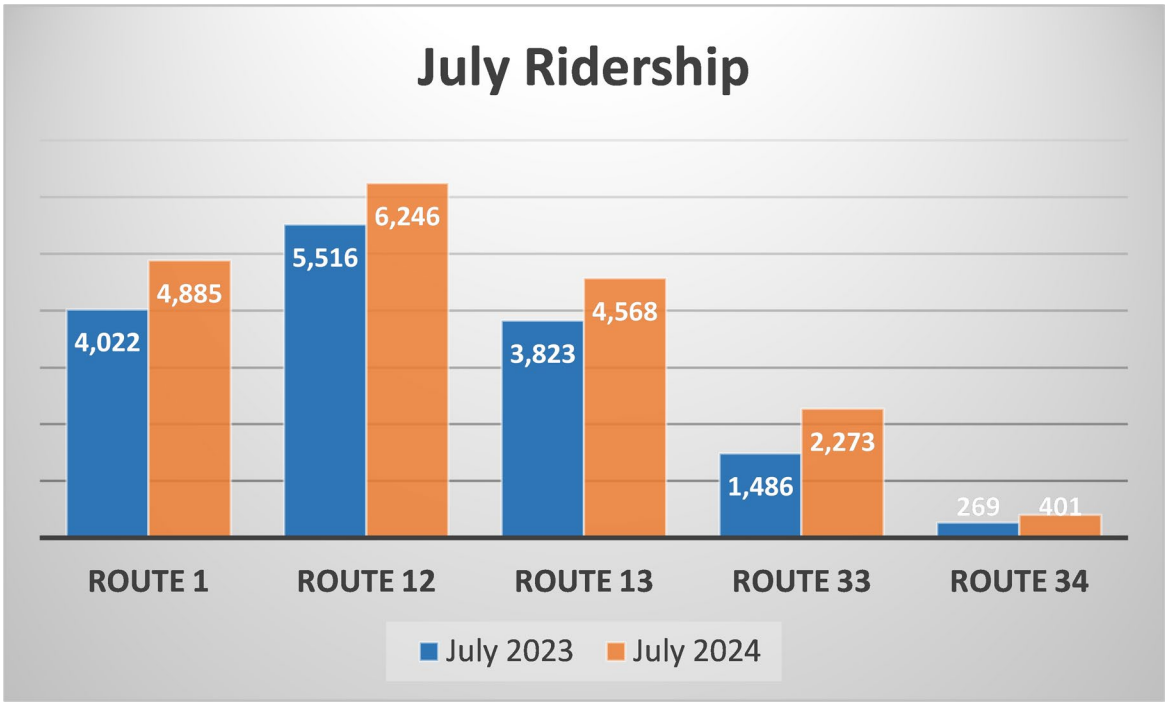
In August, Media Services sent out 68 email newsletters, including the weekly editions of Dover Download, special alerts, and departmental and project updates. These newsletters are designed to help communicate a wide variety of information to the public of general interest and for specific projects and topics and to instill the city's commitment to community stewardship. More than 200 updates were posted to social media and other external communications platforms.

In August, Media Services distributed 51 news releases across multiple platforms for other city matters, including ongoing projects and special announcements.

Media Services provided live and taped televised coverage of 15 meetings and special events in August.

COAST

Ridership Activity



Route 1	Dover/Somersworth/Berwick
Route 12	Rochester/Somersworth/Dover
Route 13	Dover/Portsmouth
Route 33	Downtown Dover/County Complex/Portland Ave
Route 34	Downtown Dover/Knox Marsh Rd

J. MICHAEL JOYAL, JR.
CITY MANAGER

CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, August 28, 2024**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Williams led the pledge of allegiance.

4. ROLL CALL ATTENDANCE

Present: Councilor Richer, Councilor Nemeth, Councilor Retrosi, Councilor Williams, Councilor Cullen, Councilor Hackett, Councilor Warach, Deputy Mayor Shanahan
Absent: Mayor Carrier
Also Present: City Manager Joyal, City Attorney Wyatt, City Clerk Vansylyvong-Bizier

5. PROCLAMATIONS/AWARDS – CONSTITUTION WEEK & SERVICE DOG AWARENESS MONTH

Deputy Mayor Shanahan presented two proclamations, one recognizing Constitution Week and a proclamation recognizing September as Service Dog Awareness Month.

6. APPROVAL OF AGENDA

Councilor Retrosi moved to approve the agenda, seconded by Councilor Hackett. Vote: 8-0.

7. PUBLIC HEARINGS

8. PUBLIC FORUM

Taxpayers, Business owners, and Residents are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

Jonathan Nichols, Woodman Museum Director, informed the Council of a toy drive the museum will be holding to benefit the Dover Firefighters Toys for Tots program.

Katie Nelson, 214 Dover Point Road, spoke about concerns with Great Bay Rowing using Hilton Park.

Dave Nelson, 214 Dover Point Road, expressed concern about the usage of Hilton Park by Great Bay Rowing.

Elizabeth Bratter, 16 St. Jonn's Street, expressed concern about the lack of transparency and follow up in regards to Great Bay Rowing using Hilton Park.

Jennifer Macneil, 87 Emerald Lane, thanked Great Bay Rowing for their positive impact on her daughter and is grateful the organization is in Dover.

Jenny Marshall, 6 Spruce Lane, is a board member of Great Bay Rowing. She spoke about the positive impact of Great Bay Rowing in Dover.

DRAFT

Bryan Hopkins, 417 Middle Road, spoke about the possible concern with Great Bay Rowing at Hilton Park. He enjoys the park and would like it to be maintained better.

Michael Garafano, 258 Dover Point Road, spoke about the importance of maintaining Hilton Park.

9. CITY MANAGER'S REPORT

City Manager Joyal submitted his report in writing and gave an overview of the report to the Council.
Councilor Warach moved to approve the report, seconded by Councilor Retrosi. Vote: 8-0.

10. APPROVAL OF MINUTES

A. August 14, 2024 – Regular Meeting & Non-Public Meeting

Councilor Hackett moved to approve the two sets of minutes, seconded by Councilor Retrosi. Vote: 8-0.

11. MAYOR'S REPORT

Deputy Mayor Shanahan gave an overview of events he attended on behalf of the Mayor.
Councilor Williams moved to approve the report, seconded by Councilor Richer. Vote: 8-0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

1. FY2025 CIP APPROPRIATION AND AUTHORIZATION FOR BONDING FOR PUBLIC IMPROVEMENTS PER TERRA NOVA/WESTFIELD LAND DEVELOPMENT AGREEMENT
(THIS RESOLUTION REQUIRES A 2/3 MAJORITY VOTE)
SPONSORED BY MAYOR CARRIER BY REQUEST

Councilor Williams moved for its approval, seconded by Councilor Richer.
City Manager Joyal gave an overview of the resolution to the Council.
Roll Call Vote: 8-0.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. EXTENDING DURATION OF AD HOC COMMITTEE TO ADDRESS COMMUNITY HOUSING NEEDS
SPONSORED BY MAYOR CARRIER BY REQUEST

2. HOLMATRO RESCUE TOOLS – STATE OF MA CONTRACT WITH INDUSTRIAL PROTECTION SERVICES, LLC
SPONSORED BY MAYOR CARRIER BY REQUEST

3. AWARD OF EXTENDED WARRANTY AND PREVENTIVE MAINTENANCE AGREEMENT WITH ZOLL MEDICAL CORPORATION
SPONSORED BY MAYOR CARRIER BY REQUEST

Councilor Hackett moved to approve the Consent Calendar, seconded by Councilor Warach.
No items were asked to be pulled.
Roll Call Vote on Consent Calendar: 8-0.

COMMITTEE REPORTS

1. Arts Commission (Nemeth)
2. Conservation Commission (Williams)
3. Library Board of Trustees (Nemeth)
4. Appointments Committee (Williams)
5. Planning Board (Cullen)
6. School Board Liaison (Hackett)
7. Arena Commission (Hackett)
8. Recreation & Pool Advisory (Retrosi)
9. Energy Commission (Richer)
10. Parking Commission (Warach)
11. McConnell Center Advisory Committee (Retrosi)
12. Legislative Liaison (Shanahan)
13. Committee for Racial Equity and Inclusion (Nemeth)
14. Graffiti Management Advisory Committee (Nemeth)
15. Ordinance Committee (Shanahan)
16. Solid Waste Advisory Committee (Hackett)
17. Transportation Advisory Commission (Richer)
18. Joint Building Committee – DHS (Carrier)
19. Heritage Commission (Retrosi)
20. Board of Health (Richer)
21. Downtown TIF Advisory Board (Warach)
22. **Cocheco Waterfront Development Advisory Committee (Carrier)**
23. **COAST (Shanahan)**
24. Waterfront TIF Advisory Board (Warach)
25. **Dover Main Street (Carrier)**
26. **Strafford Regional Planning Commission (Williams)**
27. **Government Affairs (Carrier)**
28. **Cemetery Board (Warach)**
29. **Joint Building Committee – Athletic Complex (Cullen)**

Deputy Mayor Shanahan gave an overview of the COAST report to the Council.

Councilor Williams gave an overview of the Strafford Regional Planning Commission report to the Council.

Councilor Warach gave an overview of the Cemetery Board report to the Council.
Councilor Retrosi moved to acknowledge that the Council asked the Cemetery Board to report on green burials by October 1st, seconded by Councilor Hackett. Vote: 8-0.

Councilor Cullen gave a report on the Joint Building Committee for the Athletic Complex, as well as an update from the Planning Board meeting.

Councilor Richer gave a report on Energy Commission and Transportation Advisory Committee.

B. RESOLUTIONS

1. ESTABLISHMENT OF THE WALTER AND PAULINE CALDERWOOD MEMORIAL SCHOLARSHIP FUND
SPONSORED BY MAYOR CARRIER BY REQUEST

Councilor Cullen moved for its approval, seconded by Councilor Williams.
City Manager Joyal gave an overview of the resolution to the Council.
Roll Call Vote: 8-0.

2. FY2025 CIP APPROPRIATION FOR SCHOOL TECHNOLOGY EQUIPMENT NON-DEBT FINANCED PROJECT
(THIS RESOLUTION REQUIRES A PUBLIC HEARING AND 2/3 MAJORITY VOTE TO BE HELD ON SEPTEMBER 11, 2024)
SPONSORED BY MAYOR CARRIER BY REQUEST

Councilor Hackett moved to refer the resolution to a Public Hearing to be held on September 11, 2024, seconded by Councilor Retrosi.
Vote: 8-0.

3. REPROGRAM UNEXPENDED CIP APPROPRIATIONS FROM SOUTH END FIRE STATION BUILDING IMPROVEMENTS TO SELF CONTAINED BREATHING APPARATUS REPLACEMENT
(THIS RESOLUTION REQUIRES A PUBLIC HEARING TO BE HELD ON SEPTEMBER 11, 2024 WITH A VOTE TO OCCUR ON SEPTEMBER 25, 2024)
(THIS RESOLUTION REQUIRES A 2/3 MAJORITY VOTE)
SPONSORED BY MAYOR CARRIER BY REQUEST

Councilor Retrosi moved to refer the resolution to a Public Hearing to be held on September 11, 2024, seconded by Councilor Williams.
Vote: 8-0.

C. ORDINANCES IN 1ST READING

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

Councilor Hackett reminded those of the Greek Festival being held at the Hellenic Center this weekend.

Councilor Cullen thanked Community Services for their work during Household Hazard Waste Day and stated it was well run. Councilor Cullen also thanked the Dover Fire Department for their help during a sewage backup in a property he is responsible for in Dover.

Councilor Richer wanted to remind residents that school starts in September 3rd and traffic will be slower during the week. Councilor Richer also recognized the staff at the Dover outdoor pool for their great service. Councilor Richer thanked those that have helped with the writing of a grant for a pilot compost collection and food waste reduction program starting in 2025.

Deputy Mayor Shanahan reminded residents to slow down during Labor Day Weekend on the road.

Councilor Warach stated that the State Primary Election is September 10th, polls will be open 7am to 7pm. Information is available on the City Clerk's webpage on the Dover website. He stated the importance of getting out to vote.

16. ADJOURN

Councilor Warach moved to adjourn, seconded by Councilor Hackett.
Vote: 8-0.

DRAFT

CITY OF DOVER	CITY OF DOVER - ORDINANCE	
		Agenda Item#: 12.A.1.
	Ordinance Number:	**O – 2024.07.10 - 6**
	Ordinance Title:	Recodification and Adoption of Chapter 170, Zoning, of the Code of the City of Dover
	Chapters:	170
	Sections:	All (Recodification)

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to recodify and adopt editorial amendments to Chapter 170, Zoning, of the Code of the City of Dover and its attachments. With this ordinance, Chapter 170, Zoning, shall be codified and adopted as set forth in the accompanying Schedule A, and together with the accompanying Zoning Map and Groundwater Protection Zones Map, shall constitute the zoning ordinance of the City of Dover.

2. AMENDMENT

§ 1-10. Adoption of Code.

The ordinances of the City of Dover of a general and permanent nature adopted by the City Council of the City of Dover, as revised, codified and consolidated over time, and consisting of Chapter 170 attached as Schedule A to this Ordinance together with the accompanying Zoning Map and Groundwater Protection Zones Map, each of which are made a part hereof, are hereby approved, adopted, ordained, enacted, and amended as part of the "Code of the City of Dover," hereinafter referred to as part of the "Code." References to Chapter 170 hereinafter include the attachments to Chapter 170 within Schedule A of this Ordinance together with the accompanying Zoning Map and Groundwater Protection Zones Map.

Renumbering of sections of the City's zoning ordinance approved, adopted, ordained, enacted and amended by this Ordinance are as shown in Schedule B attached hereto.

Attached as Schedule C to this ordinance is an informational comparison highlighting areas where the text of the former Code is being amended. The textual and formatting amendments are in strikethrough format for text removed and underlining for new or replacement text (or formatting or other changes). For avoidance of doubt, however, Schedule C is merely informational in nature, Schedule A attached hereto (and related Zoning Map and Groundwater Protection Zones Map) shall be the controlling and enacted version of Chapter 170 and its attachments.

§ 1-11. Code supersedes prior ordinances.

This ordinance and Chapter 170 of the Code shall supersede former Chapter 170 of the City Code, except for such matters as are hereinafter expressly saved from repeal or continued in force. The current Zoning Map and Groundwater Protection Zones Map of the City of Dover each remain in force and are hereby amended only so far as needed, if needed, for each map to show the new chaptering of the City's Zoning ordinance provisions.

§ 1-12. Continuation of existing provisions.

The provisions of former Chapter 170 of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended effectively

as a continuation of such ordinances, and the effectiveness of such provisions shall to the fullest extent allowed by law date from the date of adoption of the prior ordinances.

§ 1-13. Copy of Code on file.

A copy of the Code, inclusive of this Chapter 170 adopted by this Ordinance, has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance, and if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the City of Dover by impressing thereon the Seal of the City, as provided by law, and such certified copy shall remain on file in the office of the Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. Electronic representation of the Code shall be maintained on the City website.

§ 1-14. Amendments to Code.

Any and all additions, deletions, amendments or supplements to Chapter 170 of the Code, when adopted in such form as to indicate the intention of the City Council to make them a part thereof, shall be deemed to be incorporated into such Chapter 170 of Code so that reference to the "Code of the City of Dover" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to Chapter 170 of the Code shall be adopted, they shall thereafter be inserted in the Code as amendments and supplements thereto.

§ 1-15. Publication; filing.

The Clerk of the City of Dover, pursuant to law, shall cause to be published, in the manner required by law, notice of the adoption of this ordinance. A copy of Chapter 170 of the Code of the City of Dover shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-16. Code to be kept up-to-date.

It shall be the duty of the City Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the Code and Chapter 170 of the Code being adopted herein required to be filed in the Clerk's office for use by the public. All changes in said Chapter 170 of the Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of Chapter 170 of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code.

§ 1-17. Sale of Code.

Copies of the Code, including Chapter 170 of the Code, or any other chapter or portion of it, may be purchased from the Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the City Council. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-18. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of Chapter 170 of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Dover to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine as provided in Chapter 1, Article II, of the Code and/or applicable law.

§ 1-19. Severability of Code provisions.

Each section of Chapter 170 of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of Chapter 170 of this Code or the application thereof to any person or circumstances is held invalid, the remainder of Chapter 170, the Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-20. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-21. Repealer.

Chapter 170, Zoning as it existed just before passage of this ordinance, inclusive of its related Sign Diagrams, Private Frontages, and Zoning Tables, all as existed in the City Code adopted November 13, 2013 as amended through the date of this ordinance, is not repealed, but is hereby amended and replaced with Chapter 170 in Schedule A of this ordinance. All such provisions of former Chapter 170 that are inconsistent with the new Chapter 170 being adopted by this Ordinance are hereby repealed.

§ 1-22. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-21 of this ordinance shall not affect the following ordinances, maps, provisions, regulations, rights and obligations, which are hereby expressly saved and exempted from repeal:

A. The current Zoning Map and Groundwater Protection Zones Map of the City of Dover, each of which remain in force and are not affected by this adoption ordinance, except as may be needed for each map to be updated to show the new chaptering of the City's Zoning;

B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

C. Any offense, violation, or act (or omission) committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.

D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred.

F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.

G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.

H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.

I. The levy or imposition of taxes, assessments or charges.

J. The annexation or dedication of property or approval of preliminary or final subdivision plats.

K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.

L. Any ordinances adopting or amending a zoning map or otherwise rezoning property.

M. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the City.

§ 1-23. Changes in previously adopted ordinances.

A. In compiling and preparing the ordinances for publication as the Code of the City of Dover, prior sections were renumbered and edited for clarity as provided for in Schedule A. It is the intention of the City Council that all such changes be adopted as part of the Code.

B. For reference, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof, shall become effective as part of the Code upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

C. In addition, and for informational purposes in compliance with the City Charter, attached as Schedule C to this ordinance is an informational comparison showing textual and formatting amendments and revisions being enacted by this Ordinance in strikethrough format for text removed and underlining for new or replacement text (or formatting or other changes). Schedule C is meant to be informational only.

§ 1-24. When effective.

This ordinance shall take effect upon passage and publication as required by law.

3. TAKES EFFECT

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

***REQUIRES REFERRAL TO PLANNING BOARD (COMMENTS DUE BACK BY SEPTEMBER 9, 2024)**
***FOLLOWING PLANNING BOARD COMMENT PERIOD, REQUIRES PUBLIC HEARING IN ACCORDANCE WITH 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:	Jerrica Vansylyvong-Bizier City Clerk		

DOCUMENT HISTORY:

CITY OF DOVER	CITY OF DOVER - ORDINANCE
	Agenda Item#: 12.A.1.
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	Ordinance Title: Recodification and Adoption of Chapter 170, Zoning, of the Code of the City of Dover
	Chapters: 170
	Sections: All (Recodification)

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 S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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.		

ORDINANCE BACKGROUND MATERIAL:

On February 12, 2020, the City Council adopted the new Code of the City of Dover (O-2020.01.08-001), inclusive of recodified Planning Board Site Review Regulations (Chapter 153) and Land Subdivision Regulations (Chapter 157). At the time, the City Council deferred recodification of the City's zoning ordinance (Chapter 170), pending the completion of zoning ordinance amendments in the summer of 2020.

Following the zoning ordinance amendments in the summer of 2020, the Ordinance Committee and City staff began working again with the City's outside vendor for specialized code services, General Code, a firm that is a member of the International Code Council, an organization with over 50 years of experience in developing and publishing municipal code. General Code has prepared the final version of the new zoning ordinance being adopted by this Ordinance.

The new version of Chapter 170 contains the following updates:

- Renumbering of sections as shown in Schedule B attached hereto;
- Alignment of font, text, capitalization, paragraphs and subparagraphs, tables, clarifying text, and other conventions, styles, and formatting to be consistent with other chapters of the current Code;
- Substitution of internal references to be consistent with remainder of current Dover Code.

CITY OF DOVER	CITY OF DOVER - ORDINANCE	
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	Chapters:	170
	Sections:	All (Recodification)

For informational purposes (and in compliance with the City Charter C3-8 if applicable, as C3-10 separately enables the recodification process), attached as Schedule C to this ordinance is an informational comparison showing staff-created textual and formatting amendments and revisions being enacted by this Ordinance in strikethrough format for text removed and underlining for new or replacement text (or formatting or other changes). Creating the informational comparison proved exceedingly difficult, especially for zoning tables, given multi-layered formatting style for each set of tables being compared against the other set, as a result of which the comparison document had to largely be created by hand-editing.

The adoption of Chapter 170, Zoning, will modernize the City's Code, as well as enable the use of online interface and search tools for the City's current online code (https://www.ecode360.com/DO0878). It will also streamline future amendments to the zoning ordinance (including tables).

By way of overview, the following are attached to (and incorporated herein) as part of this ordinance:

- This ordinance (7 pages);
- Schedule A, showing the new version of Chapter 170 produced by General Code;
- Schedule B, showing renumbering of the previous Chapter 170 versus the new Chapter 170.
- Schedule C, showing a staff-created informational comparison of the previous and new Chapter 170.
- Attachment, groundwater protection map forming part of the zoning ordinance and adopted herein.
- Attachment, current zoning map forming part of the zoning ordinance and adopted herein.

For further reference, zoning ordinances are enabled by RSA 674:16 and related statutes.

Schedule A

New (Recodified) Chapter 170

Chapter 170

ZONING

ARTICLE I
General Provisions

§ 170-1. Title.
§ 170-2. Authority.
§ 170-3. Purpose.
§ 170-4. Interpretation.
§ 170-5. Applicability.

ARTICLE II
Terminology

§ 170-6. Word usage and definitions.

ARTICLE III
Districts and District Boundaries

§ 170-7. Establishment of districts.
§ 170-8. Zoning Map.
§ 170-9. Amendments to Zoning Map.
§ 170-10. Interpretation of district boundaries.

ARTICLE IV
Uses; Tables

§ 170-11. Use regulations.
§ 170-12. Applicability of Tables of Use and Dimensional Regulations by District.

ARTICLE V
Dimensional Regulations

§ 170-13. Availability of utilities and services.
§ 170-14. Nonconforming lots.
§ 170-15. Recreation space and separation between use requirements.
§ 170-16. Swimming pools.
§ 170-17. Removal of barriers to access.

ARTICLE VI
Additional Regulations

§ 170-18. Customary home occupations.
§ 170-19. Non-environmental conditional use permit criteria.
§ 170-20. Central Business District regulations.
§ 170-21. Alternative energy systems.
§ 170-22. Telecommunications facilities.
§ 170-23. Impact fees.
§ 170-24. Accessory dwelling units.

ARTICLE VII
Floodplain Development

§ 170-25. General provisions.

ARTICLE VIII
Overriding Districts

§ 170-26. Additional regulations.
§ 170-27. Conservation District.
§ 170-28. Wetland Protection District.
§ 170-29. Transfer of development rights.
§ 170-30. Urban Renewal District.
§ 170-31. Riverfront Residential Overlay District.
§ 170-32. Residential-Commercial Mixed-Use (RCM) Overlay District.
§ 170-33. Groundwater protection.
§ 170-34. Scenic Road Overlay District.

§ 170-35. Hazardous Waste Landfill District I.

ARTICLE IX
Excavations

§ 170-36. Authority.
§ 170-37. Purpose and intent.
§ 170-38. Applicability.
§ 170-39. Abandoned excavations.
§ 170-40. Prohibited projects.
§ 170-41. Criteria for nonconforming expansions.
§ 170-42. Operational standards.
§ 170-43. Site reclamation standards.
§ 170-44. Incremental reclamation.
§ 170-45. Performance guarantee.
§ 170-46. Waivers.
§ 170-47. Application procedures.
§ 170-48. Application submission items.
§ 170-49. Administration and enforcement.

ARTICLE X
Signs and Fences

§ 170-50. Sign review and regulations.
§ 170-51. Fence review and regulations.

ARTICLE XI
Nonconforming Uses and Structures

§ 170-52. Nonconforming uses of land.
§ 170-53. Nonconforming structures.
§ 170-54. Repairs and maintenance.
§ 170-55. Uses permitted by special exception.

ARTICLE XII
Off-Street Parking and Loading

§ 170-56. Applicability.

ARTICLE XIII
Administration

§ 170-57. Administrative officer.
§ 170-58. Violations and penalties.
§ 170-59. Zoning Board of Adjustment.
§ 170-60. Amendment procedure.

Rural Residential (R-40) District
Low-Density Residential (R-20) District
Medium-Density Residential (R-12) District
Suburban Density Multi-Residential (RM-SU) District
Urban Density Multi-Residential (RM-U) District
Heritage Residential (HR) District
Commercial (C) District
Commercial Manufacturing (CM) District
Innovative Technology (IT) District
Gateway (G) District
Hospital (H) District
Little Bay Waterfront (LBW) District
Office (O) District
CBD Transit-Oriented Development Sub-District
CBD Mixed-Use Sub-District
CBD Residential Sub-District
CBD General Sub-District
Cochecho Waterfront District (CWD)
Sign Diagrams

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 170 of the 2013 Code. Amended 2-26-2014 by Ord. No. 2014.01.22-001; 4-23-2014 by Ord. No. 2014.04.09-008. Subsequent amendments noted where applicable.]

ARTICLE I
General Provisions

§ 170-1. Title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the City of Dover, New Hampshire."

§ 170-2. Authority.

This chapter is adopted pursuant to the authority granted by RSA 674:16.

§ 170-3. Purpose. [Amended 7-22-2020 by Ord. No. 2020.07.08-006]

This chapter is an element of the Dover Master Plan and is designed to promote the health, safety, and the general welfare of Dover's residents by serving to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; to encourage the maintenance of Dover's economic and aesthetic quality of life; and to encourage the most appropriate use of land throughout the City of Dover.

§ 170-4. Interpretation.

The provisions of this chapter shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals and the general welfare of the City of Dover. The provisions of this chapter are not intended to repeal or in any way impair or negate any other lawfully adopted ordinance, regulation or rule. Whenever the regulations made under the authority hereof differ from those prescribed by any ordinance or regulation, that provision which imposes the greater restriction shall govern.

§ 170-5. Applicability.

All buildings or structures hereafter erected, reconstructed, altered, enlarged or relocated or all future use of premises in the City of Dover shall be in conformity with the provisions of this chapter. This chapter shall not apply to existing buildings or structures, nor to the existing use of any building or structure or of land to the extent to which it is used at the time of enactment of this chapter. Furthermore, if the Planning Board has formally accepted an application for development prior to the first legal notice of a proposed change to this chapter, the Building Official shall not withhold a building permit, and the proposed regulation shall not affect the accepted application.

ARTICLE II

Terminology

[Amended 8-19-2015 by Ord. No. 2015.07.22-017; 6-22-2016 by Ord. No. 2016.06.08-010; 8-22-2018 by Ord. No. 2018.08.08-009; 9-11-2019 by Ord. No. 2019.08.28-012; 7-22-2020 by Ord. No. 2020.07.08-006]

§ 170-6. Word usage and definitions.

A. For the purposes of this chapter, the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive; the word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied"; and certain terms or words shall be interpreted as follows.

B. Words and terms appearing throughout this chapter shall have the meanings indicated below. Other land use/planning related words and terms not defined in this chapter shall rely on the definition(s) contained within A Planners Dictionary published and updated by the American Planning Association.

ABANDONED SIGN — Any sign that does not display a well-maintained message for a consecutive 180-day period, and/or the owner of said sign cannot be located after reasonable efforts have been made, and/or said sign is no longer fully supported by the structure designed to support the sign for a consecutive 180-day period, and/or the sign no longer advertises bona fide business and/or products sold for a consecutive 180-day period. The Zoning Administrator shall direct the removal of any sign which meets this definition.

ABUTTER

(1) The owner of record of a parcel of land located in New Hampshire and that adjoins or is directly within 200 feet (including land across the street or waterway) of the proposed site under consideration by the Planning Board.

(2) For the purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person or entity who is able to demonstrate that his land will be directly affected by the proposal under consideration.

(3) In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. Additionally, the individual owners of units within the association which are located within 200 feet of the common property line shall be notified only by first-class mail.

(4) For purposes of notification and receiving testimony, "abutter" means all affected towns and the regional planning commission in the case of a development having regional impact, as determined by the Planning Board.

(5) For purposes of notification, abutter ownership information for lots located in Dover shall be obtained through the City's Tax Assessment Office.

ACCESSORY DWELLING UNIT — A secondary dwelling unit attached and subordinate to a single-family dwelling or constructed within a detached garage that is

accessory and subordinate to a single-family dwelling. See § 170-24 for the accessory dwelling unit regulations. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

ACCESSORY STRUCTURE — A structure with a minimum floor area of 200 square feet which exists on the same lot and within the same zoning district as the principal building and which shall be customarily incident and subordinate to the principal building, subject to the provisions of § 170-10E. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

ACCESSORY USE — A use existing on the same lot and within the same zoning district as the principal use which shall be customarily incident and subordinate to the principal use; subject, however, to the provisions of § 170-10E.

ADULT BOOKSTORE AND/OR VIDEO STORE

(1) A place of business that devotes more than 15% of the total display, shelf, rack, table, stand or floor area for the display and sale of the following:

   (a) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes, slides, tapes, records, CD-ROMs or other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1; or

   (b) Instruments, devices or paraphernalia which are designed for use in connection with "sexual conduct" as defined in RSA 571-B:1, other than birth-control devices.

(2) An adult bookstore and/or video store does not include an establishment that sells books, periodicals or videos as an incidental or accessory part of its principal stock-in-trade and does not devote more than 15% of the total floor area of the establishment to the sale of books, periodicals or videos.

ADULT CABARET — A nightclub, bar, restaurant or similar establishment which, during a substantial portion of the total presentation time, features live performances that meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1 and/or shows films, motion pictures, videocassettes, slides or other photographic reproductions which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

ADULT DAY CARE — A facility used for the care of three or more adults for less than 24 hours per day who are in need of supervision or assistance with daily living activities. The facility may provide for dining, recreation activities, education and counseling services, and accessory uses related to the care of adults in need.

AGRICULTURE — See RSA 21:34-a, II. Agriculture shall not include marketing or selling at wholesale or retail, except where permitted as part of a roadside farm stand or where the retail sale of agricultural or farm products raised on site is a permitted use. One single-family dwelling shall be permitted as an accessory to the principal use.

ALTER or ALTERATION — Any change involving the structural frame of a building or use of a building.

ALTERNATIVE ENERGY SYSTEM — A system where energy is derived from a renewable natural source, such as the sun, wind, tides, or waves. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

ALTERNATIVE TOWER STRUCTURE — The use of structures such as man-made trees, clock towers, bell steeples, rooftops on buildings five stories or more, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers and their appurtenances.

ANTENNA — Any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, repeater, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

APPLICANT — Any person, agent, firm, association, partnership or corporation that makes application to a land use board pursuant to the rules and regulations of this chapter.

ASSEMBLY HALL — A building or a portion of a building, not to exceed 5,000 square feet, used for groups of people to gather for an event or regularly scheduled program. Assembly halls include but are not limited to service clubs, religious institutions, cultural and educational lecture/performance halls, banquet halls, and similar facilities.

ASSESSED PROPERTY — Any land or buildings comprising new development that is subject to an impact fee assessment under this chapter.

ASSESSMENT — A notification issued by the City of Dover, its Planning Board, or its Building Inspector which states the amount of an impact fee due on an assessed property and the responsibilities, conditions or schedules pertinent to the process and timing of impact-fee payments to the City.

ASSISTED LIVING FACILITY — A facility, licensed under RSA 151-E, that provides housing and supportive services and care for more than 12 elderly residents who require assistance with daily living activities but do not require the skilled nursing and medical care provided in a nursing home. Such supportive services include the provision of meals, housekeeping, laundry, transportation, daily personal care, dispensing of medications and staffing 24 hours per day. An assisted living facility includes a community dining room in which meals are provided to all residents, and each individual assisted living unit may also have a kitchenette. Other than any accommodations provided for use by the facility's staff, only assisted living units are permitted as part of an assisted living facility.

AUTO SERVICE — A place of business which offers as a service the repair of automobiles. Such auto service place shall not be construed to be a vehicle refueling/recharging station.

BED-AND-BREAKFAST — A residential structure consisting of nine or fewer bedrooms rented on a temporary, short-term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on-site management on a twenty-four-hour basis. Breakfast shall be the only meal served and shall be served to registered guests only.

BERM — A mound of earth that may contain stumps of sufficient height to serve as sight, sound, sand and dust screening of operations in an excavation site.

BLOCK — A tract of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or other barriers to the continuity of a development.

BLOCK CORNER — Where two public streets meet on a block.

BLOCK FACE — The aggregate of all the building facades on one side of a block.

BUILDING — Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and which is constructed and permanently affixed on the land. Such building includes open decks, open breezeways and any roofed areas. This in no way is to be construed to include a trailer, manufactured home or any other like product. For the purposes of measuring setbacks, eaves and uncovered porches, accessible ramps or steps may encroach into the side, rear and front setbacks for a distance of up to three feet. Improvements made at ground level (patio, pads, deck) are not required to meet setbacks.

BUILD-TO LINE — A line parallel to the street right-of-way line representing the distance that part of the building must be located. Front porches, stairs and handicap ramps may extend beyond the build-to line up to half their depth. If locating the building at the build-to line is not possible due to setback or buffer requirements of § 170-27 or 170-28, the building shall be located as close to the build-to line as feasible. For parcels with no frontage, the build-to line shall be calculated from the boundary parallel to the nearest street right-of-way line. For parcels with frontage on a tidal waterway, the build-to line may be a 100-foot setback, unless reduced via a conditional use permit from the reference line, no matter the distance to the street right-of-way line.

BULK — A term used to indicate the physical size, setbacks, and location of a building upon a lot.

BUSINESS FRONTAGE — The length along the ground floor of a building front, having frontage on the street, which is occupied by a separate and distinct principal use, or the length along the ground floor of a building side, having frontage on a street, which is occupied by a separate and distinct principal use or by the same principal use which occupies the front of said building.

CERTIFICATE OF OCCUPANCY — See Chapter 57, Building Construction, § 57-9, of the Code of the City of Dover.

CERTIFIED SOIL SCIENTIST — A person who, by reason of special knowledge of pedological principles acquired by professional education and practical experience as specified by RSA 310-A:84, is qualified to practice soil science and who has been duly certified by the State Board of Natural Scientists.

CHILD-CARE FACILITY — A nonresidential facility used for the care of children for periods of less than 24 hours per day and/or the provision of educational services commonly associated with preschool, nursery schools or kindergartens. A child-care facility requires Technical Review Committee review.

CHILD-CARE HOME — An occupied, single-family dwelling in which child day care is provided for less than 24 hours per day, except in emergencies. A child-care home is subject to the customary home occupation requirements and requires a customary home occupation certificate of use. There are two types of child-care homes, as follows:

(1) A group child-care home is a child day care for seven to 12 preschool-aged children from one or more unrelated families. The 12 children shall include all children residing with the caregiver in the home, except children 10 years of age or older. In addition to the 12 children, up to five children enrolled in a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays. Applications require Technical Review Committee review and are subject to possible site review and Planning Board approval per § 153-4D of Chapter 153, Site Review Regulations.

(2) A family child-care home is a child day care for up to six preschool-aged children from one or more unrelated families. The six children shall include all children residing with the caregiver in the home, except children 10 years of age or older. In addition to the six children, up to three children enrolled in a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays. A family child-care home for up to three children (at any one time and not including the provider's own children) shall not require a customary home occupation certificate of use and does not require Technical Review Committee review.

CIVIC BUILDING — A building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

CIVIC SPACE — An outdoor area dedicated for public use.

COLLECTION — The actual delivery of payment of an assessment of an impact fee to the City of Dover on behalf of an assessed property.

COMMENCEMENT OF CONSTRUCTION — The beginning of the physical construction of an approved structure. Said construction shall include the erection of any portion of a structure above or below grade level.

COMMERCIAL EXCAVATION — Excavation of earth intended for commerce, excluding excavation that is strictly conducted for the purpose of alterations, renovation, improvement or construction to the property on which the excavation takes place. Any material leaving the property for whatever reason is considered to be a commercial operation, except agricultural activities, as defined by RSA 21:34-a.

COMMERCIAL RECREATION — Leisure-time activities conducted at prescribed places, sites, or fields as a principal use, in order to obtain profit for a private group, organization, or individual. For the purpose of this chapter, commercial recreation may include but not be limited to mechanical- and/or electronic-operating games, animated mechanical devices and/or rides and live entertainment, and food concessions will be allowed by permit.

COMMERCIAL PARKING FACILITY — An area of off-street parking where, for a fee or permit, motor vehicles may be stored for the purpose of temporary, daily, weekly, or overnight off-street parking. Said facility may provide shuttle or park-and-ride services.

COMMON YARD — A planted private frontage wherein the facade is set back from the front property line.

CONGREGATE CARE FACILITIES — A residential facility for elderly persons containing individual one- and two-bedroom units. Each unit may also have a kitchenette. The facility shall contain common dining facilities and amenities, such as housekeeping, transportation and organized social and recreational activities, and may include limited medical services on site. This facility is intended for and solely occupied by persons 62 years of age or older and thereby qualifies as housing for older persons under state law.

CONSERVATION LOT — A lot created solely for the purpose of land conservation. The conservation lot must contain no less than 50% developable uplands, but will have no development rights. The conservation lot may be owned by a private, nonprofit organization, which has as its purpose the preservation of open space, or dedicated to a public entity. Conservation lots must meet the required minimum lot size and setbacks. Conservation lots do not need to meet the minimum frontage requirements. Conservation lots must be created following the regulations outlined in Chapter 157, Land Subdivision Regulations. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

CONTIGUOUS — Land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, wholly within the City, except in the case of stationary manufacturing plants, whose perimeter is not defined by the City's boundaries.

CONTINUING-CARE COMMUNITY FACILITY — A residential development that provides multiple elements of adult living, including independent living units, assisted-living units and skilled nursing care, enabling residents to live at a single location as their medical needs change over time. This facility is licensed pursuant to RSA 420-D and includes common dining, recreation and health facilities and other common areas; provides services such as medical care and programmed social activities; and may include limited accessory retail and personal services. This facility is intended for and solely occupied by persons 62 years of age or older and thereby qualifies as housing for older persons under state law.

COUNTRY CLUB — A nonprofit establishment involving the use of a golf course, swimming pool or tennis courts and a structure designed as a center for these activities within which food and drink may be served to members of said club and their guests. The term "country club" shall not be so construed as to include within its meaning any operation conducted with a profit-making intent.

COVERAGE — The percentage of area of a lot which is occupied by the physical limits of a building or buildings. Roofed area to the extent of the dripline shall constitute the physical limits of a building.

COVER CROP — Vegetation designed to prevent erosion of the soil.

CUSTOMARY HOME OCCUPATION — An occupation carried on as a secondary use in a dwelling unit or accessory building by the occupant of such unit.

DEVELOPMENT IDENTIFICATION SIGN — A sign attached to a screening wall or landscape planter designed and intended to identify an approved multi-lot residential subdivision or multi-tenant site plan, located at the principal vehicular entry points. Also includes a construction sign as a temporary sign, for this purpose. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

DEVELOPMENT RIGHTS — The legal claim to construct or develop specified land uses within specified densities and/or dimensional limits as granted by this chapter.

DIMENSION STONE — Rock that is cut, shaped or selected for use in blocks, slabs, sheets, or other construction units of specified shapes or sizes and is used for external or interior parts of buildings, foundations, curbing, paving, flagging, bridges, revetments, or for other architectural or engineering purposes. Dimension stone includes quarry blocks from which sections of dimension stone are to be produced. Dimension stone does not include earth as defined below.

DIRECT ILLUMINATION — The material of which a sign is made is itself illuminated (e.g., neon light).

DRIVE-IN SERVICE — Service whereby the customer need not leave his vehicle in order to obtain the product offered for sale.

DWELLING UNIT — One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for exclusive use of a single family maintaining a household.

DWELLING, MULTIFAMILY — A building containing more than four dwelling units.

DWELLING, SINGLE-FAMILY — A detached building containing one dwelling unit only.

EARTH — Sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally occurring, unconsolidated materials that normally mask the bedrock.

EDUCATIONAL INSTITUTION, K-12 — A facility, licensed by the State of New Hampshire, that provides curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

EDUCATIONAL INSTITUTION, POST-SECONDARY — An institute of higher education that provides a curriculum of academic instruction beyond the high school level, is licensed by the State of New Hampshire, and is accredited by an approved agency.

ELDERLY ASSISTED-CARE HOME — A residential facility permanently housing six to 12 elderly residents with common dining facilities and accessory uses typically needed by elderly persons. The Zoning Board of Adjustment may increase the number of residents through the granting of a special exception.

ENERGY STORAGE — The capture of energy produced at one time for use at a later time. A device that stores energy is generally called an "accumulator" or "battery." Energy comes in multiple forms including radiation, chemical, gravitational potential, electrical potential, electricity, elevated temperature, latent heat and kinetic. Energy storage involves converting energy from forms that are difficult to store to more conveniently or economically storable forms. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

EXCAVATION — A land area that is used, or has been used, for the commercial taking of earth, including all slopes.

EXCAVATION AREA — The area within an excavation site where excavation has occurred or is eligible to occur under the provisions of RSA 155-E. This is also known as the "pit area."

EXCAVATION SITE — Any area of contiguous land in common ownership upon which excavation takes place.

EXISTING EXCAVATION — Any excavation that lawfully existed as of August 24, 1979, from which earth material of sufficient weight or volume to be commercially useful had been removed during the two-year period before August 24, 1979.

EXISTING TOWERS AND ANTENNAS — Any tower or antenna lawfully constructed or permitted prior to the adoption of this chapter. Additionally, any tower or antenna lawfully constructed in accordance with this chapter that predates an application currently before the Planning Board.

EXPANSION (pertaining to excavations)

(1) "Expansion of existing excavations" means excavation beyond the limits of the City and the area which on August 24, 1979, had been contiguous to and in common ownership with the excavation site and has been appraised and inventoried for tax purposes as part of the same tract as the excavation site.

(2) "Expansion of stationary manufacturing plants" means to any contiguous lands which were in common ownership with the site of the plant on August 4, 1989.

EXTENSION, BUILDING — Any action which shall cause the floor area or volume of a structure to be increased.

EXTENSION, USE — The enlargement of a business, industrial or residential activity beyond the limits in use at the time this chapter was passed.

EXTERNAL ILLUMINATION — A separate light fixture that shines onto a sign in order to illuminate it.

FAA — An acronym meaning "Federal Aviation Administration."

FARM — See RSA 21:34-a, I. See also the definition of "agriculture."

FARM ANIMALS — Animals that are commonly raised or kept in an agricultural setting, including, but not limited to, chickens, roosters, turkeys, ducks, pigs, sheep, goats, horses, cows, cattle, llamas, emus, ostriches, donkeys, mules, buffalo, bison,

alpacas, elk, deer and reindeer; provided, however, that chickens, sheep or goats totaling six or fewer shall not be considered to be included.

FARM ANIMALS FOR FAMILY USE — Animals commonly raised or kept by a family for noncommercial purposes on a lot containing a one- or two-family dwelling. Includes chickens, sheep or goats totaling six or fewer, but does not include roosters.

FCC — An acronym meaning "Federal Communications Commission."

FENCE — A freestanding structure of metal, masonry, composition of wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

FLASHING SIGN — Any directly or indirectly illuminated sign which changes the intensity of illumination so as to result in changes in light, color, direction or animation. Included in this definition shall be electronic changeable message boards or signs of similar technologies, excluding those deemed necessary for the public safety and welfare by federal, state or municipal authorities.

FLOOR AREA — The sum of the gross horizontal areas of all floors of any building or buildings on a lot measured from the exterior walls. In particular, the floor area shall include:

(1) In dwellings, any basement space designed to be used for residential purpose.

(2) In other than dwellings, any basement or cellar space used for any purpose.

(3) In all buildings, interior balconies, mezzanines, roofed porches or terraces and all spaces other than basement or cellar spaces with structural headroom of at least seven feet.

FREESTANDING SIGN — A sign permanently erected on a freestanding frame, mast or pole and not attached to any building. A-frame signs shall not be considered freestanding but rather temporary signs. Each individual tenant panel on a multi-tenant sign shall require a sign permit and shall be counted towards each tenant's permitted number of signs and sign area.

FRONTAGE

(1) The linear distance measured along the front lot line between the points of intersection with the side lot lines. Frontage along culs-de-sac shall be the linear distance at the appropriate front yard building setback depth from the front lot line between the points of intersection with the side lot lines. For the purpose of measurement, lot frontage shall be continuous and measured along the joining boundary of the front lot line and a public right-of-way.

(2) In the Central Business District, "frontage" means the area between a building facade and the public street, inclusive of its built and planted components.

GALLERY — A private frontage conventional for retail use wherein the facade is aligned close to the front property line with an attached, cantilevered shed or lightweight colonnade overlapping the sidewalk.

GEOTHERMAL ENERGY — A system generating electricity by tapping into steam or hot water reservoirs underground; the heat is used to drive an electrical generator. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

GROUND FLOOR — The street level floor of a structure.

GROUND-MOUNTED SOLAR — A system installed on the ground rather than on the roof of a building. This allows the solar panels to be placed anywhere on the property and mounted at any height, from a few inches to many feet off the ground. Ground-mounted solar may include motorized ground-mounts that track the sun throughout the day, ensuring the panels are facing the sun at all times, as well as panels attached to stand-alone carports. **[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 8-9-2023 by Ord. No. 2023.07.12-008]**

GROUP HOME FOR MINORS — A group boarding home for minor children and others attending Grades K-12 which is issued a general or intermediate license by and operated in accordance with standards promulgated by the State of New Hampshire Department of Health and Human Services. Such use may include accessory uses, such as educational and counseling programs, which are directly related to the primary purpose of the home.

HAZARDOUS WASTE/MATERIAL — A material, waste or combination of materials or wastes which, because of the quantity, concentration or infectious characteristics, may cause or significantly contribute to illness or present a substantial hazard to health, safety or welfare or to the environment.

HEIGHT — When referring to a telecommunications tower or other structure, means the distance measured from ground level to the highest point on the tower or other structure or appurtenance, even if said highest point is an antenna or other appurtenance.

HEIGHT OF BUILDING — The vertical distance measured from the average grade level adjoining the building to the highest level of the roof surface or front parapet, whichever is greater. Television and radio receiver antennas and photovoltaic systems as well as church steeples shall not be included in this calculation.

HIGH INTENSITY SOIL MAP (HIS) — A map prepared using the methods prescribed by the Society of Soil Scientists of Northern New England, in the publication High Intensity Soil Maps for New Hampshire, January 1987, as amended.

HOME-BASED AGRICULTURAL ACTIVITIES — The sale of products associated with raising poultry, bees or like animals, or harvesting of herbs, flowers or vegetables/fruit. Products must be grown on site and may be sold either in raw or value-added forms.

HOTEL — A building consisting of 10 or more rooms accessed by a common hallway and designed for or used commercially as temporary living quarters for persons who are lodged with or without meals.

IMPACT FEE — A fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the City of Dover or the Dover School District, including and limited to water treatment and distribution facilities; wastewater treatment and

disposal facilities; sanitary sewers; stormwater, drainage and flood-control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities, not including public open space.

INTERMITTENT STREAM — A stream that flows for sufficient times of the year to develop and maintain defined channels but which may not flow during dry portions of the year.

INTERNAL ILLUMINATION — Illumination that is located within a translucent or otherwise diffusive sign material.

JUNKYARD — An open area where waste or used or secondhand materials are brought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term "junkyard" shall not include uses established entirely within enclosed buildings.

JUNKYARD, MOTOR VEHICLE — Any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer operable or in condition for legal use on the public highways or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part or intended to be a part of any motor vehicles, the sum of which parts or materials shall be equal in bulk to two or more motor vehicles. "Motor vehicle junkyard" shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn materials which are parts of a motor vehicle or cut up the parts thereof. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

KENNEL — Any building(s) or land operated as a business for the boarding, breeding, training, or selling of five or more dogs, cats or other household pets.

LANDSCAPE AREA — The area unoccupied by pavement or structures and open to the sky in either a landscaped or grassed condition. May include recreational fields, lawns, and public parks that do not possess significant conservation features.

LIGHT INDUSTRY — All manufacturing and assembly processes carried on completely within a structure and involving no permanent outside storage of equipment or materials (except as a customary accessory use in connection with the permitted activities with the structures), unless such storage is approved by the Dover Planning Board. This term shall not be interpreted to include any industry, the operations of which shall result in significant objectionable noise, glare, vibration or odor which would constitute a nuisance in an industrial district and which exceed the maximum levels of adjacent activities.

LOADING BERTH — A berth designed for the onloading and off-loading of trucks and other commercial vehicles.

LOT — A parcel of land which fronts on and has ingress and egress by means of a public vehicular right-of-way and is occupied by, or is intended to be occupied by, one principal building and its accessory buildings or uses customarily incidental to it, together with

such open spaces and yards as are required by this chapter. More than one principal building may be placed on a lot located in the Central Business or Gateway District. More than one principal building may also be placed on a lot in all other districts with Planning Board approval for nonresidential developments, multifamily dwelling developments, and open space subdivisions. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

LOT LINE — A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT WIDTH — The width of a lot along a straight line parallel to the front street line and lying at a distance from said street line equal to the required minimum front yard setback for said lot.

LOT, CORNER — A lot abutting upon two or more streets at their intersection. The side of the corner lot that fronts on the street that provides the address for the property shall be considered the front, and the side(s) of the corner lot that front on any other streets shall be considered the abut-a-street.

MANUFACTURED HOUSING — Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured housing shall not include presite built housing as defined in RSA 674:31-a.

MANUFACTURED HOUSING PARK or MOBILE HOME PARK — Any plot of ground upon which two or more manufactured homes, occupied for dwelling or sleeping purposes, are located.

MARINA — A facility for storing, servicing, fueling, berthing, securing and launching of private pleasure marine craft that may include the sale of fuel and incidental supplies for boat owners, crews and guests.

METEOROLOGICAL TOWER (MET TOWER) — The tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this chapter, "MET tower" shall refer only to those whose purpose is to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

MODIFICATION — In relation to a small wind energy system, means any change to the system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

MOTEL — A building consisting of 10 or more rooms having direct outside access and designed for or used commercially as temporary living quarters for persons who are lodged with or without meals.

NEIGHBORHOOD — A grouping of structures with more clearly evident relationship to one another than to other structures in the community.

NET METERING — The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's alternative energy system that is fed back into the electric distribution system over a billing period. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

NEW DEVELOPMENT

(1) An activity that results in:

(a) The creation of a new dwelling unit or units;

(b) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of dwelling units;

(c) Construction resulting in a new nonresidential building or a net increase in the floor area of any nonresidential building; or

(d) The conversion of an existing use to another use if such change creates a net increase in the demand on public capital facilities that are the subject of impact fee assessments.

(2) New development shall not include the replacement of an existing manufactured home or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in its size, density or type of use, and where there is no net increase in demand on public capital facilities.

NONCONFORMING USE — A lawful use that does not conform to the prescribed use regulations of the district in which it is located.

NUISANCE — A factor generally recognized to be undesirable, such as odor, noise, glare or vibration.

NURSING HOME — A residential facility for elderly persons that is licensed by the state, containing a common dining facility and accessory uses typically needed by elderly residents.

OFF-SITE IMPROVEMENTS — Those public facility improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision plat or site plan approval by the Planning Board. Such off-site improvements shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development.

OFF-STREET PARKING — Parking facilities located in City or privately owned lots and structures.

OFFICE — A place of business which may fall under the following categories:

(1) Accessory. An office facility that is incidental and accessory to another business or sales activity that is the primary use of the structure or site.

(2) Administrative business professional. An establishment providing direct, over-the-counter services to consumers (e.g., insurance agencies, real estate offices, travel

agencies, utility company offices, etc.) and office-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property. This use includes accounting, auditing and bookkeeping services; advertising agencies; airline, lodging, chain, and rental car company reservation centers; architectural, engineering, planning and surveying services; attorneys; legal services; commercial art and design services; computer software and hardware design; counseling services; court reporting services; data processing services; detective agencies and similar services; educational, scientific and research organizations; employment, stenographic, secretarial and word processing services; insurance claim processing; literary and talent agencies; mail order and e-commerce transaction processing; management and public relations services; media postproduction services; photography and commercial art studios; police facility used as an office where there are no jail detention facilities or storage of vehicles except the parking of police cars; psychologists; telecommunications facility design and management; telemarketing; and writers' and artists' offices.

(3) Government. An administrative, clerical, or public contact office of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.

(4) Medical. An office or health facility providing health services, including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these offices, but excludes inpatient services and overnight accommodation.

OPEN SPACE — Land that is not built upon or substantially altered by human activity, including open fields, such as meadows and farmland, and forest as well as undeveloped shorelands and water bodies.

ORDINARY HIGH-WATER MARK — The line on shore, running parallel to the main stem of the river, established by the fluctuations of the water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristic of the surrounding areas.

OUTBUILDING — See "accessory structure."

PARAPET — A low, protective wall or railing along the edge of a raised structure such as a roof or balcony.

PARKING SPACE — An off-street area available with paved surface, accessible and suitable for parking one motor vehicle.

PERSONAL SERVICE ESTABLISHMENT — A commercial use, the primary concern of which is the rendering of services rather than the sale of products. "Primary concern" shall mean less than 50% of the revenues from such commercial use shall be gained from the sale of products. A personal service establishment shall not be construed to include a gasoline service station.

PLANNING BOARD — The Planning Board of the City of Dover.

PLAT — A map or plan of a subdivision or a site plan prepared by a registered surveyor or engineer in compliance with all applicable provisions of this chapter, the Site Review Regulations (Chapter 153), and the Subdivision Regulations (Chapter 157) of the Code of the City of Dover.

PORCH — A private frontage set back from the front property line with an attached porch permitted to encroach beyond the build-to lines.

POWER GRID — The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

PRINCIPAL BUILDING — The main building on a lot, usually located toward the frontage.

PROJECTING SIGN — A sign attached to a building with the plane of the sign at an angle to the plane of the wall of the building.

PUBLIC ART — Works of art in any media that have been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all.

PUBLIC OPEN SPACE — A parcel of land essentially unimproved and principally intended for open space preservation, natural resource conservation, or similar uses. For the purposes of this chapter, City parks that do not include public recreation facilities constitute public open space.

PUBLIC RECREATION — Leisure-time activities open to the public, subject to reasonable limitations as to participation, and conducted at prescribed places, sites or fields by nonprofit corporations or charitable organizations. The nonprofit organization or charitable organization may either rent or own the site. Food concessions will be allowed by permit.

PUBLIC RECREATION FACILITIES — The land and facilities owned or operated by the City of Dover, other than public open space, that are used or designed for the conduct of recreational sports or recreation programs, and which include equipment or substantial improvements to the land to provide indoor or outdoor public recreation opportunities. Public recreation facilities may also include those portions of public open space parcels that are improved with developed trail systems for uses such as hiking or cross-country skiing.

PUBLIC SPACE — Open to public view or access.

PUBLISHING FACILITY — A structure or part of a structure, with office space and production facilities, which is used for producing newspapers, magazines, books and/or other related published materials. For the purpose of this definition, production facilities shall include a printing press and/or similar equipment.

REAR — The private back portion of a property.

RECEIVING AREA — A defined area within a TDR District to which development rights are transferred resulting in more efficient and intense use of suitable development sites.

RECLAMATION — The restoring of an excavation site to a standard at least equal to those outlined in § 170-43.

REGULATING PLAN — A zoning map or set of maps that shows the sub-districts subject to regulation by § 170-20.

REVOCATION — The revoking of the approved extraction permit by the Planning Board. The revocation requires ceasing operations until such time as the owner or operator can bring the operation into compliance and subsequently reapply for permitted status with the Planning Board at a regular meeting using standard application steps as outlined in this chapter.

RIGHT-OF-WAY — A public or private area that allows for the passage of people, goods, and/or utilities. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

RIGHT-OF-WAY LINES — The lines that form the boundaries of the right-of-way.

ROADSIDE FARM STAND — An accessory use where permitted agricultural products grown on site are sold.

ROOFTOP SOLAR — A photovoltaic system that generates electricity by capturing solar energy and is mounted on the rooftop of a residential or commercial building or structure. **[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 8-9-2023 by Ord. No. 2023.07.12-008]**

ROOM — An unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, closets, hallways and service porches.

ROOMING HOUSE — Any building in which rooms are rented, leased or otherwise made available for compensation to not more than 10 persons, for longer than one night, but not requiring a long-term lease, said rooms being for a sleeping purpose and containing communal bathroom facilities and cooking facilities.

SELF-SERVICE STORAGE FACILITY — 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. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

SENDING AREA — A defined area within a TDR District from which development rights are transferred, resulting in the permanent preservation of lands possessing significant conservation features.

SERVICE CLUB — An establishment to be used as a gathering place for a group of citizens organized for a nonprofit purpose.

SETBACK — The area of a lot measured from the lot line to a building facade or elevation that is maintained clear of permanent structures, with the exception of allowed encroachments for stairs or porches.

SHADOW FLICKER — The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

SHOP FRONT — A private frontage conventional for retail use, with substantial glazing and an awning, wherein the facade is aligned close to the front property line with the building entrance at sidewalk grade.

SHOPPING CENTER — Any building containing five or more tenants and containing more than 50,000 square feet of gross floor area.

SIDEWALK — The paved section of the public frontage dedicated to pedestrian activity, cafe seating, and other street furniture.

SIGN — Any name, identification, description, display, or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure or piece of land, in view of the general public, and which directs attention to an object, product, place, activity, person, institution, organization or business.

SIGN AREA — The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such perimeter which do not form an integral part of the display. For projecting or double-faced signs, only one display space shall be measured in computing total surface area where the sign faces are parallel or where the interior angle formed by the faces is 90° or less. For freestanding signs, sign area does not include any portion of the sign displaying the building address.[1]

SITE DEVELOPMENT PLAN — Professionally rendered drawings which delineate a proposed nonresidential, multifamily or manufactured home development. Said plan shall include property lines, location of buildings, means of ingress and egress, access to off-site parking and all provisions as outlined in this chapter and Chapter 153, Site Review Regulations, of the Code of the City of Dover.

SLOPE — The ratio of vertical distance to horizontal distance (rise divided by run), usually expressed in percent or degrees. Slope is measured over horizontal distances of 20 feet or more, utilizing elevations at two-foot contours.

SMALL WIND ENERGY SYSTEM — A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for on-site consumption.

SQUARE — A civic space designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees.

STATIONARY MANUFACTURING AND/OR PROCESSING PLANTS — Facilities that are placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying or processing excavated earth materials.

1. **Editor's Note: See Figures 8 and 9 of the Sign Diagrams, Part II, included as an attachment to this chapter.**

STOOP — A private frontage wherein the facade is aligned close to the front property line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

STREET — A City thoroughfare for vehicle access.

STREET FURNITURE — Benches and other structures incorporated into the streetscape for use by pedestrians.

STREETLIGHTS — Pedestrian-scale lighting incorporated into the streetscape and in parking facilities to promote safe travel during evening hours.

STREETSCAPE — The physical elements along a street, including trees, benches, waste bins, and bike racks.

STREET TREES — Canopy trees used to reinforce the area along vehicular streets where pedestrian activities are encouraged.

STREET WALLS — A freestanding wall built along the front property line. It may mask a parking lot from the street, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

STRUCTURE — A framework of support.

SUSPENSION — The ordered cessation of that portion of an extraction operation that is in violation of this chapter until such time as the owner or operator can demonstrate compliance to the Zoning Administrator.

SYSTEM HEIGHT — The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

TDR DISTRICT — An area defined as a "zoning overlay district," which includes a sending area and a receiving area for the purpose of transferring development rights from a parcel within the sending area to a parcel within the receiving area.

TELECOMMUNICATIONS FACILITY — Any structure, antenna, tower, or other device which provides licensed commercial mobile wireless services, cellular telephone services, specialized mobile radio communications (SMR), enhanced specialized mobile radio communications (ESMR), personal communications service (PCS), paging, and similar services marketed to the general public.

TEMPORARY SIGN — A sign(s) customarily located on a trailer or similar wheeled apparatus, whether self-propelled or pulled by another vehicle, which is not permanently affixed to the ground. A-frame, sandwich board, inflatable, and other signs not permanently affixed, directly or indirectly, upon a building, structure, or land and not otherwise referenced under the definition of "freestanding sign," "projecting sign" or "wall sign" shall also be considered as temporary signs.

TERRACE/LIGHTWELL — A private frontage set back from the front property line by an elevated terrace or sunken lightwell which is permitted to encroach beyond the build-to lines.

TOWER — Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or

monopole towers. The term also includes commercial radio and television transmission towers, microwave towers, common carriers towers, cellular telephone towers, alternative tower structures, and similar structures.

TOWER — The monopole, guyed monopole or lattice structure that supports a wind generator.

TOWER HEIGHT — The height above grade of the fixed portion of the tower, excluding the wind generator.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) — The conveyance of the development rights of a parcel of land by deed or other legal instrument approved by the Planning Board to the developer of another parcel. Said legal instrument shall be recorded at the Strafford County Registry of Deeds.

UNSUITABLE DEVELOPMENT AREA — The area of a site that includes wetlands, water bodies, slopes exceeding a grade of 20% and totaling more than 2,000 square feet of contiguous area, land used for septic systems, floodways, and floodway fringe within the 100-year floodplain as shown on the latest FEMA maps accepted by the City, and public utility easements. **[Added 10-13-2021 by Ord. No. 2021.09.08-006; amended 8-9-2023 by Ord. No. 2023.07.12-008]**

USED CAR LOT — An unenclosed space on which three or more used cars are stored or offered for sale.

VEHICLE REFUELING/RECHARGING STATION — An establishment, the principle use of which is to provide for the sale of gasoline fuel (including but not limited to gasoline, diesel, natural gas, electricity or hydrogen) and oil to individual vehicles and retail sale of products required for motor vehicle maintenance such as oil, transmission fluid, brake fluid, polish, wax, fuel additives and treatments, wipers, tires, batteries, windshield wiper fluid, cleaning fluids and similar items. The retail sale of propane and kerosene is also allowed. The retail sale of over-the-counter retail consumer merchandise and drive-through service may also be allowed.

WALL SIGN — A sign attached to or erected against the wall of a building, with the face in a parallel plane to the plane of the building wall, and projecting no more than 14 inches from the building wall.[2]

WAREHOUSING — Only includes the activity of storing wares or goods by the occupant in his own behalf or for the benefit of others.

WATERBORNE PASSENGER TRANSPORTATION FACILITY — A facility designed for storing, servicing, fueling, berthing, securing and launching of excursion boats and water shuttles for the purpose of transporting passengers.

WATER-DEPENDENT — Those uses and facilities which require direct access to, or location in, marine or tidal waters and which, therefore, cannot be located inland.

WATER-RELATED EDUCATIONAL/RESOURCE CENTER — A facility devoted to the provision of educational resources and materials and/or displays. Such a facility may include but not be limited to a museum, aquarium, and aquaculture facility.

2. **Editor's Note: See Figure 10 of the Sign Diagrams, Part II, included as an attachment to this chapter.**

WETLAND EVALUATION HANDBOOK FOR DOVER — The manual used to conduct a functional evaluation of the wetland in order to obtain a conditional use permit as required by § 170-28, Wetland Protection District, of this chapter. This handbook shall be adopted and amended, as required, by the Planning Board after a public hearing. Notice for said public hearing shall be published in a newspaper of general circulation and posted in three places at least 15 days prior to the hearing.

WHOLESALING — Only includes the activity of storage, repacking, sale and/or distribution of commodities in bulk quantities to jobbers, retailers, processors and manufacturers and shall not allow the sale and/or distribution of commodities to consumers on a retail basis.

WIND GENERATOR — The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

WINDOW SIGN — A sign affixed to, or within one foot of, a window, intended to be visible and readable from the right-of-way or from adjacent property. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

YARD, FRONT — An open, unoccupied space on a lot between the street line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.

YARD, REAR — An open, unoccupied space on a lot between the rear lot line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.

YARD, SIDE — An open, unoccupied space on a lot between the side lot line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.

ZONING BOARD OF ADJUSTMENT — The Zoning Board of Adjustment of the City of Dover, as provided in RSA 673:3.

ARTICLE III
Districts and District Boundaries

§ 170-7. Establishment of districts. [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]

A. Districts. The City of Dover is hereby divided into the following districts:

(1) Residential.

R-40	Rural Residential District
R-20	Low-Density Residential District
R-12	Medium-Density Residential District
RM-SU	Suburban Density Multi-Residential District
RM-U	Urban Density Multi-Residential District

HR	Heritage Residential District

(2) Nonresidential.

C	Commercial District
CM	Commercial Manufacturing
IT	Innovative Technology

(3) Mixed-use.

G	Gateway
H	Hospital
LBW	Little Bay Waterfront District
O	Office District
CBD	Central Business District
CWD	Cochecho Waterfront District

(4) Overriding.

CD	Conservation District
URD	Urban Renewal District
RRD	Riverfront Residential Overlay District
GWP	Groundwater Protection District
HWD	Hazardous Waste Landfill District
RCM	Residential-Commercial Mixed-Use
SRD	Scenic Road Overlay District
TDR	Transfer of Development Rights
TEL	Telecommunications Facilities
WPD	Wetland Protection District

B. District purpose statements.

(1) Residential districts. The residential districts are intended to provide a wide range of residential units to provide the citizens of Dover with a balance of housing choices, with varying housing types, densities and costs. The goal is to preserve and create City neighborhoods that are safe and promote harmonious development.

(a) Rural Residential District (R-40). The purpose of this residential district is to provide for conventional single-family neighborhoods in the more rural areas of the City. These areas have larger lot sizes (one or more acres) and the homes are most likely served by on-site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as open space developments with reduced lot sizes allowed in return for the permanent preservation of open space. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including

churches, hospitals, elementary schools, high schools and child-care facilities.

(b) Low-Density Residential District (R-20). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 20,000 square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on-site septic systems and wells. These districts are located near major roadways. The development of parcels with at least 15 acres can be done as open space subdivisions. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools and child-care facilities.

(c) Medium-Density Residential District (R-12). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 12,000 square feet. The homes in this district are almost all served by municipal sewer and water. Many of the neighborhoods surrounding the elementary schools are in this district and have a sidewalk system that is conducive to children walking to school. The development of parcels with at least five acres can be done as open space subdivisions. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and child-care facilities.

(d) Suburban Density Multi-Residential District (RM-SU) The purpose of this residential district is to provide an environment suitable for a variety of moderate-density housing types, including single-family, two-family, three- to four-family and multifamily dwellings. These districts are suburban neighborhoods located along major roadways outside of the center of the City. The homes in this district are almost all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and child-care facilities.

(e) Urban Density Multi-Residential District (RM-U). The purpose of this residential district is to provide an environment suitable for a variety of moderate/high-density housing types, including single-family, two-family, and three- to four-family dwellings. These districts are urban neighborhoods located close to the downtown area and contain many historic homes that are built close to the sidewalks and streets. The homes in this district are all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, funeral parlors, elementary schools, high schools, and child-care facilities.

(f) Heritage Residential District (HR).

[1] These primarily residential neighborhoods surrounding the Silver Street area exhibit a rare collection of interesting architecture. While primarily Victorian and characterized by wide porches, bay windows, steep roofs, and intricate and involved woodwork, there are

noteworthy Colonial buildings as well. In both instances, their original occupants were likely community leaders, whether early tavern keepers, or later senior managers and foremen from the mill facilities that lined the Cochecho River, as well as other community professionals.

[2] The common theme through all of these designs is both the massing and the placement of these structures in a manner that is compatible with what had gone before. It is the intent that in this district, new construction, replacement construction, and new additions should continue that tradition of compatibility with the existing neighborhood.

(2) Nonresidential districts. The nonresidential districts are intended to provide suitable areas for commercial, service, retail, office and industrial developments, to provide employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.

(a) Commercial District (C). The purpose of this business district is to provide an environment that encourages efficient and attractive automobile-oriented commercial development along major highways outside of the downtown. The minimum lot size of 20,000 square feet encourages moderately sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, automobile sales, hotels, offices, banks, and theaters. Other commercial uses and multifamily dwellings are allowed by special exception.

(b) Commercial Manufacturing District (CM). The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, warehousing, wholesaling and shipping activities that expand the economic base of the City and provide employment opportunities. This area is the location of one of the first industrial parks in the City, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller minimum lot size of 20,000 square feet also encourages business uses such as publishing, hotels, vehicle refueling/recharging stations, restaurants, car sales, offices, and personal services.

(c) Innovative Technology (IT). The purpose of this district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, warehousing, wholesaling, publishing and shipping activities that expand the economic base of the City and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The newer business parks are located in this district. The minimum lot size in this district is two acres, which encourages larger assembling and manufacturing users.

(3) Mixed-use districts. The mixed-use districts are intended to provide suitable areas for a mixture of urban neighborhoods containing residential, commercial, service, retail, and office uses. The mixed-use development is intended to create a sense

of community between the mixed uses and facilitate the economical and efficient use of land. The districts are intended to provide housing and employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high-quality design is encouraged.

(a) Gateway (G). The purpose of this district is to mark a transition point where you move from the less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (multistory buildings, civic buildings, etc.). In Dover the primary Gateways (e.g., Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground-floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.

(b) Hospital (H). The purpose of the Hospital District is to provide appropriate locations for hospitals and medical offices associated with a hospital. This district also encourages other health care services and various housing facilities providing levels of service for older persons. Single- and two-family residential uses are permitted along with commercial uses such as offices, banks, funeral parlors, assembly halls, and schools.

(c) Little Bay Waterfront District (LBW). The purpose of this mixed-use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum lot size encourages a mix of various-sized commercial uses, with water-related uses, such as marinas, specifically permitted. Single- and two-family homes are allowed in recognition of the historically residential use of the area. Three- or four-family dwellings are allowed only as part of a mixed-use building. Businesses that take advantage of the unique location along Little Bay are encouraged.

(d) Office District (O). The purpose of this Office District is to provide appropriate locations for a mixture of residential and office uses along higher-volume streets. The remaining large historic homes are no longer suitable for single-family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential areas on the side streets. Residential uses up to four dwelling units per structure are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, nursing homes and congregate-care facilities. The density for residential uses is about eight units per acre, and in new buildings, residential is only allowed on the second floor or higher.

(e) Central Business District (CBD). The purpose of this district is to provide the appropriate locations for context-sensitive zoning. The form-based code in this district is intended to foster a vital main street both for itself and for

its adjacent neighborhoods through a lively mix of uses, with shop fronts, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper-story residences and offices. The district has an increased emphasis on the form and placement of structures and a decreased emphasis on the function(s) contained within them.

(f) Cochecho Waterfront District (CWD). The purpose of this mixed-use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cochecho River. This district has very flexible dimensional requirements, with no minimum lot size, frontage or setback requirements and a density of 43 dwelling units per acre. Several water-related land uses are permitted in the district, including marinas, waterborne passenger transportation facilities and water-related education and resource centers. The architecture of the waterfront areas should encourage the development of marine-, history- or tourism-related land uses and activities, which take advantage of the unique characteristics of the waterfront as well as its central location and proximity to historic areas.

(4) Overriding districts. The purpose of the overriding districts is to provide an additional layer of land use regulation or protection in certain sensitive areas of the City. The requirements of these overlay districts are in addition to the underlying zoning districts. Most of the districts are intended to protect environmentally sensitive areas. For specific purpose statements, review the text of each overriding district.[3]

§ 170-8. Zoning Map. [Amended 12-26-2016 by Ord. No. 2016.10.12-014; 9-11-2019 by Ord. No. 2019.08.28-012]

A. The location and boundaries of the zoning districts are hereby established as shown on a map titled "Zoning Map of the City of Dover, New Hampshire," dated September 11, 2019, which accompanies and is hereby declared to be part of this chapter.

B. For the purposes of the delineation of the Central Business District (CBD), the location and boundaries of sub-districts are hereby established as shown on a map titled "Regulating Plan for the CBD Zone," dated September 11, 2019, which accompanies and is hereby declared to be part of this chapter.[4]

§ 170-9. Amendments to Zoning Map.

Any change in the location of boundaries of a zoning district hereafter made through the amendment of this chapter shall be noted on the Zoning Map.

3. Editor's Note: See Art. VIII, Overriding Districts.

4. Editor's Note: The Zoning Map and Regulating Plan for the CBD Zone are on file in the office of the Planning and Community Development Department, where they may be examined during regular business hours.

§ 170-10. Interpretation of district boundaries.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as a street, railroad, watercourse or other body of water shall be construed to be the center or middle thereof.

B. Boundaries indicated as following approximately or parallel to a street, railroad, watercourse or other body of water shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map.

C. Where a dimensioned boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.

D. Where a boundary is indicated as intersecting the center line of a street, railroad, watercourse or other body of water, it shall be construed to intersect at right angles to said center line or, in the case of a curved center line, at right angles to the tangent of the curve at the point of intersection.

E. Where a district boundary divides one lot and more than 50% of the area of such lot lies in the less restricted district, the regulations prescribed by this chapter for the less restricted district may apply to the remainder of said lot up to a distance of not more than 50 feet from the district boundary. In no case, however, shall such extension of the less restricted district be permitted closer than 100 feet to any street line in the more restricted district.

ARTICLE IV
Uses; Tables

§ 170-11. Use regulations. [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-006]

Except as herein provided, no building or land shall be used except for the purposes permitted in the district as described in this article.

A. Uses permitted by right. A use listed in the Tables of Use and Dimensional Regulations by District is permitted as a matter of right in the district in which it is listed, subject to the rules set forth in this chapter and other sections of the Code of the City of Dover.

B. Uses permitted by right, with conditions imposed. A use listed in the Tables of Use and Dimensional Regulations by District and denoted with a numerical reference number (footnote) indicates a use that is permitted by right only when in compliance with certain imposed conditions.

C. Uses permitted by special exception. A use listed in the "Uses Permitted by Special Exception" section of the Tables of Use and Dimensional Regulations by District may be permitted as a special exception granted by the Zoning Board of Adjustment in accordance with the conditions of § 170-59 herein and in conformance with such other rules and regulations as may apply. The special exception designation in a given district does not constitute an authorization or an assurance that such use will be permitted.

D. Uses not permitted. A use not listed in the Tables of Use and Dimensional Regulations by District shall not be permitted in the district.

E. Planning Board site review approval. Any development/redevelopment meeting the criteria laid out in § 153-4, Applicability, of Chapter 153, Site Review Regulations, of the Code of the City of Dover shall be subject to the rules and regulations contained in said chapter.

F. Overriding district regulations. All uses are subject to the regulations of the overriding districts as listed and defined in this chapter. (Refer to Article VIII.)

§ 170-12. Applicability of Tables of Use and Dimensional Regulations by District.[5]

A. Uses permitted in those zoning districts identified in § 170-7 shall be as set forth in the Tables of Use and Dimensional Regulations by District.

B. The minimum regulations for lot size, lot frontage, building setback standards for front, side and rear yards, building heights, and lot coverage shall be as specified in the Tables of Use and Dimensional Regulations by District.

ARTICLE V
Dimensional Regulations

§ 170-13. Availability of utilities and services. [Amended 7-22-2020 by Ord. No. 2020.07.08-006]

In instances where municipal sewer and water facilities are not provided, no residential structure shall be built on a lot with less than 30,000 square feet in area. Where municipal water is available and sewer is not, the minimum lot size shall be 20,000 square feet in area. In no instance, however, shall the above requirements be more permissive than those required by the New Hampshire Department of Environmental Services, Water Division, or required elsewhere in this chapter. Furthermore, the above requirement shall not be substituted for mandatory hookups required by other chapters of the Code of the City of Dover.

§ 170-14. Nonconforming lots.[6] [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 10-13-2021 by Ord. No. 2021.09.08-006]

In any district, structures which are allowed by right, but not structures that are allowed by special exception, may be erected on any nonconforming lot of record even though such lot fails to meet the requirements for area, width or frontage provided that:

A. The lot has been duly recorded at the Strafford County Registry of Deeds on or before the effective date of adoption of this chapter.

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5. Editor's Note: The Tables of Use and Dimensional Regulations by District are included as attachments to this chapter. Ordinance No. 2020.07.08-007, adopted 7-22-2020, repealed the tables for the B-1, B-3, B-4, B-5, I-1, I-2, I-4 and ETP Districts and the CBD Downtown Gateway Sub-District and added tables for the C, CM, IT and G Districts.

6. Editor's Note: For nonconforming uses and structures see Art. XI.

B. Should the lot be less than 5,000 square feet and not have a minimum width of 50 feet, it may be developed as long as the home constructed is no larger than 1,000 square feet in total living space.

C. If the lot has a land area of at least 5,000 square feet and a minimum width of 50 feet, a home constructed may be larger than 1,001 square feet in total living space.

D. In either case, the following side yard restrictions shall apply:

(1) A lot with a width of 110 feet or less and greater than 75 feet shall have a minimum side yard of 10 feet.

(2) A lot with a width of less than 75 feet shall have a minimum side yard of six feet.

§ 170-15. Recreation space and separation between use requirements. [Amended 8-22-2018 by Ord. No. 2018.08.08-009]

A. For each bedroom of a multifamily (greater than four dwelling units) residential structure, there shall be provided at least 100 square feet of usable recreation space. Half of this required recreation space shall be provided in such a manner so as to afford active recreational opportunities for children, to include such facilities as swings, sandboxes, slides, play areas, etc. The remainder of the required recreation space shall be provided in such a manner so as to afford passive recreational opportunities for adults, such as sitting areas, outdoor cooking facilities, walkways, etc. The active and passive recreational facilities may be combined or separated as appropriate to the site and to the anticipated occupancy needs of the development.

(1) Efficiency apartments shall be counted on the basis of 50 square feet per unit.

(2) A payment in lieu of providing the recreation space on site, for an identified recreation area, may be agreed to by the Planning Board.

B. The minimum distance between any main building and any accessory building not structurally attached to such main building shall be not less than the height of the rear wall of the accessory building.

C. No part of a yard or other recreation space required for any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other recreation space similarly required for another building.

D. Nonresidential uses requiring site plan review shall be at least 150 feet from all existing residential structures located within residential zones.

E. A continuous and year-round visual buffer of either vegetation or fencing shall separate nonresidential structures or parking areas from existing residential structures located to the rear and side of any proposal.

F. All screening and setback requirements pursuant to this section shall not be binding in the IT or any mixed-use zoning district. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

G. All recreation space requirements pursuant to this section shall not be binding in the CBD–General, TOD and CWD districts.

§ 170-16. Swimming pools. [Amended 7-22-2020 by Ord. No. 2020.07.08-006]

In districts allowing one-family dwellings, two-family dwellings, and three- to four-family dwellings, pools for swimming or bathing shall be in conformity with the following regulations:

A. Every outdoor swimming pool shall be completely surrounded by a fence or wall not less than four feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension, except for doors and gates, and if a fence is erected or maintained, the horizontal dimension shall not exceed four inches. A primary dwelling or accessory building or structure may be used as part of the enclosure.

B. Gates. All gates or door openings through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gates or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

C. Applicability. The requirements of this chapter shall be applicable to all new swimming pools hereafter constructed, other than indoor pools and temporary wading pools less than 22 inches deep or eight feet in diameter (whichever is more restrictive), and shall apply to all existing pools which have a minimum depth of 22 inches of water. No person in possession of land within the City, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a swimming pool having a minimum depth of 22 inches shall fail to provide and maintain such fence or wall as herein provided. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

D. Appeals and hearings. The Board of Adjustment, after public hearing, may make modifications in individual cases, upon a showing of good cause, with respect to the height, nature or location of the fence, wall, gates or latches or the necessity therefor, provided that the protection as sought hereunder is not reduced thereby. The Board of Adjustment may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described herein.

E. State requirements. Swimming pools shall conform to all requirements of the New Hampshire Department of Health and Human Services.

F. Option to fence regulation. When not in attendance, access ladders or slide ladders to pool shall be removed or raised and locked or otherwise made inaccessible from the outside to small children.

§ 170-17. Removal of barriers to access. [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-006]

Upon the discretion of the Building Inspector, with consultation of the Zoning Administrator, in all zoning districts a structure constructed for the express purpose of improving and/or

providing accessibility to an existing building for physically and/or mentally disabled individuals may be erected within the building setbacks (front, side and/or rear) as specified in the Table of Dimension Regulations, provided that:

A. The structure cannot feasibly and practicably be constructed on the lot in compliance with the Table of Dimensional Regulations;

B. The structure must not create a hazard or detrimental impact to surrounding properties.

ARTICLE VI
Additional Regulations

§ 170-18. Customary home occupations.

A customary home occupation is a permitted use in all residential districts. The following conditions apply:

A. "Home occupation" shall include not more than one of the following uses, provided that such uses are clearly incidental and secondary to residential purposes: dressmaker, artist, arts and crafts, writer, teacher, provided that not more than eight pupils simultaneously occupy the building, musician, antique dealer, hairdresser, home-based agricultural activities, lawyer, doctor, photographer, dentist, architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.

B. No more than one nonresident shall be employed therein.

C. The use is carried on strictly by the occupant of the principal building.

D. No more than 25% of the existing net floor area of the principal and any accessory structure not to exceed 600 square feet is devoted to such use.

E. There shall be no display of goods or wares visible from the street.

F. There shall be no advertising on the premises other than a small, nonilluminated sign not to exceed two square feet in area and carrying only the occupant's name and his occupation.

G. The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood because of the exterior appearance, traffic emission of odor, gas, smoke, dust, noise, electrical disturbance, light emissions, or in any other way. In a multifamily dwelling, the use shall in no way become objectionable or detrimental to any residential use within the multifamily structure. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

   (1) No rallying of employees for off-site work shall be conducted.

   (2) If the home is occupied by a tradesman, craftsman or contractor, there may be incidental storage. Said storage shall be screened from abutters and the right-of-way, with either a solid fence or vegetation, and must be fully enclosed. On-site storage of construction equipment or vehicles is not permitted.

H. Any such building shall include no feature of design not customary in buildings for residential use. The following uses, by nature of the investment or operation, have a potential to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, uses such as retail, clinic, landscaping, freight, trucking or shipping, painting of vehicles, trailers and boats, restaurants, caterers or bakeries, taxi service, tool or equipment rental, veterinary hospital or kennel and others of a similar nature shall not be considered as home occupations.

I. A minimum of two off-street parking spaces shall be provided. All driveways to be used in connection with such occupations shall conform to Chapter 153, Site Review Regulations, or Chapter 157, Land Subdivision Regulations, as appropriate. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

J. Not more than one commercial vehicle in connection with such home occupation shall be stored on the premises.

K. A certificate of use for the proposed home occupation is issued by the Zoning Administrator, verifying conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1 following the date of approval of the certificate of use and then by every January 1 thereafter for so long as the customary home occupation continues. Fees shall be levied as set forth in the City of Dover adopted Schedule of Fees, as amended annually, for customary home occupation certificates of use and renewals.

L. The use of a room in a dwelling or accessory building as a home office by a resident/occupant is a permitted use and does not require a certificate of use, provided that the use does not generate any traffic, such as deliveries or pickup of supplies or materials in excess of normal residential use or clients coming to the property.

§ 170-19. Non-environmental conditional use permit criteria.[7] [Added 8-9-2023 by Ord. No. 2023.07.12-008]

A. Purpose and intent.

(1) Where a conditional use permit is being requested for relief by use or standards as allowed by this chapter, the following criteria in Subsection B shall be met.

B. Conditional use criteria.

(1) Conditional use approval for relief from the standards herein may be granted by the Planning Board (RSA 674:21, II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

(a) That both public and private buildings and landscaping shall contribute to the physical definition of rights-of-way as civic spaces.

(b) That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.

7. Editor's Note: Original § 170-19, Flexible uses in I-1 District, of the 2013 Code was repealed 7-22-2020 by Ord. No. 2020.07.08-007.

(c) That the design of streets and buildings shall reinforce safe environments, but not at the expense of accessibility.

(d) That architecture and landscape design shall grow from local climate, topography, history, and building practice.

(e) That buildings shall provide their inhabitants with a clear sense of geography and climate through energy-efficient methods via a mixture of elements including windows, floor plan, and public and private space.

(f) That encourage civic buildings and other public gathering places be provided as locations that reinforce community identity and activity.

(g) That civic buildings shall be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the City.

(h) That the preservation and renewal of historic buildings shall be facilitated.

(i) That the harmonious and orderly evolution of urban areas shall be advanced by the proposed building and/or use.

(j) That if the relief is granted, the surrounding neighborhood is not negatively impacted.

(2) Conditional use approval for relief from the use standards herein may be granted by the Planning Board (RSA 674:21, II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

(a) The requested use shall be compatible with abutting uses and the surrounding neighborhood.

(b) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

(c) The requested use will not result in objectionable noise or odor which would constitute a nuisance.

(3) Conditional use approval shall be subject to a formal agreement between the Planning Board and the applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds.

§ 170-20. Central Business District regulations.

A. Purpose and intent. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]**

(1) The City of Dover Central Business District (CBD) follows the premise of context-sensitive zoning. This context-sensitive zoning is intended to foster a vital downtown both for itself and for its adjacent neighborhoods and major roadways leading into the downtown through a lively mix of uses, with shop fronts, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper-story residences and offices.

(2) Redevelopment within the CBD shall be regulated by these context-sensitive zoning regulations, in order to achieve the City's vision set forth in the 2007 update to the Land Use Chapter of the Master Plan, adopted by the Planning Board on November 13, 2007.

(3) These context-sensitive zoning regulations were originally developed through a citizen-based discussion process regarding the design for the improvement of all properties in the CBD. To allow further refinement consistent with individual areas, the district has been divided into sub-districts, with special requirements for each sub-district to allow for context-sensitive development along roadways and neighborhoods alike. In 2012-2013, using a similar citizen-based process, these context-sensitive zoning regulations were extended to the major roadways that lead into downtown, identified as the "Gateway District."

(4) All of the areas within the CBD share a common goal of increased emphasis on the form and placement of structures and a decreased emphasis on the function(s) contained within them. As such, this section sets careful and clear controls on building form, with broader parameters on building use, so as to shape clear, attractive public spaces (good streets, neighborhoods and parks) with a healthy mix of uses. With proper urban form, a greater integration of building uses is natural and comfortable.

(5) Wherever there appears to be a conflict between the form-based code and other sections of this chapter (as applied to a particular development), the requirements specifically set forth in this section shall prevail. For development standards not covered herein, the other applicable sections in the City of Dover Code shall be used as the requirement.

B. Conditional use permit.

(1) See § 170-19 for conditional use permit criteria. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(2) Conditional use approval for relief from the use standards herein may be granted by the Planning Board (RSA 674:21, II) after proper public notice and public hearing, provided that the proposed project complies with the following standards:

(a) The requested use shall be compatible with abutting uses and the surrounding neighborhood.

(b) The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

(c) The requested use will not result in objectionable noise or odor which would constitute a nuisance.

(3) Conditional use approval shall be subject to a formal agreement between the Planning Board and the applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds.

C. Sub-districts. The regulating plan for the CBD shall locate the boundaries for the following sub-districts: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(1) General.

(2) Mixed-Use.

(3) Residential.

(4) Transit-Oriented Development (TOD).

D. Standards and regulations.

(1) The standards for use and dimensions to be utilized within the CBD are shown on the tables at the end of this chapter. 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 story, which shall be set back from the allowed height to create a terrace, for either: **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(a) Each fully below-grade story of parking provided on the site; or **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

(b) Additional units resulting from the 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.

(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 nonresidential activities must make up at least 20% of the structure or be located on the ground floor. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 10-13-2021 by Ord. No. 2021.09.08-006; 9-14-2022 by Ord. No. 2022.08.10-010]**

[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 story.

[a] Any additional stories shall be set back 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. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007; 10-13-2021 by Ord. No. 2021.09.08-006]**

(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.

E. Streetscape.

(1) Sites within the CBD shall be developed so that buildings are placed at or near the right-of-way, along the outer edge of their sites and so as to ensure the unity of those rights-of-way. Furthermore, these standards establish an environment that encourages and facilitates pedestrian activity. The sub-district sheets, design guidelines, and Dover Streetscape Standards will serve as a reference document for many of the elements below. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

(2) General principles and intent.

(a) The streetscape.

[1] The street and building facade receives more attention than the rest of the building.

[2] Streetscape elements, such as pavers, benches and waste bins, must be consistent within a project and adjacent properties where these elements are present.

[3] Public art is encouraged. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

[a] Public art shall be reviewed and endorsed by the Dover Arts Commission.

[b] Public art is a part of our public history and heritage, part of our evolving culture, reflects and reveals our society and adds meaning to our cities. Public art should create a chronicle of our public experiences through a variety of genres and media.

(b) Fronts and rears.

[1] Building facades are the public "face" of every building. Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their buildings.

[2] The private, rear portions of the lots allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-private (for apartment and condominium buildings) open space.

(c) Off-street parking.

[1] Parking provided for a project shall be screened from the street. The design of the screen shall be subject to Planning Board approval and shall use materials that are compatible with the surrounding character of the neighborhood and contribute to an attractive streetscape.

[2] Parking shall be considered accessory and shall not be the principal use of a lot.

(3) Minimum standards. In addition to any regulations set forth in the CBD sub-district tables and the Dover Streetscape Standards, development shall follow the regulations outlined below. Subsection E(3)(a), (b), and (c) shall only apply to new construction and/or renovations that will result in a 50% or more increase in the value of the property, as determined by a licensed New Hampshire appraiser.

(a) Street trees/landscaping.

[1] Each street shall have canopy shade trees (street trees). Street trees shall be planted at an average spacing not greater than 25 to 30 feet on center (measured per block face). The planting area's minimum dimension shall be not less than five feet. At planting, trees shall be 2.5 to three inches in diameter (four feet above grade) and shall meet the American Nursery Standards for height. The tree species used shall be selected from the City of Dover's approved list of street trees.

[2] Unpaved ground area along the frontage shall be planted with appropriate ground cover or shrubs, no bare ground or mulch-only areas 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 a five-foot-wide walkway. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

(b) Sidewalks. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

[1] Sidewalks shall be made of brick or concrete and shall be a minimum of five feet wide but ideally eight feet wide.

[2] Existing surrounding sidewalk materials shall be reviewed in determining material used.

(c) Street furniture. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

[1] Benches. Benches will have backs and arm rests and be accessible. See sub-district tables for spacing requirements. Benches shall be oriented to encourage social interaction and be designed to enhance the site, not detract from it. Benches may be exchanged for street furniture (e.g., chess/checker tables) where space allows.

[2] Waste bins. At a minimum, one waste bin will be provided at each block corner.

[3] Bike racks. At a minimum, one bike rack shall be required per nonresidential project or residential projects with five or more units.

[4] Public art. Public art should be integrated into the design and placement of street furniture.

(d) Lighting.

[1] Materials and equipment chosen for lighting fixtures should be durable, energy-efficient, and weather well. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution.

[2] At the front of the building, exterior lights shall be mounted between six feet and 14 feet above the adjacent grade.

[3] Floodlights or directional lights may be used to illuminate parking garages and working (maintenance) areas but must be shielded or aimed in such a way that they do not shine into other lots, or the street. Floodlighting shall not be used to illuminate building walls (i.e., no up-lighting), except in the TOD Sub-District.

[4] Site lighting shall be of a design and height so as to illuminate only the lot. General site lighting shall conform with New Hampshire Dark Sky Policy, as applicable by RSA 9-E:3. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

[5] No flashing, traveling, animated, or intermittent lighting shall be visible from the street on the exterior of any building, whether such lighting is of temporary or long-term duration.

(e) Mechanical equipment.

[1] The following shall not be stored or located within any street and shall be screened from view from the street: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and

telephone company transformers, meters or boxes, garbage cans, storage tanks, and the like may not be stored or located within any area considered a front yard under this Code.

[2] Roof-mounted equipment shall be screened from view from the street.

F. Architectural standards. The following standards, including those noted on sub-district sheets, may be utilized by the applicant. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

(1) General principles and intent.

(a) Tradition.

[1] These standards favor buildings that are traditional in design in a broad sense. They specify an architectural language of load-bearing walls and regional materials that help define building base and cornice. These standards encourage details, such as column and pier spacing, window proportions, entry level, roof or cornice configurations, storefronts, and overhangs.

[2] The intent behind these standards is to reinforce the existing character and historic nature of Dover's Central Business District. However, modern buildings that are sensitive to that character and their adjacent context may be permitted as well.

[3] All building materials to be used shall express their specific properties. For example, stronger and heavier materials (masonry) support lighter materials (wood).

(b) Energy efficiency and environmental conservation. Leadership in Energy and Environmental Design (LEED) standards, or an equivalent standard (or such others as may succeed them), are encouraged to be incorporated into the building design. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(c) Public space. Many of these standards apply only in conditions that enhance and define the public space. These controls concentrate on the public space/ views from the public space and minimize interference in the private realm. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(2) Building walls (exterior).

(a) Building walls should reflect and complement the traditional materials and techniques of Dover's architecture. They should express the construction techniques and structural constraints of traditional, long-lasting building materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in building form and the articulation of details. All building materials to be used shall express their specific properties. For example, heavier, more permanent materials (masonry) support lighter materials (wood), yet architectural detail shall be present throughout the building face horizontally and/or vertically rather than just on the first 20 feet from the ground.

(b) Building materials shall be context-sensitive and shall reflect a consistency to be found within the sub-district. Brick, stone or masonry building materials are expected for exterior walls.

(3) Roofs and parapets.

(a) Roofs and parapets should demonstrate a common-sense recognition of the climate by utilizing appropriate pitch, drainage, and materials.

(b) Buildings without visible roof surfaces and overhanging eaves may have a cornice projecting horizontally between six inches and 12 inches beyond the building walls. For buildings three stories or taller, the cornice projection shall increase an additional six inches and 12 inches per story.

(c) Skylights and roof vents are permitted only on the roof plane opposite the primary street or when shielded from the street view by the building's parapet wall. If a glass roof form is a primary design feature of a building it shall be considered in regard to the architectural design guidelines as part of the building elevations rather than a skylight.

(d) Overly elaborate, postmodern and/or high-tech designs are discouraged, where in conflict with existing architecture. However, ornamentation which contributes to the character of the building is encouraged. Building designs need to reflect the adjacent massing. Ornamentation should be consistent with that used in the neighborhood of buildings to reinforce the fabric and richness of the community.

(e) Green roof technologies are encouraged in all districts. Use of this technology to cover 30% of the roof is required on commercial and mixed-use structures over 25,000 square feet in the CBD. Vegetative cover should be considered for flat-roofed structures. Roofs that contain gardens or plants must be maintained per the approved maintenance agreement.

(f) Solar panels are desirable City-wide.

[1] In the CBD all buildings must be solar ready.

[2] Commercial and mixed-use buildings that are 25,000 square feet or more must incorporate solar panels.

[3] Solar panels must be presented in an aesthetically pleasing pattern.

(4) Street walls. Street walls establish a clear edge to the street in locations where the buildings do not. The CBD requirements include masonry walls that define outdoor spaces and separate the street from the private realm (parking lots, trash cans, gardens, and equipment). All street wall facades shall be as carefully designed as the building facade, with the finished side out, i.e. the "better" side facing the street.

(5) Windows and doors.

(a) Windows should be divided by multiple vertical panes of glass. This helps the window hold the surface of the facade, rather than appearing like a hole in the wall (an effect produced by a large single horizontal sheet of glass).

(b) Principal building entrances shall be clearly visible from the primary front street and create a safe and inviting space.

G. Incentives for architectural standards.

(1) Any plan that demonstrates reasonable use of the optional architectural standards defined in Subsection F may apply for the following incentive:

(a) Fast-track review. The Director of Planning and Community Development shall give preference to projects in setting the Planning Board agendas and in other review processes. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(2) Reasonable use shall be considered demonstration of at least six of the criteria or items mentioned under Subsection F. These criteria/items will be listed on a waiver application form.

H. Administration.

(1) Deviations from the requirements herein may be requested by application to the Planning Board for a conditional use permit (see Subsection B). Administrative appeals from this section may be directed to the Zoning Board of Adjustment (as outlined in § 170-59). Projects submitted shall follow the process outlined with Chapter 153, Site Review Regulations. Any redevelopment of an existing structure within the Gateway District or Mixed-Use Sub-District does not require a conditional use permit if it results in three or fewer total residential units, or if it increases the gross floor area of nonresidential space by less than 2,500 square feet, and is exempt from the regulations of this section, except for setback, build-to, and use regulations. Density requirements for residential uses do not apply. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]**

(2) Any redevelopment within the CBD is exempt from wetlands regulations as described and administered in this chapter.

§ 170-21. Alternative energy systems. [Amended 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]

A. Authority; purpose. This alternative energy systems ordinance is enacted in accordance with RSA 674:62 to 674:66 and the purposes outlined in RSA 672:1, III-a. The purpose of this section is to accommodate alternative energy systems in appropriate locations, while protecting the public's health, safety and welfare. In addition, this section provides a permitting process for alternative energy systems to ensure compliance with the provisions of the requirements and standards established herein.

B. Procedure for review.

(1) Building permit. Alternative energy systems and MET towers are an accessory use permitted in all zoning districts where structures of any sort are allowed. No alternative energy system shall be erected, constructed, or installed without first receiving a building permit from the Building Inspector. A building permit shall be required for any physical modification to an existing alternative energy system. MET towers that receive a building permit shall be permitted on a temporary basis not to exceed three years from the date the building permit was issued.

(2) Consumer use. For the purposes of this section, alternative energy systems are intended to be incidental and subordinate to a use on the same parcel and shall supply electrical power principally for on-site consumption.

(a) To the extent net metering is allowed, excess power may be contributed to the grid. Should the excess power contributed exceed 125% of the power required on site for one year, the use shall be considered no longer incidental and subordinate, and shall require technical review.

(3) Application. Applications submitted to the Building Inspector shall contain a site plan with the following information where appropriate:

(a) Property lines and physical dimensions of the applicant's property.

(b) Location, dimensions, and types of existing major structures on the property.

(c) Location of the proposed alternative energy system, foundations, guy anchors and associated equipment.

(d) Tower foundation blueprints or drawings.

(e) Tower blueprints or drawings.

(f) Setback requirements as outlined in this section.

(g) The right-of-way of any public road that is contiguous with the property.

(h) Any overhead utility lines.

(i) Small wind energy system.

[1] Specifications, including manufacturer, model, rotor diameter, tower height, tower type, and nameplate generation capacity.

[2] Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.

[3] Sound-level analysis prepared by the wind generator manufacturer or qualified engineer.

[4] Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the New Hampshire State Building Code.

[5] Evidence of compliance or nonapplicability with Federal Aviation Administration requirements.

(j) Solar panel systems.

[1] Specifications, including manufacturer, model, type, and nameplate generation capacity.

[2] Solar panels that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.

[3] Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the New Hampshire State Building Code, as well as applicable Electric Code.

(k) List of abutters to the applicant's property.

(4) Abutter and regional notification. In accordance with RSA 674:66, the Building Inspector shall notify all abutters and the local governing body by verified mail upon application for a building permit to construct an alternative energy system. The public will be afforded 30 days to submit comments to the Building Inspector prior to the issuance of the building permit. The Building Inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Building Inspector shall follow the procedures set forth in RSA 36:57, IV.

C. Small wind energy system standards.

(1) The Building Inspector shall evaluate the application for compliance with the following standards:

(a) Setback. The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower base to property line, public roads, or nearest point on the foundation of an occupied building.

Minimum Setback Requirements			
Occupied Buildings on Participating Landowner Property	**Occupied Buildings on Abutting Property**	**Property Lines of Abutting Property and Utility Lines**	**Public Roads**
0	1.5	1.1	1.5

[1] Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.

[2] Guy wires used to support the tower are exempt from the small wind energy system setback requirements.

(b) Tower. The maximum tower height shall be restricted to 35 feet above the tree canopy within 300 feet of the small wind energy system. In no situation shall the tower height exceed 150 feet.

(c) Sound level. The small wind energy system shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

(d) Shadow flicker. Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.

(e) Signs. All signs, including flags, streamers and decorative items, both temporary and permanent, are prohibited on the small wind energy system, except for manufacturer identification or appropriate warning signs.

(f) Code compliance. The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.

(g) Aviation. The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations, including but not limited to 14 CFR Part 77, Subpart B, regarding installations close to airports, and the New Hampshire Aviation Regulations, including but not limited to RSA 422-B and 424.

(h) Visual impacts. It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts without restricting the owner's access to the optimal wind resources on the property.

[1] The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground-mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.

[2] The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a nonreflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

[3] A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If

lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.

(i) Approved wind generators. The manufacturer and model of the wind generator to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the State of New Hampshire, if available.

(j) Utility connection. If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A:9.

(k) Access. The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(l) Clearing. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

D. Solar panel standards.

(1) Lot coverage. Solar systems do not constitute an increase to lot coverage unless the panel(s)/collector(s) and supporting structures constitute a building.

(2) Placement of solar systems. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(a) The height of a roof-mounted solar array shall not be counted towards the maximum permitted height of the structure it is is affixed to of the underlying zoning district and, if on a pitched roof, matches the same pitch as the roof and is no more than 10 inches above the roof. If the proposed rooftop solar array consists of mounted tracking panels, a conditional use permit is required.

(b) Ground-mounted solar panels shall not be located in the front yard and shall meet or exceed required side and rear yard setbacks for accessory buildings.

(c) Ground-mounted units shall not exceed 20 feet or the height of the principal building whichever is shorter. However, with a conditional use permit, solar trackers may be permitted up to the maximum building height allowed in the underlying zoning district plus five feet provided they are located to the rear of the principal building and not clearly visible from the public right-of-way or 75 feet from any property line if the lot is surrounded by rights-of-way creating a hardship.

(d) When solar storage batteries are included as part of the solar energy system, they must be housed in a secure space or enclosure meeting the requirements of the City's building and electrical codes when in use and,

when no longer used, shall be disposed of in accordance with all applicable City, state and federal laws and regulations.

(e) The use of reflectors to enhance solar production is prohibited.

E. Abandonment.

(1) At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

(2) Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Inspector. "Physically remove" shall include, but not be limited to:

(a) Removal of the wind generator and tower and related above-grade structures.

(b) Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

(3) In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out of service for a continuous twelve-month period. After the 12 months of inoperability, the Building Inspector may issue a notice of abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the notice of abandonment within 30 days from notice receipt date. After review of the information provided by the owner, the Building Inspector shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the Building Inspector shall withdraw the notice of abandonment and notify the owner of the withdrawal.

(4) If the owner fails to respond to the notice of abandonment or if, after review by the Building Inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within three months of receipt of the notice of abandonment. If the owner fails to physically remove the small wind energy system after the notice of abandonment procedure, the Building Inspector may pursue legal action to have the small wind energy system removed at the owner's expense.

F. Violation. It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this section. Small wind energy systems installed prior to the adoption of this section are exempt from this section except when modifications are proposed to the small wind energy system.

G. Penalties. Any person who fails to comply with any provision of this section or a building permit issued pursuant to this section shall be subject to enforcement and penalties as allowed by RSA 676:17.

H. Conditional use permits. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

(1) A conditional use permit may be granted by the Planning Board to waive the height limitation only if the intent of this chapter is preserved (e.g., when it can be shown that there would be no increase in adverse impact) and a written narrative is provided demonstrating that the height would:

(a) Not be detrimental to the public safety, health or welfare or injurious to other property, and will promote public interest.

(b) Demonstrate a projected and quantified solar energy production benefit for allowing the extra height.

(c) Any impacts on abutters are mitigated.

(d) Not be within 75 feet of the arterial or connector road.

(e) Not be clearly visible from the public right-of-way.

(f) Not cause glare on abutting structures or roadways.

(g) Have all power and communication lines between the solar infrastructure and the point of interconnection be buried underground or otherwise screened from view.

§ 170-22. Telecommunications facilities.

A. Authority. By the authority granted under RSA 674:16 and 674:21 and procedurally under the guidance of 675:1, II, this section creates an ordinance establishing a telecommunications program and amending this chapter to add regulations pertaining to wireless communications facilities.

B. Purpose and intent. This section is enacted in order to establish general guidelines for the siting of telecommunication towers and antennas and to enhance and fulfill the following goals:

(1) Preserve the authority of the City to regulate and to provide for reasonable opportunities for the siting of telecommunications facilities while ensuring that telecommunications providers' service remains effective and efficient.

(2) Reduce or eliminate adverse impacts such facilities may create. Adverse impacts may include, but are not limited to, impacts on aesthetics, impacts on environmentally sensitive areas, impacts to historically significant locations, impacts on flight corridors, reduction in property values, and health and safety concerns.

(3) Provide for co-location and minimal impact siting options through an assessment of technology, current locational options, future location availability, innovative siting techniques, and siting possibilities beyond the geographic boundaries of the City.

(4) Permit the construction of new towers only where all other reasonable alternatives have been exhausted, and encourage the owners and users of towers and antennas to configure them in a manner that minimizes visual impacts of said structures.

(5) Require antenna co-location on existing tower structures through cooperation and agreements between providers.

(6) Provide for documentation of scheduling of recurring maintenance and safety inspections for all telecommunications facilities and appurtenances.

(7) Provide for the demolition and removal of abandoned facilities. Provide a procedure for the City to remove abandoned towers to provide for the health and safety of citizens.

(8) Provide for the removal or upgrade of technologically outmoded facilities.

C. Location. Telecommunications facilities shall be allowed in accordance with the following:

(1) On parcels situated in the City of Dover known as:

General Location	Map-Lot Number
Finch Lane	K-35A
Middle Road	M-57
Blackwater Road	A-29
	A-1
Parsons Lane	A-36
Venture Drive	D-7
	D-5A
Glen Hill Road	C-2012
	C-7
	C-8
	C-20
	C-19
	C-22
Tolend Road	C-27
French Cross Road	F-14

(2) In other areas within the City of Dover only as a co-location on existing towers, antennas, and alternative tower structures.

D. Telecommunications facilities procedural requirements.

(1) Location or replacement of telecommunications facilities on existing towers, antennas or alternative tower structures. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(a) The location or replacement of telecommunications facilities on existing towers, antennas or alternative tower structures may be approved by the Planning and Community Development Department provided the following information is submitted in an application:

[1] A scaled plan detailing the exact size and location of the telecommunication device, including a scaled elevation view.

[2] Submission of proof that the telecommunication device is needed to service City of Dover residents.

[3] Proof that the device meets all other technical requirements of this section.

(b) Any application denied by the Planning and Community Development Department may be appealed to the Planning Board.

(2) Proposed construction of new telecommunications facilities. An application for construction of any new telecommunications facilities shall be approved by the Planning Board. Public hearing requirements as outlined in the Site Review Regulations shall apply. The following application requirements shall be provided:

(a) A scaled plan in accordance with Site Review Regulations shall be submitted, including the following additional information: a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent land uses (up to 200 feet away), and any other information deemed necessary by the Director of Planning and Community Development. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(b) Written proof that the proposed use/facility complies with FCC regulations on radio frequency (RFD) exposure guidelines, and FAA regulations on tower lighting requirements, shall be submitted.

(c) The applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA)[8] further referenced in applicable FCC rules. If an environmental assessment (EA) or an environmental impact statement (IS) is required under the FCC rules and NEPA, submission of the EA or IS to the Planning Board prior to the beginning of the federal thirty-day comment period, and the City's site review process, shall become part of the application requirements.

(d) Each applicant for an antenna and/or tower shall provide to the Planning Board an inventory of its existing towers that are within the jurisdiction of

8. Editor's Note: See 42 U.S.C. § 4321 et seq.

the City and those within two miles of the border thereof, including specific information about the location, height, and design of each tower, as well as economic and technological feasibility for co-location on the inventoried towers. The Planning Board may share such information with other applicants applying for approvals or special exception permits under this section or other organizations seeking to locate antennas within the jurisdiction of the governing authority; provided, however, that the Planning Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable. The applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence shall consist of one or more of the following:

[1] Adequate evidence that no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements, provided that a description of the geographic area required is also submitted.

[2] Adequate evidence that existing towers are not of sufficient height to meet the applicant's engineering requirements, and why.

[3] Adequate evidence that the existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

[4] Adequate evidence that the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

[5] Adequate evidence that fees, costs, or contractual provisions required by the owner in order to share the existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

[6] Adequate evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable.

(e) The applicant proposing to build a new tower shall submit an agreement with the City that allows for the maximum allowance of co-location upon the new structure. Such statement shall become a condition to any approval. This statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other telecommunication providers. All agreements shall outline a procedure requiring all disputes on terms and conditions of co-location be submitted to a recognized commercial arbitration board for its review. The arbitration board's decision shall become final and binding. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of the City and grounds for a denial.

(f) The applicant shall submit the engineering information detailing the size and coverage required for the facility location. The Planning Board may

have this information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations. Cost for this review shall be borne by the applicant in accordance with RSA 676:4, I(g).

(g) Each applicant for a tower, monopole, or alternative structure shall submit a design certified by a competent engineer that the structure has been engineered to accommodate the maximum number and type of all compatible telecommunication media antennas, but in no event shall the applicant provide fewer than three additional co-locations from three additional providers. This provision may be modified based on visual or aesthetic impacts.

E. Performance standards. The uses listed in this section are deemed to be permitted uses and, at the discretion of the Planning Board, may require further review under this chapter in accordance with Chapter 153, Site Review Regulations, and all other applicable ordinances and regulations of the City of Dover.

(1) Principal or secondary use. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(a) Subject to this section, an applicant who obtains site review approval to site under this section as a secondary and permitted use may construct telecommunications facilities in addition to the existing principal use. Antennas and towers may be considered either principal or secondary uses. A different existing use or an existing structure shall not preclude the installation of an antenna or tower on such lot.

(b) For purposes of determining whether siting of an antenna or tower complies with zoning district development regulations, including but not limited to area, setback, lot coverage, frontage, and other dimensional requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this section shall not be deemed the expansion of a nonconforming use or structure. Further, said facilities shall not be considered an accessory use.

(2) Height requirements. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(a) New tower construction: 180 feet maximum.

(b) Co-location on existing tower and antennas: current height plus 15% (not to exceed 200 feet).

(c) Co-location on alternative tower structures: current height plus 12 feet.

(d) The height requirements and limitations outlined above shall preempt all other height regulations as required by this chapter and shall apply only to telecommunications facilities. A conditional use permit may be granted by the Planning Board to waive the height limitations only if the intent of this chapter is preserved (e.g., when it can be shown that there would be no

increase in adverse impact) and the increased height would provide a greater opportunity for co-location, provided that:

[1] The granting of the permit will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.

[2] A written narrative is provided, identifying a particular hardship or special circumstance that warrants granting the permit. Factors to be considered, but not limited to, in determining a hardship or special circumstance shall include:

[a] Topography and other site features.

[b] Availability of alternative site locations.

[c] Property location as relates to required coverage area.

[d] Size/magnitude of project and availability of co-location.

[3] Necessary federal approvals and/or recommendations have been received.

(3) Setbacks and separation. The following setbacks and separation requirements shall apply only to telecommunications facilities and shall supersede all other such standards found elsewhere in this chapter or other applicable City ordinances and regulations:

(a) Towers shall be set back a distance equal to 100% of the height of the tower from any boundary line or other principal use structure located on the property the tower is sited upon. This provision may be waived by the Planning Board, provided the intent of this chapter remains intact.

(b) Tower guys and all other accessory facilities shall conform to the minimum setback requirement of the zoning district in which said facilities and appurtenances are located.

(4) Security fencing. Towers shall be enclosed by appropriate security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device.

(5) Landscaping.

(a) Towers shall be landscaped with a buffer of suitable vegetation that effectively screens the view of the tower compound from abutting residential property. The minimum standard buffer shall consist of a landscaped strip 10 feet wide outside the perimeter of the tower compound. Existing (natural) vegetation is preferred.

(b) The requirement for landscaped screening may be reduced or waived entirely by the Planning Board in locations where the visual impact of the tower compound to abutting residential uses is deemed to be minimal.

(c) Existing mature tree growth and natural land forms present on the site shall be preserved to the maximum extent possible. Natural growth on the site may be deemed a sufficient buffer on large, remote, wooded lots.

(6) Aesthetics and lighting. The guidelines in this subsection shall govern the location of all towers and the installation of all antennas. However, the Planning Board may waive those requirements, via conditional use permit, only if it determines that the goals of this chapter are served thereby.

(a) Towers shall either maintain a galvanized steel finish, subject to any applicable standards of the FAA, or be painted a neutral color, so as to reduce visual obtrusiveness.

(b) At a tower site, the design of buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and previously developed environment. These buildings and facilities shall also be subject to all other requirements of Chapter 153, Site Review Regulations.

(c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(d) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

(e) Towers shall not contain any permanent or temporary signs, writing, symbols, or any graphic representation of any kind.

(7) Federal requirements. All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with Subsection I, of the tower or antenna, as abandoned, at the owner's expense through the execution of the posted security.

(8) Building codes; safety standards. To ensure the structural integrity of towers and antennas, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a

tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within 30 days, such action shall constitute an abandonment and grounds for the removal, in accordance with Subsection I, of the tower or antenna, as abandoned, at the owner's expense through execution of the posted security.

(9) Certification of safety standards and continued need. The owner of a tower or antenna shall provide an annual certification to the Planning and Community Development Department verifying compliance with building codes and safety standards. The certification shall also verify that the structure is still needed for the operation of the owner's network. Said certification shall be submitted to the Planning and Community Development Department prior to December 31 of each year. Any owner who has failed to submit an annual certification shall be notified of the violation. A thirty-day extension for submission of a certification may be approved at the discretion of the Planning and Community Development Department. After notification of a violation by the Planning and Community Development Department, subsequent failure to submit an annual certification shall constitute abandonment and be grounds for removal in accordance with Subsection I. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

F. Exemptions.

(1) City use. Antennas or towers owned, performing City functions, or otherwise controlled by the City shall be exempt from the requirements of this section. This exemption shall only be available if a license or lease authorizing such antenna or tower has been approved by the City Council, and the City Council elects, subject to the New Hampshire Revised Statutes Annotated, to seek said exemption.

(2) Amateur radio. This section shall not govern any tower or the installation of any antenna that is owned and operated by a federally licensed amateur radio station operator and the tower or antenna is used for the exclusive purpose of amateur radio operations. This application adopts the provisions and limitations as referenced in RSA 674:16, IV.

(3) Citizens band radios. This section shall not govern the installation of any antenna that is used for the exclusive purpose of facilitating the use of a citizens band radio, except any towers in this subsection shall be limited to 70 feet in height.

(4) Receive-only antennas. This section shall not govern any tower or the installation of any antenna that is used exclusively for receive-only antennas, except any towers in this subsection shall be limited to 70 feet in height.

(5) Essential services and public utilities. Henceforth, from the date of adoption of this section, telecommunications facilities shall not be considered as infrastructure, essential services, or public utilities, as defined or used elsewhere in the City's ordinances and regulations. Siting for telecommunications facilities shall be considered a use of land and is addressed by this section.

G. Restrictions for siting on Garrison Hill. Notwithstanding the provisions outlined in Subsection C, the siting of additional towers or monopoles or use of alternative

structures shall be prohibited on Garrison Hill in the City of Dover. Placement of new antenna media on the existing towers on Garrison Hill shall be allowed only after obtaining a conditional use permit from the Planning Board. However, the replacement and/or repair of existing antenna media on towers on Garrison Hill is allowed by the Building Inspector, provided that there is no increase in the size or visual impact of the antennas. Performance standards to ensure that vistas, view sheds and view corridors are protected shall include the following elements:

(1) The applicant has demonstrated that the appearance, form or shape, color, and size of any antenna media to be attached to preexisting towers or monopole structures is concealed or camouflaged or otherwise is harmonious with the immediately surrounding environment at Garrison Hill.

(2) Any equipment shelters supporting such additional antenna shall be designed consistent with one of the following design standards:

(a) Equipment shelter shall be located in underground vaults;

(b) Equipment shelter shall be designed consistent with northern New England architectural styles and materials, with a roof pitch of at least 10 1/2 and wood clapboard, red brick or shingle siding; or

(c) Equipment shelters shall be camouflaged behind an effective, year-round, landscaped buffer equal to the height of the proposed building, and/or wooden fence. The Planning Board shall determine the style of fencing and/or landscaped buffer that is compatible with the neighborhood.

(3) Any antenna located on an existing structure shall be concealed, to the extent technologically and commercially practicable, behind existing architectural features to limit the visibility of the antenna from public ways.

H. Bonding and security and insurance. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the tower is abandoned and the tower owner is incapable and unwilling to remove the tower in accordance with Subsection I below.

(2) Bonding and surety shall be consistent with the provisions in Chapter 157, Land Subdivision Regulations. Furthermore, the Planning Board shall require the submission of proof of adequate insurance covering accident or damage.

I. Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of 12 months, or is no longer needed for the operation of the network, shall be considered abandoned and hazardous to the public health and safety. The owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the Zoning Administrator, notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing notice per City regulations, with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within 90 days, the

City may execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

§ 170-23. Impact fees. [Amended 6-22-2016 by Ord. No. 2016.06.08-010]

A. Purpose. This section is enacted pursuant to RSA 674:16 and 674:21 and in order to: **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(1) Assist in the implementation of the Master Plan and Capital Improvements Program.

(2) Provide adequate public capital facilities necessitated by new development.

(3) Assess an equitable share of the cost of public capital facilities to new development.

B. Authority.

(1) Impact fees may be assessed to new development to compensate the City of Dover and the School District for the proportional share of capital facilities generated by new development in the City of Dover. Any person who seeks approval for new development may be required to pay an impact fee in the manner set forth herein.

(2) The Planning Board may, as a condition of approval of any subdivision, site plan, or change of use, and when consistent with applicable Board regulations, require an applicant to pay an exaction for off-site improvements necessitated by the development.

(3) Nothing in this section shall be construed to limit the existing authority of the Planning Board to disapprove proposed development which is scattered or premature, or which would require an excessive expenditure of public funds, or which would otherwise violate applicable ordinances and regulations. Nothing in this section shall be construed to limit the Planning Board's authority to require off-site work to be performed by the applicant, in lieu of paying an exaction for off-site improvements, or the Board's authority to impose other types of conditions of approval. Nothing in this section shall be construed to affect types of fees governed by other statutes, ordinances or regulations.

C. Assessment methodology.

(1) Proportionality. The amount of the impact fee shall be calculated by the Planning Board to be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. The Planning Board may prepare, adopt, or amend studies or reports that are consistent with the above standards and which define a methodology for impact fee assessment for public capital facilities and impact fee assessment schedules therefor.

(2) Existing deficiencies. Upgrading of existing facilities and structures, the need for which is not created by new development, shall not be paid for by impact fees.

(3) In the case of new development created by conversion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee assessed for the new use as compared to the highest impact fee that was or would have been assessed for the previous use in existence on or after the effective date of this chapter. **[Added 8-22-2018 by Ord. No. 2018.08.08-009]**

D. Administration.

(1) Accounting. In accord with RSA 673:16, II, and 674:21, V(c), impact fees shall be accounted for separately, shall be segregated from the City's general fund, may be spent upon order of the City Council, and shall be used solely for the capital improvements for which they were collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fee was collected to meet. In the event that bonds or similar debt instruments have been or will be issued by the City of Dover or the Dover School District for the funding of capital improvements that are the subject of impact fee assessment, impact fees from the appropriate related capital facility impact fee accounts may be applied to pay debt service on such bonds or similar debt instruments.

(2) Assessment and collection.

(a) Where subdivision or site plan approval is required for new development, impact fees shall be assessed at the time of Planning Board approval of a subdivision plat or site plan. The amount of such assessment shall be applicable to subsequent building construction within the approved subdivision or site plan for a period of five years from the date of Planning Board approval. Once this five-year period has expired, remaining construction for which no building permit has been obtained shall be subject to the adopted fee schedule in force at the time the building permit application is made. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(b) With the exception of those plats and site plans meeting the conditions in Subsection D(2)(a) above, and when no other Planning Board approval is required or has been made prior to the adoption or amendment of this section, impact fees shall be assessed upon the issuance of a building permit. In such cases, the impact fee schedule in force at the time of the building permit application shall apply.

(c) Impact fees will be collected prior to or at the time of issuance of a certificate of occupancy, unless the Planning Board establishes an alternate, mutually acceptable schedule of payment of impact fees imposed on an assessed property. If an alternate schedule of payment is established, the Planning Board may require security, in the form of a cash bond, letter of credit, or performance bond, so as to guarantee future payment of impact fees. In no case will an impact fee payment be allowed to be made after the issuance of a certificate of occupancy. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(3) Security. In the interim between assessment and collection, the Building Inspector may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed impact fees.

(4) Refund of fees paid. The current owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest, under the following circumstances:

(a) When either the full or partial portion of the impact fee, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six years from the date of the full and final payment of the fee; or

(b) When the City of Dover or, in the case of school impact fees, the Dover School District, has failed, within the period of six years from the date of the full and final payment of such fee, to appropriate its proportionate non-impact-fee share of related capital improvement costs.

E. Appeals.

(1) A party aggrieved by a decision made by the Building Inspector regarding the assessment or collection of impact fees authorized by this section may appeal such decision to the Planning Board.

(2) In accord with RSA 676:5, III, appeals of the decision of the Planning Board in administering this section may be made to Superior Court, as provided in RSA 676:5, III, and 677:15.

F. Waivers. The Planning Board may grant full or partial waivers of impact fees where the Planning Board finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed: **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) The Planning Board may agree to waive all or part of an impact fee assessment and accept in lieu of a cash payment a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of impact fees under this provision that would involve a contribution of real property or the construction of capital facilities, the Planning Board shall submit a copy of the waiver request to the City Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind and may not be credited to other categories of impact fee assessment. The applicant shall pay all costs incurred by the City for the review of such proposal, including consultant and counsel fees.

§ 170-24. Accessory dwelling units. [Amended 6-22-2016 by Ord. No. 2016.06.08-010]

Where permitted, an accessory dwelling unit shall comply with the following:

A. A maximum of one accessory dwelling unit (ADU) per property is permitted. In residential districts other than the R-40, more than one ADU may be allowed provided the second unit meets HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority. An ADU shall not be permitted on property where more than one dwelling unit currently exists. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

B. Exterior alterations, enlargements, or extensions of the single-family dwelling or detached accessory structure are permitted in order to accommodate the accessory dwelling unit. However, no such change is permitted which would alter the appearance of the single-family dwelling to look like a duplex or any other multifamily structure (i.e., the house should not look like it was designed to occupy more than one family). The construction of any accessways into the house and/or detached garage which are required for access to the accessory dwelling unit shall be located to the side or rear of the building whenever possible.

C. An ADU shall have an area of no less than 300 square feet and no greater than 800 square feet. If located in a detached accessory structure, the accessory dwelling unit may be located on either floor of the structure. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

D. A minimum of one dedicated off-street parking space shall be provided for the ADU.

E. The single-family dwelling (and detached accessory structure, when applicable) and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the single-family dwelling. In order to ensure compliance with this requirement, the property owners at the time the ADU is established shall be required to execute a restrictive covenant running in favor of the City, which shall be recorded in the Strafford County Registry of Deeds, and a copy of which shall be provided to the Planning and Community Development Department and the City Assessor prior to the issuance of a certificate of occupancy.

F. The property owner must occupy one of the two dwelling units. Electric, water and sewer utilities shall be metered on a single bill.

G. Where municipal sewer service is not provided, the septic system shall meet New Hampshire Department of Environmental Services, Water Division, requirements for the combined system demand for total occupancy of the premises. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

H. A certificate of use issued by the Zoning Administrator is required to verify conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1 following the date of approval of the certificate of use and then by every January 1 thereafter for so long as the accessory dwelling unit continues. Fees shall be levied as set forth in the City of Dover Fee Schedule, as amended annually, for accessory dwelling unit certificates of use and renewals.

ARTICLE VII

Floodplain Development
[Amended 8-19-2015 by Ord. No. 2015.07.22-017]

§ 170-25. General provisions. [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 9-11-2019 by Ord. No. 2019.08.28-012; 7-22-2020 by Ord. No. 2020.07.08-006]

A. Authority. These rules and regulations are adopted by the City of Dover pursuant of the authority granted by RSA 674:16.

B. Conflict and severability. If any provision of this article differs or appears to conflict with any other provision of this chapter or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling. Should any provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this section as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

C. Purpose. Certain areas of the City of Dover are subject to periodic flooding, causing serious damage to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.[9] Therefore, the City of Dover has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (PL 90-488, as amended) as detailed in this article. The City of Dover recognizes the need to minimize the potential loss of life and property during periods of flooding by regulating the alteration and/or the development of those areas of special flood hazard identified by FEMA. The following regulations shall apply to all lands designated as areas of special flood hazard by FEMA in its Flood Insurance Study for the County of Strafford, New Hampshire, dated September 30, 2015, together with the following associated Flood Insurance Rate Map panel numbers for the City of Dover: 33017CO218E, 33017CO302E, 33017CO305E, 33017CO310E, 33017CO320E, 33017CO330E, 33017CO340E, and 33017CO0405E, dated September 30, 2015, which are declared to be a part of this chapter and are hereby incorporated by reference. The Flood Insurance Study is on file at the Department of Planning and Community Development.

D. Definitions. As used in this section, the following terms mean:

AREA OF SHALLOW FLOODING — A designated AO Zone on the FIRM with a one-percent or greater annual possibility of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within the City of Dover subject to a one-percent or greater annual possibility of flooding in any given year. The area is designated on the FIRM as Zones A, AO, and AE.

9. **Editor's Note: See 42 U.S.C. § 4001 et seq.**

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION — The water surface elevation having a one-percent chance of being equaled or exceeded in any given year as defined on the Flood Insurance Rate Map (FIRM) currently in effect and the Flood Insurance Study (FIS) report. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

BASEMENT — Any area of a building having its floor subgrade on all sides.

BUILDING — "Structure" as defined in this subsection.

CRITICAL FACILITIES — Facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, and water supply and waste treatment facilities. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

FEMA — Federal Emergency Management Agency.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) — An official map incorporated within this chapter on which FEMA has delineated both the areas of special flood hazard and the risk premium zones that are applicable to the City of Dover.

FLOOD INSURANCE STUDY (FIS) — An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

FLOODPLAIN — Any land area which is susceptible to being inundated by water from any source. (See definition of "flooding.")

FLOODPROOFING or FLOODPROOFED — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

FREEBOARD — An additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE — Any structure that is listed individually in the National Register of Historic Places (maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for

individual listing on the National Register; certified or preliminarily determined by the Secretary as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or individually listed on a local inventory of historic places, provided the local historic preservation program has been certified by either the appropriate state or federal program.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements set forth herein.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. "Manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site greater than 180 days. This includes manufactured homes located in a manufactured home park or manufactured home subdivision.

MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION — A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL — The National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after April 9, 1980, and includes any subsequent improvements to such structures.

RECREATIONAL VEHICLE — A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation more than a designated height.

RIVERINE — Relating to, formed by or resembling a river, including tributaries, stream, brook, etc.

START OF CONSTRUCTION — The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. "Start of construction" includes substantial improvements. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the

installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT or SUBSTANTIALLY IMPROVED — Any reconstruction, rehabilitation, or other improvement to a structure, taking place during a five-year period, in which the cumulative cost equals or exceeds 50% of market value of the structure before the start of construction of the improvement. The period of accumulation begins when the first improvement of the structure is permitted subsequent to September 1, 2021. This term includes structures that have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include either: **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the Building Official, and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places, provided that the alteration will not preclude the structure's continued designation as an historic structure.

UNSUITABLE DEVELOPMENT AREA — The area of a site that includes wetlands, water bodies, slopes exceeding a grade of 20% and totaling more than 2,000 square feet of contiguous area, land used for septic systems, floodways, and floodway fringe within the 100-year floodplain as shown on the latest FEMA maps accepted by the City, and public utility easements. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

VIOLATION — The failure of a structure or other development to be fully compliant with this section. A structure or other development without an elevation certificate, other certifications, or other evidence of compliance required herein is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION — The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains.

E. Development review.

(1) All proposed development in any area of special flood hazard shall require a permit. Prior to the issuance of a building permit by the Building Official, whether for new construction (manufactured homes included) or the substantial improvement thereon, the Department of Planning and Community Development

shall determine whether said project site is located in an area of special flood hazard. If said project site is so located, wholly or in part, in an area of special flood hazard, then compliance with the rules and regulations contained herein shall be required.

(2) Prior to the granting of subdivision approval, the Zoning Administrator shall determine whether the property is located within an area of special flood hazard, and, if so situated, compliance with the rules and regulations contained herein shall be required.

(3) Prior to the granting of site review approval, the Zoning Administrator shall determine whether said site is located within an area of special flood hazard, and, if so situated, compliance with the rules and regulations contained herein shall be required.

(4) Duties and responsibilities of the Zoning Administrator concerning development review shall include, but are not limited to: **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) Ensure compliance with the rules and regulations contained herein.

(b) Ensure prior to any alteration or relocation of a watercourse that the required submittal and notification requirements in this section are met.

(c) Ensure the administrative and enforcement procedures detailed in RSA 676 are followed for any violations of this section.

(5) For all development in an area of special flood area that proposes to improve an existing structure, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, repairs of damage from any origin (such as, but not limited to, flood, fire, wind or snow) and any other improvement of or work on such structure, including within its existing footprint, the Zoning Administrator shall consult with the Building Official who shall determine if the proposed work constitutes substantial improvement or repair of substantial damage as defined herein. This determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement." If the applicant disagrees with the Building Official's substantial improvement or repair of substantial damage determination, it may appeal said determination to the Zoning Board of Adjustment per § 170-59D. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

F. Required data. Applications for development shall include the following:

(1) Plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; fill, storage of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required where appropriate:

(a) A certified FEMA elevation certificate with as-built elevation data in relation to mean sea level of the lowest floor, including basement, and including whether or not such structures contain a basement.

(b) Elevation, in relation to mean sea level, to which any structure has been floodproofed.

(c) Certification by a registered engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection K(2).

(2) Permit review. The Department of Planning and Community Development shall:

(a) Review all development permits to determine that the requirements of this section have been satisfied.

(b) Review all development permits to determine that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1334. It shall be the responsibility of the applicant to certify these assurances to the Department of Planning and Community Development.

(c) The Department of Planning and Community Development shall review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the areas of special flood hazard. For purposes of this section, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot at any point within the City of Dover.

G. Information to be obtained and maintained.

(1) The Department of Planning and Community Development shall maintain and record for public inspection the certification of floodproofing required in Subsection K(2) and a certified FEMA elevation certificate with the as-built elevation, in relation to mean sea level, of the lowest floor, including the basement, of all new or substantially improved structures and shall include whether or not such structures contain a basement and, if the structure has been floodproofed, the as-built elevation, in relation to mean sea level, to which the structure was floodproofed. This information must be furnished by the applicant.

(2) In areas of special flood hazard, the Department of Planning and Community Development shall determine the base flood elevation in the following order of precedence according to the data available:

(a) In Zone AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.

(b) In Zone A, the Building Official shall obtain, review and reasonably utilize any base flood elevation data available from any federal, state or other source, including data submitted for development proposals (i.e., subdivisions, site review plans, etc.) to the community.

(c) In Zone A, where the base flood elevation is not available, the base flood elevation shall be at least two feet above the highest adjacent grade.

(d) In Zone AO, the base flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or, if no depth number is specified on the FIRM, at least two feet.

(3) The Department of Planning and Community Development shall maintain for public inspection all records pertaining to the provisions of this article.

H. Alteration of watercourses.

(1) In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Planning Board in the form of a conditional use permit application, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Department of Planning and Community Development, including notice of all scheduled hearings before the Wetlands Bureau and notice of scheduled hearings before the Planning Board for conditional use permits as required by § 170-27, Conservation District, and § 170-28, Wetland Protection District.

(2) The applicant shall submit to the Planning Board, in the form of a conditional use permit application, certification provided by a professional engineer assuring that the flood-carrying capacity of an altered or relocated watercourse can and will be maintained.

I. Interpretation of boundaries.

(1) The Department of Planning and Community Development shall make interpretations, where needed, as to the exact location of the boundaries of the area of special flood hazard in a construction proposal; for example, where there appears to be a conflict between a mapped boundary and actual field conditions. To assist in this determination, the applicant may be required to submit an accurate site plan showing flooding relationships, including elevations.

(2) To determine accurately if a structure is located in an area of special flood hazard, the owner or applicant may hire a licensed land surveyor or certified engineer to measure the distance from a physical feature on the FIRM to the structure's location.

(3) The structure is considered borderline if it is located within 100 feet of a boundary. A certified engineer shall compare the base flood elevation and the lowest ground elevation at the borderline structure's location to determine if the structure is in or out of the area of special flood hazard. If the engineer certifies the structure as out of the area of special flood hazard, but the Planning and Community Development Department or Community Services Department has historic or other data that confirms the property is prone to flooding, the Planning and Community Development Department may request a letter of map amendment (LOMA) from FEMA.

J. General standards. In all areas of special flood hazard, the following standards are required:

(1) Anchoring.

(a) All new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) All manufactured homes to be placed or substantially improved within areas of special flood hazard shall be elevated on a permanent foundation, such that the lowest floor of the manufactured home is at least two feet above the base flood elevation, and shall be securely anchored to resist flotation, collapse or lateral movement by providing over-the-top or frame ties to ground anchors. Specific requirements shall be that:

[1] Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side, or frame ties shall be provided at each corner of the home, with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side.

[2] All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

[3] Any additions to the manufactured home shall be similarly anchored.

(2) Construction materials and methods.

(a) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are elevated at least two feet above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(3) Utilities and storage. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) The applicant shall provide the Department of Planning and Community Development with assurance that all new and replacement water supply systems, including on-site systems, shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(b) The applicant shall provide the Department of Planning and Community Development with assurance that new and replacement sanitary sewerage systems, including on-site systems, shall be designed to minimize or

eliminate infiltration of floodwaters into the systems and discharge from the systems into the floodwaters.

(c) The applicant shall provide the Department of Planning and Community Development with assurance that on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) The storage of hazardous materials is prohibited.

(4) Subdivision proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.

(c) All subdivision proposals shall include adequate drainage paths to guide floodwaters around and away from the proposed structures and to reduce exposure to flood damage.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contains at least 50 lots or five acres, whichever is less.

(e) Specific provisions on unsuitable development areas which include floodplains are referenced in and consistent with Dover Code Chapter 157, Land Subdivision Regulations (§§ 157-21, 157-22, and 157-60), and Chapter 170, Zoning (§§ 170-6, 170-29, and 170-32). **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

K. Specific standards. In all areas of special flood hazard where base flood elevation data has been established per Subsection G(2), the following provisions are required:

(1) Residential construction, new construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to at least two feet above base flood elevation.

(2) All new construction or substantial improvements of nonresidential structures shall have the lowest floor, including basement, elevated to at least two feet above the base flood elevation or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that below the base flood elevation the structure is watertight at least two feet above the base flood elevation with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.

(3) Manufactured homes.

(a) Manufactured homes shall be anchored in accordance with Subsection J(1)(b). **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(b) For new manufactured home parks and manufactured home subdivisions; for expansions to existing manufactured home parks and manufactured home subdivisions; for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured park or manufactured home subdivision:

[1] Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at least two feet above the base flood level.

[2] Adequate surface drainage and access for a hauler are provided.

[3] In the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart and reinforcement is provided for pilings more than six feet above the ground level.

(c) Recreational vehicles placed on sites within areas of special flood hazard shall either: **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

[1] Be on the site for fewer than 180 days;

[2] Be fully licensed and ready for highway use; or

[3] Meet all standards of Subsection E(1), (2) and (3) and the elevation and anchoring requirements for manufactured homes in Subsection K(3)(a) and (b).

(4) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted, provided that the enclosed areas meet the following requirements:

(a) The enclosed area is unfinished or flood-resistant, usable solely for parking of vehicles, building access or storage.

(b) The area is not a basement.

(c) The area shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional engineer or architect or must meet or exceed the following minimum criteria:

[1] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

[2] The bottom of all openings shall be no higher than one foot above grade.

[3] Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(5) Proposed structures to be located on slopes within Zone AO shall include adequate drainage paths to guide floodwaters around and away from the proposed structures.

(6) Accessory structures. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) New construction and substantial improvement of any accessory structures with finished or habitable space shall follow the same requirements as the principal structure as specified in Subsections J and K.

(b) Any new construction and substantial improvement of any accessory structures without finished or habitable space shall not be used for the storage of hazardous materials.

(c) It is recommended that any new construction and substantial improvement of any accessory structures without finished or habitable space meet the following standards:

[1] The structure is not located in the floodway;

[2] The structure is wet floodproofed and designed to allow for the automatic entry and exit of floodwater as detailed in Subsection K(4)(c);

[3] When possible, the structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than the primary structure; and

[4] Service facilities such as electrical, mechanical and heating equipment shall be elevated or dry floodproofed to or above the base flood elevation.

(7) All new residential structures or residential developments and all new nonresidential structures and nonresidential developments shall have all driveways and/or all road access or streets constructed with the driving surface at or above base flood elevation to ensure safe ingress and egress during a 100-year flood. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(8) Critical facilities. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) All new critical facilities are prohibited within areas of special flood hazard.

(b) Critical facilities that are to be replaced, substantially improved or meet the definition of "substantial damage" shall be constructed so that the lowest floor, including basement, shall be elevated or dry floodproofed at least two feet above the areas of special flood hazard. A critical facility shall have at least one access road connected to land outside the areas of special flood hazard and is capable of accommodating emergency services vehicles. The top of the access road shall be no lower than six inches below the base flood elevation of the area of special flood hazard.

L. Regulatory floodways. Located within areas of special flood hazard established in Subsections C and I are areas designated as regulatory floodways. Since the regulatory floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(1) Along watercourses that have a designated regulatory floodway, no encroachments, including fill, new construction, substantial improvements or other development, are allowed within the designated regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge. In Zone A, the Department of Planning and Community Development shall obtain, review and reasonably utilize any regulatory floodway data available from a federal, state or other source as criteria for requiring that development meet the regulatory floodway requirements of this subsection.

(2) Along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvements or other development (including fill), shall be permitted within Zone AE unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(3) If Subsection L(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions set forth herein.

M. Variances and appeals.

(1) Any order, requirement, decision or determination of any official of the Department of Planning and Community Development made under this section may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.

(2) If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the applicant shall have the burden of showing, in addition to the usual variance standards under New Hampshire statute, that:

(a) The variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

(b) If the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.

(c) The variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) The Zoning Board of Adjustment shall notify the applicant, in writing, that the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and such construction below the base level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

(4) The Department of Planning and Community Development shall:

(a) Maintain a record of all variance actions, including the justification for their issuance; and

(b) Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

ARTICLE VIII
Overriding Districts

§ 170-26. Additional regulations.

All overriding districts shall be superimposed upon other zoning districts established in this chapter. The regulations stipulated by the overriding districts shall be in addition to the regulations of the underlying zoning districts and other applicable City ordinances.

§ 170-27. Conservation District. [Amended 6-22-2016 by Ord. No. 2016.06.08-010]

A. Purpose. In the interest of environmental quality, public health, resource conservation and the general welfare of the public, the regulations of this district are designed to guide development activities in areas with extended periods of high-water table, with susceptibility to flooding and with unique or fragile geologic, ecological or nature features as follows:

(1) To prevent the development of structures and land uses on naturally occurring wetlands and flood-prone areas which would contribute to pollution of surface water and groundwater by sewage or other contaminants.

(2) To prevent the destruction of natural wetlands or aquifer areas which provide flood protection, recharge of groundwater supply and augmentation of stream flow during dry periods.

(3) To prevent unnecessary or excessive expenses to the City to provide and maintain essential services and utilities which arise because of inharmonious use of wetlands and other environmentally sensitive areas.

(4) To encourage those uses that can be most appropriately and safely located in wetland and other environmentally sensitive areas.

(5) To preserve existing natural drainage systems and the vegetation and wildlife habitats therein.

(6) To preserve wetlands and other environmentally sensitive areas for other ecological reasons, inter alia, those cited in RSA 483-B.

(7) To preserve and enhance those aesthetic values associated with waterways and the natural shoreline.

(8) To protect public health and safety by minimizing hazards, including soil erosion, stormwater runoff, slope instability risks, and environmental degradation, associated with development on steep and/or unstable slopes.

B. Location. The Conservation District is hereby determined to consist of the following:

(1) Those areas within a minimum of 100 feet of the reference line (as defined in RSA 483-B:4, XVII) of any water body, river, stream, swamp or marsh subject to tidal action and those areas within a minimum of 100 feet of the reference line (as defined in RSA 483-B:4, XVII) of any freshwater river or natural pond.

(2) Those areas within a minimum of 50 feet of the reference line (as defined in RSA 483-B:4, XVII) of any stream, brook or other freshwater body.

(3) Those areas owned by and situated in the City of Dover and known as lots Map 28, Lot 32; Map D, Lot 1; Map C, Lots 5, 7 and 12; Map H, Lots 58 and 63; Map 40, Lots 10A, 13, and 17; Map F, Lots 14 and 42; Map A, Lot 29A-1; and Map 37, Lot 40.

(4) Those areas with slopes in excess of 20% [e.g., four feet vertical in twenty feet horizontal distance) and totaling more than 2,000 square feet of contiguous area.

C. Conditional use permits. Conditional use permits may be granted by the Planning Board for the following uses within the Conservation District:

(1) Streets, roads and other accessways and utility rights-of-way, communications equipment, and easements, including power lines and pipelines, if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands or other environmentally sensitive areas, where it is physically impossible to locate such ways over land not so zoned. Economic advantage alone shall not be deemed a sufficient reason for such a routing.

(2) The undertaking of a use not otherwise permitted in the Conservation District, which may include the erection of a structure, dredging, filling, draining or otherwise altering the surface configuration of the land, provided that:

(a) The applicant shall demonstrate that the proposed use is essential to the productive use of land not in the district and is located and constructed to minimize any detrimental impact of such use upon the surface waters or other environmentally sensitive areas, where it is physically impossible to locate such use on land not in the district, and economic advantage alone shall not be deemed a sufficient reason for such proposed use.

(b) A soil erosion and sedimentation control plan is submitted and followed to verify the planned avoidance of sediment pollutant runoff to bodies of water. This plan will address the following (if applicable), but should not be limited to:

[1] Stabilization of exposed soils and soil stockpiles;

[2] Protection of steep slopes from erosion;

[3] Construction site waste management;

[4] Inspection and maintenance of runoff control measures (BMPs);

[5] Minimization of land clearing;

[6] Stabilization of drainageways;

[7] Installation of perimeter controls;

[8] Installation of sediment trapping devices; and

[9] Storm drain inlet protection.

(c) Necessary state and federal approvals have been applied for. Said permits shall be received prior to the issuance of the conditional use permit by the Planning and Community Development Department. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(d) A written review by the Conservation Commission of the environmental effects of the proposed use upon the area in question has been submitted. The Commission's review shall address the following, but is not limited to:

[1] Attempted avoidance of the impact;

[2] Minimization of the impact;

[3] Planned mitigation of the effects of the impact; and

[4] Efficacy of the soil erosion and sedimentation control plan.

D. Procedures for subdivision. No subdivision of land shall be permitted which would create a lot or parcel or leave as a remainder a lot or parcel which does not have, outside the Conservation District, an area equal to the minimum lot size required for the underlying zoning district, unless such a lot or parcel is to be permanently dedicated to open space or natural uses and is to be dedicated to a public or private agency having as a purpose the holding of such land in a natural state in perpetuity. The lot area outside of the Conservation District may be noncontiguous. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

E. Other provisions. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(1) Reference is hereby made to RSA 483-B, the Comprehensive Shoreland Protection Act, which evidences a state concern over preservation of such lands. It is intended that the provisions of that statute shall apply and that in all cases, the more restrictive law should apply.

(2) In all cases where the Conservation District is superimposed over another zoning district in the City, that district whose regulations are the more restrictive shall apply.

(3) The Conservation District adopted herein is hereby designated as open space under RSA 79-A, and all relevant provisions of RSA 79-A relating to current use assessment of such property shall apply.

(4) The provisions of RSA 483-B:9, V(a), shall apply to the portions of the Conservation District as described in Subsection B(1) and (2) that are within 50 feet of the reference line (as defined in RSA 483-B:4, XVII). Limitations include restrictions on chemical and fertilizer use, preservation of rocks and stumps and their root systems, and restrictions on removal of ground cover, trees and saplings.

(5) The provisions of RSA 483-B:9, V(b), shall apply to the portion of the Conservation District as described in Subsection B(1) that is between 50 and 100 feet of the reference line (as defined in RSA 483-B:4, XVII). Limitations include restrictions on the amount of vegetation that can be removed within the area.

(6) Upon the discretion of the Building Inspector, a structure may be erected within the Conservation District as described in Subsection B(1) up to but never closer than 75 feet to the reference line (as defined in RSA 483-B:4, XVII), provided that:

(a) The lot existed within the Conservation District, as recorded in the Strafford County Registry of Deeds, prior to the effective date of this subsection.

(b) The structure cannot feasibly be constructed on a portion or portions of the lot which are outside the 100-foot setback of the Conservation District.

(7) Customary accessory structures shall be allowed within the Conservation District as described in Subsection B(1) but in no case closer than 75 feet to the reference line (as defined in RSA 483-B:4, XVII).

(8) Projects which have been officially accepted by the Planning Board prior to the October 10, 1986, amendment posting date shall be exempt of all revisions herein.

(9) The Planning Board may assess the applicant reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.

(10) The City shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

F. The provisions of the Conservation District adopted herein shall not be binding on Cochecho waterfront lots located in Urban Exemption Area, as approved by the New Hampshire Department of Environmental Services Commissioner on August 4, 2008, per File No. 2008-2000372. (See map on file in the Planning and Community Development Department.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

G. Boat docks. A boat dock may be allowed on a residential lot, provided that the following provisions are met: **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) The dock is for recreational and accessory use only.

(2) One dock is allowed per lot.

(3) The beneficiary of an easement or right-of-way, recorded at the Strafford County Registry of Deeds prior to the October 10, 1986, amendment posting date for the purpose of providing water access to nonwaterfront lots, shall be entitled to one boat dock within the prescribed easement or right-of-way.

(4) All applicable state and federal approvals have been received.

(5) A dock may be provided a maximum space for two slips. Joint use of private docks by adjoining waterfront residents, not to exceed two slips per lot, shall be encouraged when appropriate.

§ 170-28. Wetland Protection District.

A. Authority. By the authority granted under RSA 674:16 and 674:17, this section is designed to protect the wetland areas and surface waters within the City of Dover from certain activities, the impact of which results in the alteration or destruction of wetland areas.

B. Purpose and intent. It is intended that this section shall:

(1) Prevent the development of structures and land uses on wetlands which will contribute to pollution of surface water and groundwater by sewage, toxic substances or sedimentation.

(2) Prevent the destruction of, or significant changes to, wetlands which provide critical functions and values including but not limited to: flood protection, habitat for wildlife dependent on wetlands, enhance water quality (nutrient trapping/ retention/transformation and sediment trapping), protect ecological integrity, recharge the groundwater supply and augment stream flow during dry periods and filtration of water flowing into ponds and streams. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(3) Avoid and minimize impacts to wetlands and wetland buffers to the maximum extent practicable and, when impacts are unavoidable, minimize impacts to the greatest extent practicable. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(4) Protect unique and unusual natural areas and rare, threatened, and endangered species.

(5) Protect wildlife habitats, maintain ecological balances and enhance ecological values such as those cited in RSA 482-A:1.

(6) Protect potential water supplies and existing aquifers (water-bearing stratum) and aquifer recharge areas.

(7) Prevent unnecessary or excessive expense to the City for the purpose of providing and/or maintaining essential services and utilities, which might be required as a result of misuse or abuse of wetlands.

(8) Encourage those low-intensity uses that can be harmoniously, appropriately and safely located in wetlands.

(9) Preserve and enhance the aesthetic values associated with wetlands in the City of Dover.

(10) Avoid the high costs of constructing heavy structures and prevent damage to structures and abutting properties caused by inappropriate development in wetland areas.

C. District boundaries. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 10-13-2021 by Ord. No. 2021.09.08-006]**

(1) The Wetlands Protection District is hereby determined to be all areas of wetlands. A "wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(2) "Hydrophytic (water-loving) vegetation" is defined as those plants identified in the 2018 Wetland Plant List Northeast Region of the United States Fish and Wildlife Service. The more common names associated with these vegetative communities are "bogs," "swamps," "marshes" (saltwater and freshwater) and "tidal wetlands."

D. Procedural requirements.

(1) Presence of Wetland Protection District on site.

(a) Where field investigation indicate that a Wetland Protection District is present on a proposed development site, those wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1 (January 1987), or successor document. The hydric soils component of wetlands delineations shall be determined in accordance with the manual Field Indicators for Identifying Hydric Soils in New England (Version 4, May 2017, published by the New England Interstate Water Pollution Control Commission) or successor document. Pursuant to RSA 310-A:75 through 310-A:87, a certified wetland scientist shall conduct this delineation. A certified wetland scientist is defined as: "a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and prepare wetland maps; to classify wetlands; to prepare wetland function and value assessments; to design wetland mitigation; to implement wetland mitigation; to monitor wetlands functions and values; and to prepare associated reports, all in accordance with standards for identification of

wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified by the Board" (RSA 310-A:76). If necessary, a botanist shall be used in conjunction with the wetlands scientist to identify wetland vegetation where required. The botanist shall have equivalent and practical experience to that of the wetlands scientist. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012; 7-22-2020 by Ord. No. 2020.07.08-006; 10-13-2021 by Ord. No. 2021.09.08-006]**

(b) Applications for a building permit, subdivision and site plan approval shall locate and depict on the survey/subdivision plat/site plan all Wetland Protection Districts on the subject parcel. Any applicant seeking said approval(s) will be responsible for providing this information before the appropriate approval or permit can be granted.

(c) The entire length of the upland limit of the wetland shall be marked at regular intervals with pink-and-black-striped construction tape prior to, and maintained for the full duration of, any construction-related activities. The applicant may also be required to place and maintain wooden stakes and/or construction tape at appropriate intervals along the wetlands buffer boundary to provide sufficient visual evidence of the buffer boundary during construction, if development is proposed within 20 feet of the wetlands buffer. The applicant may be required to affix some form of marker or tag acceptable to the City to permanently delineate the wetlands buffer boundary at appropriate intervals, as determined by the Conservation Commission and Planning Board, for the purpose of notifying future landowners of the presence of the wetlands buffer. The presence of wetlands on residential properties created as part of a major subdivision shall be documented in the parcel's deed.

(2) The Planning and Community Development Department shall notify the Conservation Commission of all projects and construction proposed in wetland districts for the purpose of allowing the Commission to make recommendations prior to approval. Consistent with RSA 482-A:11, III, the Conservation Commission shall have up to 40 days to make recommendations relative to a standard wetlands impact application and up to 21 days to make recommendations relative to an expedited permit per RSA 482-A:11, III(b)(1). The Conservation Commission, in acting on an application for a conditional use permit in the Wetlands Protection District, may attach conditions to its recommendations, including but not limited to recommendations for more extensive buffers, additional plantings in areas to be revegetated, performance guarantees, impact mitigation measures, and a reduction in proposed impervious surfaces. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 10-13-2021 by Ord. No. 2021.09.08-006]**

(3) In the event that the accuracy of the boundaries submitted by the applicant is suspect, the Planning Board may call upon the services of a certified wetlands scientist and/or botanist to reexamine said area and report the findings to the Planning Board for a boundary determination. The applicant shall pay the cost of said services.

(4) The Building Inspector shall not issue a building permit for construction and the Planning Board shall not approve a site plan or subdivision plat unless such construction activity or proposal conforms to the provisions of this chapter.

(5) Standards established herein shall constitute the rules of overlay zones and shall be superimposed over other zoning districts or portions thereof. The provisions herein shall apply in addition to all other applicable ordinances and regulations. In the event of a conflict between any provision herein and any other regulation, the more restrictive requirement shall control.

(6) The City shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

E. Permitted uses. Any use otherwise permitted by this chapter, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under Subsection E must first receive conditional use approval, as provided for in Subsection F, before any building permit or subdivision/site plan can be approved. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) Crossing of a Wetland Protection District as provided for in Subsection F(1).

(2) The construction or reconstruction of fences, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:

(a) Said structures are constructed on posts or pilings so as to permit unobstructed flow of water and are designed in compliance with the New Hampshire Wetlands Code of Administrative Rules (Env-Wt 300, 500 and 600). **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(b) The natural contour of the wetland is preserved.

(c) All other applicable provisions of the this chapter have been met.

F. Conditional use approval.

(1) Conditional use approval may be granted by the Planning Board (RSA 674:21, II) after proper public notice and public hearing, for construction within the Wetland Protection District or buffer. Said construction may include, but is not limited to, a road or other accessway, utility right-of-way, communication lines, power lines and pipelines, structures, and parking lots, provided that the proposed construction complies with the following standards:

(a) Practicable alternative. There is no practicable alternative that would have a less adverse impact on the area. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(b) Avoidance. The potential impacts have been avoided to the maximum extent practicable. The applicant will demonstrate by plan and example that the proposed construction represents the least impacting alternative.

(c) Minimization. Any unavoidable impacts have been minimized. No reasonable alternative to the proposed construction exists which does not impact a wetland or which has less detrimental impact on a wetland.

Design, construction and maintenance methods will be prepared by a registered engineer to minimize detrimental impacts to the wetlands and will include restoration of the site as nearly as possible to its original grade.

(d) Mitigation. If the applicant is required by state rules to prepare a compensatory mitigation plan, the applicant shall provide the Conservation Commission and Planning Board with one copy each of said plan for their review.

(e) Approval for the wetlands impact has been received from the New Hampshire Department of Environmental Services Wetlands Bureau pursuant to Section G(3) below.

(f) To assess and summarize the wetlands' functions and values as denoted in the NH Method and § 170-28B(2). **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

(2) The burden of proof that the conditions specified in Subsection F(1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the conditional use approval, except as herein provided.

(3) The conditional use approval shall apply only to the project specified at the time of approval and shall not be transferable to a different project.

(4) If deemed necessary by the Planning Board, prior to the granting of a conditional use approval, the applicant shall agree to submit a performance security to ensure that all operations are carried out in accordance with an approved design. This security shall be submitted in an amount sufficient to complete all specified work and repair damage to any wetland area in which no work has been authorized. The security shall be submitted in an amount, with surety and conditions, satisfactory to the Planning Board. The security shall be submitted and approved prior to issuance of any permit authorizing construction.

(5) The Planning Board may assess the applicant reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.

(6) A narrative shall be provided indicating criteria of Subsection F(1)(a) to (f) above have been met. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

G. Specific provisions.

(1) Wetland buffers.

(a) Buffers established. Buffers are hereby established around and encircling all wetlands other than those that were created as legally permitted sedimentation/detention basins or roadside drainage ditches. The minimum width of the wetland buffers shall be 50 feet horizontal distance as measured outward from the perimeter edge of the wetland. Wherever a permit to fill a wetland has been issued by either the New Hampshire Department of Environmental Services (NHDES) or the United States Army Corps of Engineers (USACOE), the perimeter of the wetland shall be deemed to be the new edge between the fill as placed in accordance with

the permit and the remaining wetland. If there is no remaining wetland, there is no buffer. All other wetland edges shall be determined in accordance with Subsection D(1) above. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(b) Natural conditions to be maintained within buffers. Where wetland buffer disturbance is allowed pursuant to a state or federal permit, or a conditional use permit, restoration of the disturbed area is required. "Restoration" is defined as filling of ruts or excavated area with similar soils while maintaining original grade. Applications for a City of Dover building permit that include a temporary disturbance of wetlands buffers, pursuant to Subsection G(1)(e)[4] below, shall include a wetlands buffer encroachment and restoration plan. Said plan shall be submitted, reviewed and approved by Building Inspector, in consultation with City staff, prior to the disturbance. Replanting to restore buffers shall be with native, noninvasive species specified in the wetlands buffer encroachment and restoration plan. Implementation of the plan shall include the clear delineation of the boundaries of wetland buffers in the field using construction tape or other clear marking device. Mowing to maintain an existing lawn or field within a wetland buffer area is allowed without a permit, as specified in Subsection G(1)(e) below, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.

(c) Certain uses prohibited in buffers. The following uses and activities are prohibited within a wetland buffer:

[1] The establishment or expansion of salt storage, junkyards, resource recovery facilities, transfer stations, landfills, or solid or hazardous waste facilities.

[2] The bulk storage of chemicals, petroleum products, or toxic and hazardous materials.

[3] The dumping or disposal of snow and ice collected from roadways and parking lots.

(d) Uses allowed only with a conditional use permit. The following uses and activities are allowed within a wetland buffer only if a conditional use permit is obtained in accordance with Subsection F above:

[1] All uses not specifically prohibited in Subsection G(1)(c) above, or specifically exempted in Subsection G(1)(e) below.

[2] The erection or construction of a building or structure, excluding fences, that meets the requirements of § 170-51, or the construction of parking lots or loading areas.

[3] Timber harvesting, except as conducted in accordance with the terms and provisions of RSA 227-J, Timber Harvesting.

[4] The removal of stumps and roots (grubbing), the recontouring or grading of the land, or the placement of impervious surfaces or creation of stormwater detention ponds.

[5] The installation of water, sewer, or buried electrical or telecommunications cables.

[6] The installation of water supply wells.

(e) Uses allowed without a conditional use permit. The following uses and activities are allowed within a wetland buffer with the noted conditions:

[1] Activities within wetlands jurisdictional areas that are allowed without a State of New Hampshire dredge and fill permit, in accordance with New Hampshire Department of Environmental Services (NHDES) Rules Env-Wt 308.01(a) and 308.02, repair of an existing legal structure, or successor rules. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

[2] The removal of vegetation in accordance with NHDES Rules Env-Wt 309.02(a), or successor rules, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

[3] The installation of monitoring or test wells or geotechnical borings completed in accordance with NHDES Rules Env-Wt 309.02(i) or successor rules. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

[4] Temporary disturbance of the wetland buffer to facilitate construction activities completed under a valid City of Dover building permit, provided the temporary disturbance is restored in accordance with Subsection G(1)(b) above.

(2) No septic tank or leach field may be constructed or enlarged closer than 75 feet to any Wetland Protection District. In new subdivisions approved subsequent to adoption of this section, there must be sufficient lot size to place a house, a state-approved septic system, where applicable, and a state-approved well, where applicable, without locating them in a wetland. This provision can be waived if a conditional use approval is obtained from the Planning Board.

(3) A state dredge and fill application shall be submitted for any proposed change to a wetland (RSA 482-A).

H. Filled lands and preexisting uses.

(1) Lands which may have been wetlands but were filled under properly issued federal, state and local permits granted prior to the adoption of this section will be judged according to the soils and flora existing at the time the application for building permit or subdivision is made.

(2) Structures and uses existing at the time of the adoption of this section that do not comply with the rules stated herein shall be regulated in accordance with §§ 170-52 and 170-53 of this chapter.

I. Exemption for one- and two-family residential structures, existing lots, impoundments and maintenance dredging.

(1) Notwithstanding other provisions of this chapter, the construction of additions and/or extensions to one- and two-family dwellings shall be permitted within the Wetlands Protection District or buffer, provided that:

(a) The dwelling(s) lawfully existed prior to the effective date of this section.

(b) The proposed construction conforms to all other applicable ordinances and regulations of the City of Dover and any required State of New Hampshire dredge and fill permit is obtained.

(c) The design and construction of the proposed use will be done in a manner which minimizes the impacts on the affected wetland, including storage of excavation and construction material outside the wetland and installation of siltation fence and/or hay bales to contain erosion of the construction site.

(2) Notwithstanding other provisions of this section, a new one- or two-family dwelling shall be permitted in the Wetlands Protection District or buffer, on an existing lot, provided that all of the following conditions are found to exist:

(a) The lot for which an approval/permit is sought was an official lot of record, as recorded in the Strafford County Registry of Deeds, prior to the date on which this amendment was posted and published in the City.

(b) The structure for which the approval/permit is sought cannot be feasibly built on a portion or portions of the lot which are outside the Wetlands Protection District.

(c) Due to the provisions of the Wetlands Protection District, no reasonable and economically viable use of the lot can be made without the exemption.

(d) The design and construction of the proposed structure will, to the extent practical, be consistent with the purpose and intent of this section.

(e) The proposed structure will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater or other reason.

(f) The design and construction of the proposed structure will be done in a manner which minimizes the impacts on the affected wetland, including storage of excavation and construction material outside the wetland and installation of siltation fence and/or hay bales to contain erosion of the construction site.

(3) Maintenance dredging for navigational purposes (where a dredge spoil site has been approved by the Planning Board) is exempt from the regulations stated herein. Notwithstanding, copies of permits where required by the New Hampshire Department of Environmental Services and the United States Army Corps of Engineers shall be submitted to the Planning Board prior to construction.

(4) The burden of proof that the conditions specified in Subsection I(1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the approval/permit.

J. Severability. Should any provision of this section be declared invalid by a final court decision, the same shall not affect the validity of this section as a whole or part thereof, other than the part declared to be invalid.

§ 170-29. Transfer of development rights.

A. Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring development rights (TDR) within said districts.

B. Purpose and intent. Within the City of Dover, there are certain lands that possess significant conservation features, including but not limited to unsuitable development areas, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic view sheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover, furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition. Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission which is active in protecting and preserving open space. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

C. Applicability. Upon request by an applicant for development approval and at the discretion of the Planning Board, the provisions of this section may apply to the district(s) defined in Subsection D below.

D. Districts defined. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 9-11-2019 by Ord. No. 2019.08.28-012]**

(1) The Industrial TDR District is hereby determined to be any IT or CM Zoning District as shown on the Zoning Map for the City of Dover, New Hampshire, adopted September 11, 2019. The "sending area" is defined to be open space and related setbacks as defined by the City of Dover Wetland Protection District, § 170-28, which are located in any IT or CM Zoning District. The "receiving area" is defined to be all remaining land in be any IT or CM Zoning District. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(2) The Residential TDR District is hereby determined to be residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire, adopted September 11, 2019. The "sending area" is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R-20 residential zoning districts. The "receiving area" is defined to be all non-R-40 or -R-20 zoning districts east of the Spaulding Turnpike which allow residential development.

(a) If the units created are purchased, the receiving area may be any zoning district that allows residential development.

E. Procedural requirements.

(1) At the discretion of the Planning Board, an applicant for development approval within the receiving area of the defined Industrial TDR district may apply the performance standards specified in Subsection F below in return for the acquisition of land or development rights from the sending area within the same TDR district. The performance standards for the Residential TDR district are outlined in Subsection G below.

(2) A certified boundary survey of the associated land in the sending area shall be submitted as a supplement to the site plan or subdivision plan for development within the receiving area. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(3) The owner of the subject open space within the sending area of the TDR district shall sign all application materials as a co-applicant of the development application. For residential application, proof of an agreement to sell development rights must be provided by the Conservation Commission.

(4) A sketch plan estimating layout of the development site and identifying the open space associated with the plan may be submitted to the Planning Board for review at a regularly scheduled meeting. The Planning Board, within 30 days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections F and G below. Waivers shall be reviewed using the same criteria as are used for site plan waivers. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-007; 8-9-2023 by Ord. No. 2023.07.12-008]**

(a) The determination of whether a proposed TDR project requires a sketch plan review shall be made by the Director of Planning and Community Development based on initial discussions with the applicant. The determination, made in writing, shall be made prior to the submittal of any plans and shall specify the Director's reasoning, including a review of known conditions, including: traffic, existing layout/topography, environmental. This determination shall be included in the staff report to the Board. If the applicant does not agree with the Director's determination, they may appeal the decision to the Board at its next meeting.

(b) If the sketch plan requires an environmental conditional use permit to develop homes, the applicant must appear before the Conservation Commission for review and endorsement prior to the Planning Board's review.

(5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated open space within the sending area. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and

access crossings in accordance with Subsection H below. The designation of the land protection agency to hold the easement shall be approved by the Planning Board.

F. Industrial performance standards.

(1) Land within a sending area, when surveyed, approved by the Planning Board and preserved by easement or covenant as specified in Subsection E, above, may be counted for the open space requirement for a development site in a receiving area. The amount of land preserved in a sending area shall equal or exceed the open space requirement for the development site, but in no case be less than one acre. Notwithstanding, development sites within the IT and CM Zoning Districts shall maintain open space or landscaped area on at least 10% of the site. The design of the development site shall locate the open space or landscaped area to maximize the aesthetic value of the site. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(2) The minimum lot size requirement may be waived by the Planning Board for land subjected to the transfer of development rights.

(3) The minimum frontage requirement may be waived by the Planning Board for land subjected to the transfer of development rights, provided that paved access to all developed areas suitable for emergency vehicles is approved by the Planning Board.

(4) Setbacks for parking, paved areas, and buildings may be waived by the Planning Board and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, buildings shall be at least 150 feet from residential structures that exist on the date of enactment of the IT and CM Zoning Districts, and 75 feet from the lot line of a disagreeing residential abutter. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(5) The developer shall record covenants that address architectural considerations for structures, signage and lighting that are designed to promote the highest possible aesthetic quality of the development site.

(6) A landscaping plan shall be submitted with a development application that depicts landscaping or open space around the perimeter of the site, near the proposed buildings, and within the parking lot that promotes the highest possible aesthetic quality of the development.

G. Residential performance standards. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(1) Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve open space within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development and coordinated with the Conservation Commission. This cost shall become the value at which development rights may be purchased.

(2) Proceeds from the purchase of development rights shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.

(3) A residential transfer of development rights applicant may pursue one of the following methods for transferring development rights.

(a) Single-family detached method.

[1] An applicant shall develop a baseline yield for the lot to be developed through the following formula: **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

[a] The square footage of the parent lot minus unsuitable areas is the base lot size.

[b] The base lot size is then reduced by 15% to account for roadway; this creates the net area.

[c] The net area is then multiplied by a factor determined by the amount of unsuitable development area over the parent lot. This is the developable area.

Percentage of Parcel That Is Unsuitable Development Area	Factor
0% to < 10%	0.85
10% to < 20%	0.8
20% to < 30%	0.75
30%	0.7

[d] The developable area is then divided by the minimum lot size, and the whole number value is the base number, with no rounding.

[i] This base number is not required to be restricted by the requirements in Subsection G(3)(a)[3], unless the formula defined in Subsection G[2][a] is utilized. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

[e] The development plan shall be laid out in a design that meets the requirements for block length and cul-de-sac length. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

[2] The transfer shall equate to one of the following calculations: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

[a] For construction of units no larger than 600 square feet of total living area, including the base calculated units, there shall be no density limit. The monthly cost of said units shall conform to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, and there shall be no TDR fee collected for said unit(s).

[b] For construction of units no larger than 1,000 square feet of total living area, two units per development right purchased shall be allowed.

[c] For construction of units no larger than 1,400 square feet of total living area, one unit per development right purchased shall be allowed. The unit count shall be the whole number value and not rounded up.

[i] Total living area shall mean the size of the home (in square feet) based upon the exterior dimensions, excluding unconditioned spaces.

[3] The units created through the transfer must be: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

[a] Limited to the square footage originally constructed.

[4] A note shall be placed on the approved plan, and any building permit shall note the adherence to this section of the Code.

[5] A note shall be placed in the property/unit deed citing the restrictions listed above.

[6] The plan shall be considered a subdivision application. Prior to submission, a determination by the Director of Planning and Community Development shall be made whether to follow the minor or major subdivision regulations. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

(b) Single-family, two-family, three-family, and four or more method. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

[1] The transfer may be through the purchase of development rights, as described in Subsection G(1), or through the protection of land via a permanent conservation easement as per Subsection E(5).

[a] In mixed-use or multifamily zones, the base density shall be derived from the underlying zoning, and not through a formula.

[b] If the additional unit(s) resulting from TDR is restricted so that the rent of said unit(s) conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, there shall be no fee collected for said unit(s).

[2] The transfer shall equate to one unit per acre preserved or purchased. If the end result is a village-themed residential/nonresidential project, whereby 35% of the square footage being created is nonresidential, the transfer shall equate to one unit per 2,500 square feet preserved or purchased.

[3] Any development approved by the Planning Board after July 1, 2020, which will create a manufacturing or assembly facility over 40,000 square feet may create and transfer one unit per 2,000 square feet of building approved, above the 40,000 square foot base. The transfer shall not be completed prior to the issuance of the certificate of occupancy for the additional space. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

[a] If the units are to be placed upon the same lot, the layout must be shown on the site plan for the development.

[4] The plan shall be treated as a site plan application, unless otherwise determined by the Director of Planning and Community Development, prior to final submission.

(4) Regardless of the method utilized, the minimum lot size requirement may be waived by the Planning Board for land subjected to the transfer of development rights.

(5) Regardless of the method utilized, the setbacks shall be: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

Minimum Building Setbacks for Subdivision Lots		
Abutting a Street	Abutting a Side Lot Line	Abutting a Rear Lot Line
20 feet	10 feet	30 feet

(6) Regardless of the method utilized, the minimum frontage requirement may be waived by the Planning Board, to no less than 40 feet. Paved access to all developed areas shall be suitable for emergency vehicles. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(8) Regardless of the method utilized, any other provision in this chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the transfer of development rights so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007; 8-9-2023 by Ord. No. 2023.07.12-008]**

(a) Is consistent with the Master Plan.

(b) Is compatible with the land uses on neighboring lots (e.g., a multifamily building fits in within a single-family neighborhood). The applicant shall provide in their narrative an explanation of their neighborhood analysis.

(c) Is created on property served by public water and sanitary sewer.

(d) Any relief sought should not be caused by the additional density.[10]

§ 170-30. Urban Renewal District.

The regulatory provisions contained in the so-called "Land Use Provisions and Building Requirements" for the Downtown Dover Urban Renewal Project No. 1 shall apply to the project area, as approved by the Dover City Council.

§ 170-31. Riverfront Residential Overlay District.

A. Purpose. The purpose of this section is to promote the public health, safety and general welfare by protecting the shorelands which are valuable and fragile natural resources essential to maintain the integrity of public waters. By adopting this section, the City is striving to avoid uncoordinated, unplanned and piecemeal development of shorelands which could significantly impact public waters.

B. Location of district. The Riverfront Residential Overlay District is an overlay district that includes all land located within 250 feet of the reference line (as defined by RSA 483-B:4, XVII) of any tidal water body or tidal river in a single-family residential district (R-12, R-20, and R-40).

C. Minimum lot size requirement. The minimum lot size for a lot within the Riverfront Residential Overlay District shall be three times the minimum lot size required by § 170-12, Applicability of Table of Dimensional Regulations by District, for the underlying zoning district, but land classified as wetlands can be included for up to 50% of the minimum lot area required in this district.

D. Minimum shoreland frontage requirement. Any new lot created within the district shall provide a minimum of 150 feet of river shoreland frontage per dwelling unit for lots dependent on septic systems and a minimum of 100 feet of river shoreland frontage per dwelling unit for lots served by municipal sewer.

E. Existing lots. Existing lots of record are exempt from the provisions of this section. Only lots subdivided after the posting of this section shall be subject to its provisions.

F. Other provisions. Reference is hereby made to RSA 483-B, the Comprehensive Shoreland Protection Act, the provisions of which apply. It is intended that the more restrictive law shall apply. In all cases where the Riverfront Residential Overlay District is overlain over other local zoning districts, the more restrictive regulations shall apply.

§ 170-32. Residential-Commercial Mixed-Use (RCM) Overlay District. [Amended 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]

A. Purpose and intent.

10. Editor's Note: Original § 170-27.2H of the 2013 Code, Conditional uses, which immediately followed this subsection, was repealed 8-22-2018 by Ord. No. 2018.08.08-009.

(1) The Residential-Commercial Mixed-Use Overlay District is designed as an overlay district that allows a mixture of residential use and commercial uses on one parcel. In order for a developer to utilize these regulations, the Planning Board shall have granted a conditional use permit. The district includes options which enable and encourage greater flexibility in the design of residential housing with commercial projects. The overlay permits development of large tracts of land on a development-plan basis which allows flexibility in internal road design, with reduced dwelling lot sizes and modified dimensional requirements.

(2) The mixed residential and commercial uses are intended to be complementary to one another and to create a sense of community between the mixed uses. Housing and commercial uses can be developed to provide appropriate use of land, facilitate the economical and efficient provision of public services, promote open space conservation, protect the natural and scenic attributes of the land, and expand opportunities for the development of housing outside the traditional residential developments.

B. Conditional use permit.

(1) Conditional use approval may be granted by the Planning Board (RSA 674:21, II) after proper public notice and public hearing, provided that the proposed project complies with the following standards:

(a) The applicant demonstrates that the development complies with the design guidelines that are outlined in § 153-16 of the Site Review Regulations. These guidelines encourage a context-sensitive development, which encourages components that act as one project and not as two adjacent projects.

(b) The applicant demonstrates that the development poses no detrimental effects on surrounding properties. Potential areas of impact that need to be analyzed include, but are not limited to, vehicular traffic, noise, property value, visual blight, natural resources degradation, light pollution, and offensive emissions such as dust, odor, or smoke.

(c) The applicant shall submit a fiscal impact analysis as defined in § 157-21C(1)(b) of the Land Subdivision Regulations. The analysis shall demonstrate that the project is at least a cost-neutral project for the City at present and 10 years from the occupation.

(2) Conditional use approval shall be subject to a formal agreement between the Planning Board and the applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds.

C. Location. The Residential-Commercial Mixed-Use Overlay District shall include any parcel located within the CM, IT or R-40 Zone which is greater than 20 acres and served by public water and sanitary sewer. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006; amended 8-9-2023 by Ord. No. 2023.07.12-008]**

D. Permitted uses. The following uses are permitted:

(1) Principal uses.

(a) Housing:

[1] Single-family dwelling, including the use of manufactured housing.

[2] Two-family dwelling.

[3] Three- to four-family dwelling.

[4] Multifamily dwelling.

[5] Manufactured housing parks (permitted outright without a special exception).

(b) Public and private utilities.

(c) Nonresidential uses as allowed as follows:

[1] Any use allowed in the underlying zone.

[2] Barber or beauty shop.

[3] Bank.

[4] Eating/drinking establishments (no drive-through service).

[5] Bed-and-breakfast.

[6] Office.

[7] Retail store.

[8] Theater.

[9] Adult day care.

[10] Nursing homes at a density of one bedroom per 7,500 square feet of land.

[11] Congregate care facilities at a density of one unit per 7,500 square feet of land.

[12] Other uses compatible with housing may be approved via conditional use, using the criteria in § 170-20B(2).

[13] Nonresidential uses in existence at the adoption of this section on adjacent parcels shall be allowed to expand within the development if conceptually shown on the approved plan.

(2) Accessory uses.

(a) Recreational facilities.

(b) "Community building," defined as a building used as a place of meeting, recreation or social activity typically for use by the residents of a particular development.

(c) Maintenance buildings.

(d) Rental and sales offices.

E. Procedural concepts.

(1) The developer shall prepare a development plan, which locates the proposed types of nonresidential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership but shall be treated as one development and shall be bound by the approval granted for the entire development plan. If approval is granted, individual lots must be developed as part of the larger development plan and phasing outlined below, and not separately. The development plan must identify the percentage of the nonresidential uses, residential uses and open space. Nonresidential and/or mixed-use uses must comprise at least 55% of the total proposed floor area for the development; residential uses must not exceed 45% of the total proposed floor area for the development. Nonresidential uses within projects located in the CM District must be 90% manufacturing and assembly in nature. A building shall be considered "mixed-use," provided that at least 50% of the floor area of the first floor is reserved as commercial space and provided that such commercial space is located roughly in the front half of the building and extends the length of the building facade. Residential accessory uses (e.g. mechanical, storage, laundry, etc.) are permitted to be located within the back half of the first floor of any mixed-use building. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(2) A minimum of 20% of the area of the original tract shall be reserved as open space and identified as such on the development plan. Fifty percent of the required open space (as defined in § 157-60) must be usable uplands and reasonably accessible to all property owners or lessees in the project. Any open space provided above 20% may be mixed unsuitable areas and upland. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(3) Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in § 157-60) applied to the development lot and not individually to the internal dwelling lots.

(4) For residential development that includes single-family homes over 1,001 square feet of total living area, or three- to four-family, density shall be based upon calculating one unit per 40,000 square feet of contiguous upland, and using 150 feet of frontage on a public roadway. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(5) For single-family residential homes 1,000 or less square feet of total living area, development, two-family dwellings, or multifamily dwellings, density shall be based upon calculating one unit per 10,000 square feet of contiguous upland, and using 100 feet of frontage on a public roadway. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) If units 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, there shall be no density for said unit(s).

(6) The development plan may be phased for a term of five years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Subsection A. For the purposes of this section, development shall include:

(a) Construction of structures;

(b) Environmental remediation;

(c) Site preparation or demolition;

(d) Roadway utility or recreation and common area design and construction; and

(e) Bonding or other security for site development.

(7) The phasing plan shall provide that no more than 50% of the residential development may be occupied prior to completion of between 25% and 50% of the nonresidential structures, as negotiated between the Planning Board and the developer, and included in the conditional use approval.

(8) Provided that the developer is making reasonable efforts to develop the site, the Planning Board may extend the initial five-year phasing period, provided a request for extension is submitted before the expiration of the initial five-year phasing term.

(9) Residential development plan guidelines.

(a) The developer shall be permitted to allocate permitted density among internal dwelling lots in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the development lot or legal lot, unless the additional density is derived from § 170-29, Transfer of development rights. Layouts may include individual lots or a cluster of units without lot lines.

(b) Dwelling layouts shall be so designed that parking is screened from external roadways by garages, building locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external streets shall be preserved as much as possible.

(c) Where possible, it is desirable and encouraged to mix residential and nonresidential uses. This may be achieved through situating the buildings close to each other, or though allowing structures to house residential, preferably on the second or above floor, with nonresidential on the first floor. Creativity and flexibility is encouraged, and the development plan may offer another option for mixing uses.

(d) All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include structures with peaked roofs and architectural shingles. The guidelines for this development are included in Chapter 153, Site Review Regulations, § 153-16.

(e) All manufactured homes shall adhere to the standards outlined in Chapter 101, Manufactured Home Parks, with the exception of §§ 101-3, 101-4, 101-5, 101-6, and 101-7F, which shall be controlled by the provisions hereof and unless noted below. Where there is a difference in the requirements between this overlay district and the provisions of Chapter 101, Manufactured Home Parks, the provisions of the overlay district shall apply.

(10) Nonresidential development plan guidelines.

(a) The general character of the nonresidential structures within the development lot is intended to be a pedestrian-friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, facade treatment, and signage.

(b) The guidelines for this development are included in Chapter 153, Site Review Regulations, § 153-16.

F. Standards and regulations.

(1) Internal roads. As part of the approval of the conditional use permit, the Planning Board shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below, roadways shall conform to the street design criteria laid out in the Code.

(a) Minimum internal right-of-way.

[1] Maximum residential: 35 feet.

[2] Maximum nonresidential: 50 feet.

(b) Minimum pavement width.

[1] Minimum residential: 20 feet.

[2] Minimum nonresidential: 28 feet.

[3] Minimum sidewalk pavement width: five feet.

[4] Minimum bike/Segway®/golf cart path width: five feet.

(c) Minimum tangent length at intersections: 75 feet.

(d) Maximum street angle at intersections: 60°.

(e) Minimum center-line radius: 100 feet.

(f) Minimum tangent length between reverse curves: 50 feet.

(2) Dimensional requirements.

(a) Nonresidential/mixed-use buildings.

[1] Minimum structure setback from external lot line: 50 feet. Expanding existing nonresidential uses are not held to this setback.

[2] Minimum structure setback from external right-of-way: 50 feet.

[3] Maximum nonresidential building height: 55 feet.

[4] For all other dimensional requirements for nonresidential structures and parking setbacks refer to the underlying zone.

(b) Residential dwellings.

[1] Minimum structure and parking setback from external lot line: 50 feet.

[2] Minimum structure and parking setback from external row: 100 feet.

[3] Maximum residential building height: 35 feet.

[4] Minimum frontage on internal road: 40 feet.

[5] Minimum setbacks:

[a] Front yard setbacks: 20 feet.

[b] Distance between buildings: 24 feet.

(c) There shall be no minimum lot size or frontage for internal lots created.

(3) Parking.

(a) All dwelling units shall require two independently accessible parking spaces per unit, except that the congregate-care and nursing-home requirements shall be as otherwise defined by this chapter. Nonresidential uses shall comply with parking requirements defined by this chapter.

(b) Overnight parking shall not be permitted on internal roadways.

(c) Parking shall be utilized and available to all components of the development plan, through the recording of access and parking easements.

§ 170-33. Groundwater protection.

A. Purpose. The purpose of this section is to promote the public health, safety and general welfare by protecting and preserving the quality of existing and future groundwater supplies from adverse or detrimental land use, development or activities.

B. Location. These regulations shall apply to all lands within the primary and secondary groundwater protection zones. The boundaries of the primary and secondary groundwater protection zones are depicted on maps titled "Groundwater Protection Zones," dated October 6, 1998. These maps shall be on file at the Planning and Community Development Department and the City Clerk's office. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

C. Applicability.

(1) All land use activities and development conducted within the primary or secondary groundwater protection zones shall be regulated by the standards established herein.

(2) The standards established herein shall constitute the rules of an overlay zone and shall be superimposed over other zoning districts or portions thereof. The provisions herein shall apply in addition to all other applicable ordinances and regulations. In the event of a conflict between any provision herein and any other ordinance or regulation, the more restrictive requirement shall control.

(3) Pursuant to New Hampshire Administrative Rules Part Env-Wq 401, land use activities within a 400-foot radius of a municipal well, the primary groundwater protection zone, shall be subjected to more restrictive standards than the balance of the groundwater protection zones. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(4) Any nonconforming use may continue, and may be maintained and repaired, unless such use is determined to be an imminent hazard to public health and safety by the City Council or the Health Officer.

D. Standards and regulations.

(1) The following land uses are allowed in the primary groundwater protection zones. All other land uses are prohibited.

(a) Construction, operation, and maintenance of wells, dams and water conservation apparatus.

(b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.

(c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not used or stored within said zone.

(d) Maintenance and repair of any existing structure, provided that there is no increase in the area of impermeable surfaces.

(2) The following land uses are expressly prohibited from the secondary groundwater protection zones:

(a) Disposal or storage of solid waste that contains leachable toxic substances, except for temporary storage awaiting removal, provided that it is stored in a manner that avoids leaching and runoff.

(b) Disposal or storage of liquid waste, except for normal sanitary waste disposal from a domestic septic system approved in compliance with New Hampshire Department of Environmental Services (NHDES) Regulations, which may require a groundwater discharge permit under RSA 485-A:13. Land application of wastewater residuals (sewage sludge) subject to regulation under NHDES Rules Env-Wq 800 to 811 is prohibited.

(c) All on-site handling, disposal, storage or recycling of solid or liquid waste and hazardous or toxic materials, as defined in RSA 147-A, except for the temporary storage of such materials when they are incidental to or by-products of a manufacturing process. Such materials are to be stored and removed in accordance with Chapter 153, Site Review Regulations, and other applicable state and federal regulations.

(d) Junkyard or salvage yard.

(e) Motor vehicle service or repair shops, except as a customary accessory use designed to provide routine service to the vehicles operated by the principal use.

(f) Storage of petroleum or related products, exempting such products when they are a part of Subsection D(2)(c) or (e) above and exempting normal heating oil. Notwithstanding, the facilities for storing and handling such products shall be designed to avoid groundwater contamination and shall be proposed for review and approval prior to construction.

(g) Storage of road salt and other deicers, except in a shelter constructed to avoid leaching and runoff for use on site.

(h) The dumping of snow containing road salt or other deicers brought in from outside the groundwater protection zone.

(i) Industrial uses that discharge contaminated wastewater on site.

(j) Animal feedlots.

(k) Commercial storage of manure, fertilizers, herbicides, pesticides or other leachables, except for the temporary storage of such material when it is incidental to the principal use and stored in a manner that avoids leaching and runoff.

(l) The use of wood piling treated with creosote or other preservative.

(3) The following land uses are allowed in the secondary groundwater protection zones only if the Planning Board approves a conditional use permit for the specific use per Subsection E(4):

(a) General service and repair shops, including, but not limited to, furniture stripping, painting, and refinishing; photographic processing; printing; appliance and small engine repair; boat repair, service and refinishing; and refrigeration, heating, ventilating and air-conditioning shops.

(b) Metalworking shops, including, but not limited to, machine shops; metal plating shops; heat-treating shops; smelting shops; and jewelry-making shops.

(c) Manufacturing facilities, including, but not limited to, electronics and chemical manufacturing, processing, and reclamation; paper, leather, plastic, fiberglass, rubber, silicon and glass making; pharmaceutical

production; pesticide manufacturing; and chemical preservation of wood and wood products.

(d) Laboratories and professional medical offices, including, but not limited to, medical, dental, and veterinary offices; and research and analytical laboratories.

(e) Cleaning services, including, but not limited to, dry cleaner; laundromats; beauty salons; and car washes.

(4) The following land uses are allowed in the secondary groundwater protection zones:

(a) Construction, operation and maintenance of wells, dams, and water conservation apparatus.

(b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.

(c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not commercially stored within said zone.

(d) All land uses permitted in the applicable underlying zoning district, provided that they are not expressly prohibited in Subsection D(2) or (3) above.

(5) In soils that are excessively drained, well-drained, moderately well-drained or somewhat poorly drained, as defined by a site specific soil survey completed in accordance with the standards of the Society of Soil Scientists of Northern New England, the development shall not make impervious to water more than 20% of the area of said soils except as provided for below. Any development in the secondary groundwater protection zone that proposes a total impervious surface greater than 20% shall only be permitted if the Planning Board grants a conditional use permit per Subsection E(4). In reviewing a conditional use permit application filed under this provision, the Planning Board shall require that the proposed development plan incorporates a stormwater drainage plan, approved by the Planning Board and prepared by a professional engineer certified to practice in the State of New Hampshire. The plan shall provide for the retention and percolation within the secondary. groundwater protection zone of all development-generated stormwater runoff from a ten-year storm. Furthermore, the stormwater drainage plan shall provide for the removal of oil and gasoline from parking lot runoff by use of treatment swales, oil/gas separators or other device, prior to retention and percolation of the runoff.

(6) In addition to standards and requirements contained in other ordinances and regulations, a proposed site plan and building permit application shall be accompanied by a report that specifies the amount and composition of industrial or commercial waste that will be generated on site and details the proposed method for disposal of such waste outside of the groundwater protection zones.

(7) A hydrogeologic study may be required by the Planning Board to investigate the impacts a proposed development or land use activity will have on an existing or future groundwater supply. A qualified professional hydrologist or geologist shall be chosen from a list of such professionals provided by the City of Dover, and the applicant shall pay any costs incurred.

E. Administration.

(1) Development or land use activities proposed within the groundwater protection zones that require subdivision or site plan approval from the Planning Board also shall be reviewed by the Dover Conservation Commission. The Planning Board and Conservation Commission shall verify that the proposed activity will comply with this chapter before the Planning Board grants approval.

(2) The Building Inspector shall not issue a building permit for development or land use activities until such time as he verifies with the Zoning Administrator that the proposed development will comply with the provisions and standards established herein. The Building Inspector may consult with the Conservation Commission or Planning and Community Development Department as he deems necessary. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(3) Land use activities that do not require Planning Board approval or building permits are also subject to the requirements and standards established herein.

(4) Conditional use permits. The Planning Board, after receiving a recommendation from the Conservation Commission, may vary the provisions herein by granting a conditional use permit in accordance with RSA 674:21. Along with the conditional use permit application, the applicant shall submit expert technical information from a professional engineer, hydrologist or geologist that documents that the requested relief is consistent with the stated purpose and intent of this chapter. Such technical information shall include an environmental protection plan consistent with the regulated substance management requirements of the New Hampshire Department of Environmental Services Best Management Practices for Groundwater Protection (Part Env-Wq 401). Said plan shall also include provisions for routine monitoring and reporting of environmental protection activities to be reported to the City of Dover. Any cost incurred by the City in reviewing the groundwater protection information shall be paid by the applicant for the conditional use application. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

F. Performance standards.

(1) Applicability. Within the primary and secondary groundwater protection zones, the following performance standards shall apply to all new nonresidential and multifamily development, expansion of preexisting nonresidential and multifamily developments that expand the lot coverage of the existing structure(s) by more than 20%, and all subdivisions of four or more new lots:

(a) Post-development infiltration volumes shall be no greater than predevelopment volumes as determined by use of the Development Review Model described in Subsection G below.

(b) Stormwater shall be treated by use of a stormwater treatment system designed to remove no less than 80% of the annual load of total suspended solids. The removal rate shall be accomplished using best management practices installed in advance of the final infiltration system.

(c) No stormwater infiltration system shall be located within the 200-day travel time of an existing or proposed municipal well as depicted on the map referenced in Subsection B above. In absence of a defined 200-day-travel-time radius, the applicant shall submit a technical evaluation from a professional engineer, hydrologist or geologist that documents that the proposed discharge is consistent with the stated purpose and intent of this requirement.

(2) Specific requirements. Within the primary and secondary groundwater protection zones, the following performance standards shall apply to specific activities which may impact the groundwater quality:

(a) Sand and gravel extraction operations shall not excavate below an elevation four feet above the seasonal high-water table observed when the associated water supply well has not been operating for at least two weeks prior to the date of measurement. The operator of the sand and gravel extraction operation shall prepare for the City an annual report documenting compliance with the requirements of this section. Pursuant to RSA 155-E:11, II, the requirements of this subsection may be waived if the applicant demonstrates that such excavation will not adversely affect water quality and that written notice of such exception shall be recorded in the Registry of Deeds, and one copy filed with the New Hampshire Department of Environmental Services.

(b) Pursuant to Chapter 81, Fire Prevention and Life Safety, § 81-24, on-premises use of heating oil tank facilities shall comply with the provisions of the National Fire Protection Association Standard NFPA 31, Installation of Oil-Burning Equipment. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

G. Development review. All developments to which Subsection F, Performance standards, above, applies shall complete the calculations as specified in the Development Review Model, or a performance equivalent, incorporated herein by reference. A copy of this model shall be on file at the Planning and Community Development Department and the City Clerk's office. The Building Inspector shall withhold a building permit until such time as he/she verifies that the proposed development will comply with the infiltration and nitrogen maximums set forth in Table 1, Sections A and B, of said Development Review Model. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

§ 170-34. Scenic Road Overlay District.

A. Purpose. The purpose of this section is to promote the protection of natural woodlands located adjacent to the public rights-of-way of scenic roads as designated by the Dover City Council per the authority granted by Chapter 117, Scenic Roads. By adopting this

section, the City is striving to maintain the scenic qualities of scenic roads both within the public right-of-way and in the privately owned land adjacent to the scenic roads.

B. Location of district. The Scenic Road Overlay District is an overlay district that includes all land located within 25 feet of the right-of-way of a scenic road, as designated by the City Council. At present, the following roads have been designated as scenic roads: Old Garrison Road, David Tuttle Road and Rochester Neck Road.

C. Buffer requirements. Within the Scenic Road Overlay District, the natural vegetative buffer existing at the time of the adoption of this section shall be maintained and preserved in its natural state, except as provided below:

(1) The removal of damaged, diseased or unsafe vegetation is permitted within the overlay district upon the approval of the City Arborist.

(2) The clearing of vegetation necessary for the construction of a driveway for access to a lot is permitted. Such driveway shall be designed to minimize the amount of clearing of vegetation necessary.

(3) The clearing of vegetation for agricultural uses, as defined by RSA 21:34-a, is permitted.

D. Compliance with other requirements. Nothing in this section shall relieve the property owner from complying with the provisions of, Chapter 117, Scenic Roads.

§ 170-35. Hazardous Waste Landfill District I.

A. Purpose. In the interest of responsible planning, public safety and concern for the general welfare of the citizens of Dover, the regulations of this district are designed to alert the public and prohibit development activities in areas potentially affected by the storage of hazardous waste until such time as a final cleanup and proper closure of the site can be completed.

B. Location. The Hazardous Waste Landfill District I is hereby to consist of those City-owned lots shown on the City of Dover's Assessor's Map C, Lot Nos. 16, 18 and 24.

C. Hazardous Waste Landfill District I criteria. All applications for further development, residential or commercial or industrial, in areas heretofore specified must contain a notation on the plat, site plan and application stating that the development site is within the Hazardous Waste Landfill District.

ARTICLE IX
Excavations

§ 170-36. Authority.

RSA 155-E stipulates that, with some exceptions, all earth excavations in the state are subject to regulation from the local municipality in which the operation occurs. Pursuant to the authority vested in the Planning Board by the Code and RSA 155-E, the City adopts the following regulations to govern the excavation of earth materials in the City of Dover.

§ 170-37. Purpose and intent.

The goals of this regulation are to provide for reasonable opportunities for excavation; minimize safety hazards which can be created by open excavations; ensure that the public health and welfare will be safeguarded; protect natural resources and the environment; and maintain the aesthetic features of the City. For the purpose of achieving these goals, no earth materials in the City shall be removed except in conformance with these regulations.

§ 170-38. Applicability.

A. Projects requiring a permit:

(1) Those that commenced operations since August 24, 1979, without first obtaining a permit, unless specifically exempted by Subsection B below.

(2) Any excavation proposing to begin operation after the effective date of these regulations.

(3) Those that have lawfully operated prior to August 24, 1979, and wish to expand the excavation area.

(4) Those excavations from an area that on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants that were in operation as of August 24, 1979, and wish to expand.

B. Projects exempt from a permit.

(1) The following projects do not require a permit but are nevertheless subject to §§ 170-42, 170-43, and 170-44. In the event of a question regarding compliance, the Planning Board may require the owner/operator to come before the Planning Board and submit such information as may be necessary to demonstrate compliance with said standards.

(a) Existing excavations that lawfully existed as of August 24, 1979, from which earth materials of sufficient weight and volume to be commercially useful have been removed during the two-year period before August 24, 1979, provided that:

[1] At the time operation began, it was in compliance with any local ordinances that may have been in effect;

[2] The owner or operator of such an excavation area shall have filed an excavation report per RSA 155-E:2, I(d) with the Planning Board no later than August 4, 1991. Any existing excavation that failed to file this report shall no longer be considered to be grandfathered and must obtain a permit from the Planning Board before continuing excavation of the site.

(2) The following projects do not require a permit but are nevertheless subject to §§ 170-42, 170-43, and 170-44 of these regulations. Compliance with these standards is mandatory in order to retain the non-permit status. Loss of such non-

permit status can occur only after the Planning Board has given written notice that the excavation is not in compliance and the owner has failed to bring it into compliance within 30 days of receipt of such notice.

(a) Excavations from a site that on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants which were in operation as of August 24, 1979, and which use earth obtained from such excavation site.

(b) Excavations from a site that on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants for which local or state permits have been granted since August 24, 1979, and before August 4, 1989, which used earth obtained from such site.

(c) An excavation performed exclusively for the lawful construction, reconstruction, or maintenance of a Class I, II, III, IV, or V highway. A copy of the pit agreement executed between the pit owner, the agent, and the governmental unit shall be filed with the Planning Board prior to the start of excavation. In addition, the provisions of § 170-40 of this chapter and the provisions of RSA 155-E:2, IV(b) and (c), shall be complied with.

(3) The following projects are exempt from a permit and are not subject to regulation by the Planning Board:

(a) Excavation that is exclusively incidental to the lawful construction or alterations of a building or structure, a parking lot or way, including a driveway, on a portion of the premises where removal occurs. This excavation cannot be started, however, until all required state and local permits have been issued.

(b) Excavation that is incidental to agricultural or silvicultural activities, normal landscaping or minor topographical adjustment. In the event of questions, the Zoning Administrator shall determine what is incidental in accordance with RSA 21:34-a.

(c) Excavation from a granite quarry for the purpose of producing dimension stone, if such excavation requires a permit under RSA 12-E (Mining and Reclamation).

(4) A person owning land abutting a site that was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile earth taken from the construction site and may remove the earth at a later date after written notification to the City Engineer and Zoning Administrator.

§ 170-39. Abandoned excavations.

A. Any excavation, except for those associated with stationary manufacturing plants, whether subject to a permit under these regulations or not, for which the affected area has not yet been brought into complete compliance with the reclamation standards of this regulation shall be considered abandoned if:

(1) No material of sufficient weight or volume to be commercially useful has been removed from the site during any two-year period either before, on, or after August 4, 1989. The time period may be extended if, prior to the end of the time period, the Planning Board approves a reclamation timetable, and a bond or other surety is posted in a form and amount prescribed by the City Engineer sufficient to cover the costs of reclaiming the entire site; however, in no case shall the incremental bond amount be less than $2,500 per acre.

(2) The excavation site is in use and is not an excavation associated with stationary manufacturing plants, but either has not been brought into compliance with the incremental reclamation standards of this regulation or a bond has not been posted and the Planning Board has not approved a reclamation timetable.

(3) The owner or operator of the excavation has neither secured a permit pursuant to these regulations nor filed an excavation report with the Planning Board within the prescribed period.

B. In the event the Zoning Administrator determines that any abandoned excavation presents a hazard to the public health, safety or welfare, the owner may be required, following a public hearing, to comply with the timetable and bonding requirements outlined above, or to complete reclamation within a reasonable period of time. Should reclamation not be completed, the Planning Board may request the City to authorize reclamation at the City's expense. The City's costs shall constitute an assessment against the owner and shall create a lien against the property on which the excavation is located. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

C. The provisions of Subsection B above also apply to any excavation that ceased commercially useful operation prior to August 24, 1977, but for which the affected area has not been brought into compliance with the reclamation standards, if the Zoning Administrator determines, in writing, that specified reclamation measures are necessary to eliminate or mitigate an identified hazard to public health or safety.

§ 170-40. Prohibited projects.

The Planning Board shall not grant a permit:

A. Where the project cannot comply with the requirements of §§ 170-42, 170-43, and 170-44.

B. For excavations within 50 feet of the boundary of a disapproving abutter or within 10 feet of an approving abutter unless approval is requested by said abutter.

C. Where the excavation is not permitted by zoning or other applicable ordinances; provided, however, that reasonable opportunities for excavation exist in the City, as described in RSA 155-E:4, III.

D. Where the issuance of the permit would be unduly hazardous or injurious to the public welfare. The Board shall give particular consideration to such factors as noise, traffic, dust, fumes, or danger from operation.

E. Where existing visual barriers would be removed, except to provide access to the excavation.

F. Where the excavation would substantially damage a known aquifer, as designated by the United States Geological Survey.

G. When the excavation cannot receive required necessary approvals from state or federal agencies, such as alterations of terrain or wetlands permits.

§ 170-41. Criteria for nonconforming expansions. [Amended 7-22-2020 by Ord. No. 2020.07.08-006]

Expansion of existing excavations located in an area in which excavations are no longer permitted by zoning that was in effect on August 4, 1989, may be restricted or modified with conditions by the Planning Board if, after notice to the owner and a public hearing, the Planning Board finds that the expansion will have a substantially different and adverse impact on the neighborhood. Impacts will vary depending upon the particular neighborhood; nevertheless, the following criteria will be taken into consideration:

A. The excavation will not cause a diminution in area property values or unreasonably change the character of the neighborhood.

B. The excavation will not create any nuisance or create health or safety hazards.

C. The excavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.

§ 170-42. Operational standards.

For excavations not requiring a permit, the following standards apply. For those excavations requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the Planning Board.

A. No excavation shall be permitted within 50 feet of the boundary of a disapproving abutter, within 150 feet of a dwelling that either existed or for which a building permit has been issued at the time the excavation is commenced.

B. No excavation shall be permitted below road level within 50 feet of the right-of-way of any public highway as defined in RSA 229:1 unless such excavation is for the purpose of said highway.

C. Vegetation or suitable berm or combination of both shall be maintained or provided within the peripheral areas of Subsections A and B of this section.

D. No fuels, lubricants or other toxic or polluting chemicals shall be stored on site unless in compliance with state laws or rules pertaining to the storage of such materials.

E. Where temporary slopes will exceed a one-to-one grade, a fence or other suitable barricade shall be erected to warn of danger and/or to limit access to the site.

F. Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods.

G. Excavation practices that result in continued siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited.

H. No excavation shall be permitted within 100 feet of any great pond, navigable river, or any other standing body of water 10 acres or more in area, or within 50 feet of any other stream, river or brook which normally flows throughout the year, or any naturally occurring standing body of water less than 10 acres, prime wetland as designated in accordance with RSA 482-A:15, I, or any other wetland area as defined by the Department of Environmental Services (DES) and § 170-28C of this chapter.

I. Sand and gravel extraction operations shall not excavate below an elevation four feet above the seasonal high-water table observed when the associated water supply well has not been operating for at least two weeks prior to the date of measurement. Refer to § 170-33, Groundwater protection, for monitoring report requirements.

§ 170-43. Site reclamation standards.

A. For excavations not requiring a permit, the following standards apply. For excavations requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the Planning Board.

B. Within 12 months following the expiration date of a permit issued under these regulations, or the completion of any excavation with the exception of agricultural activities, whichever occurs first, the excavated area shall be reclaimed in accordance with the following standards:

(1) Except for exposed rock ledge, all disturbed areas shall be spread with topsoil, or any other soil capable of maintaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion. Areas visible from a public way, from which trees have been removed, shall be replanted with tree seedlings, set out in accordance with acceptable horticultural practices.

(2) All earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.

(3) All slopes, except for exposed ledge, shall be graded to natural repose for the type of soil of which they are composed so as to control erosion or at a ratio of horizontal to vertical proposed by the owner and approved by the Planning Board. Changes of slope shall not be abrupt but shall blend with the surrounding terrain.

(4) Any standing bodies of water created by the excavation that are judged to constitute a hazard to health and safety shall be eliminated.

(5) The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural proportions of flow. For excavation projects requiring a permit from the Department of Environmental Services, Water Division, the provisions of RSA

485-A:17 shall supersede this regulation. Copies of all local, state and federal required permits shall be filed with the Planning and Community Development Department. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

§ 170-44. Incremental reclamation.

Except for excavation sites operating stationary manufacturing plants, any excavated area of five contiguous acres or more which is depleted of commercial earth materials, excluding bedrock, or any excavation operation from which earth materials of sufficient weight or volume to be commercially useful have not been removed for a two-year period shall be reclaimed in accordance with § 170-43 within 12 months following such depletion or nonuse, regardless of whether other excavation is occurring on adjacent land in contiguous ownership. A reclamation plan, including a reclamation timetable for the depleted areas within the reclamation site, shall be submitted to the Planning Board for review and approval by each operator, other than the operators of stationary manufacturing plants that are exempt from permit requirements.

§ 170-45. Performance guarantee.

A. Prior to the granting of any permit or to the removal of topsoil or other overburden material from a new area within an existing excavation site, the applicant shall submit to the Planning and Community Development Department a bond with sufficient surety as determined by the City Engineer. In no case shall the incremental bond amount be less than $2,500 per acre. The purposes of the bond are to guarantee reclamation of the area and compliance with the permit and to defray costs of any inspections. Off-site improvements for potential damage of City streets or facilities caused by the transportation of earth materials shall be discussed at this stage. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

B. The surety may be in the form of a performance bond, property escrow, irrevocable letter of credit, or any other form approved by the Planning Board. The surety may be phased to coincide with the phasing of work, in an amount sufficient to guarantee reclamation of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The surety shall not be released until the City Engineer is satisfied that all conditions of the site reclamation plan have been complied with.

§ 170-46. Waivers.

Due to the diverse nature of excavation operations that vary in scale and scope, and due to the varying conditions of the land to be excavated, the Planning Board may, upon application and following a duly noticed hearing, grant any waiver, in writing, to the standards contained in §§ 170-42, 170-43, 170-44 and 170-45 for good cause shown. The written decision shall state specifically what requirements are being waived and include any reasonable alternatives.

§ 170-47. Application procedures.

Prior to the Planning Board rendering a decision for an excavation permit, a public hearing shall be held, with due notification of all abutters and the public. The procedure for holding these public hearings is as follows:

A. Filing of the application. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) Applications for new excavation permits shall be filed with the Planning and Community Development Department by April 1. Applications to renew excavation permits shall be due by April 1 once every two years. Applications to renew shall be due by April 1 of the renewal year. Excavations operating within the primary and secondary groundwater protection zones must still comply with the annual reporting requirements set forth in § 170-33F(2)(a).

(2) The application will be reviewed with the applicant upon submittal to the Planning and Community Development Department and will be accepted only if it is found to meet all submission requirements for a completed application. The application must be accepted as complete no later than April 15 in order to be scheduled for a public hearing. If the application is not completed by the deadline, then another meeting may be scheduled, but may not be later than the expiration date of the permit. All operations shall cease upon permit expiration until a new hearing is scheduled and a completed application is approved.

B. Board action on application.

(1) At the Planning Board's first meeting date in May, the Planning Board may vote to accept the application and, if accepted, will schedule a public hearing to be held within 30 days.

(2) Within 20 days of the close of the hearing on the application, or any continuation thereof, the Planning Board shall make a decision. The Board may for good cause, with proper notice, accept the application, hold the public hearing, and make a decision during the same meeting. Notice of this decision shall be recorded in the minutes of the meeting and placed on file in the Planning and Community Development Department within 72 hours. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(3) The applicant shall receive a written copy of the minutes along with the decision. In the event the application is disapproved, the reasons for the disapproval shall be given.

C. Notices required for public hearing.

(1) All abutters will be notified by verified mail, not less than 14 days prior to the meeting at which the application will be submitted for acceptance. Names and addresses of abutters must be taken from City records not more than five days before filing the application. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(2) Public notice will appear in a newspaper of general circulation and in at least three public places not less than 14 days prior to the meeting.

(3) The notice must include the location and general description of the proposal, as well as the date, time and place of the meeting.

D. Fees.

(1) A filing fee as contained within the Fee Schedule plus abutter notification postage shall be paid upon submission of an application, to defray the costs of posting notice for the public hearing. Failure to pay such cost shall constitute grounds for the Planning Board to not accept the application. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

(2) A permit fee as contained within the Fee Schedule shall be paid upon the issuance of a permit, to defray the costs of permit compliance. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

(3) A fee payable to the Strafford County Register of Deeds (SCRD) shall be paid, upon approval, for the filing of any new plan, if so required by the Planning Board.

(4) Additional reasonable fees shall be charged should the Planning Board require the advice of an engineer or other expert to review plans or inspect the site to determine permit compliance.

§ 170-48. Application submission items.

The applicant shall submit at least 15 copies of an excavation and a reclamation plan; one additional copy shall be sent to the Conservation Commission. The plans shall be at a scale appropriate for the land area involved. The Planning Board may, upon good cause shown, waive any of the items in Subsection A or B below.

A. Excavation plan. The excavation plan shall address specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety of unauthorized persons. The plan shall show or be accompanied by the following items:

(1) Name and address of the owner, the excavator (if different) and all abutters.

(2) Name, address, and signature with professional stamp of the person preparing the plan; date, bar scale and North arrow.

(3) Zoning district boundaries of the proposed area and within 200 feet of the boundary of the project.

(4) Sketch and description of the location and boundaries of the proposed and any existing excavations, including the area in square feet and acres.

(5) The location of existing buildings, structures, septic systems and wells within 200 feet of the boundary.

(6) Public streets, driveways, intersections, rights-of-way, and all easements within 200 feet; road network to be affected; intended transportation routes to be used.

(7) Topography at contour intervals of five feet or less.

(8) All surface drainage patterns, including wetlands and standing water.

(9) Sketch and description of existing and proposed access roads, including width and surface materials.

(10) The breadth, depth and slope of the proposed excavation and the estimated duration of the project.

(11) The elevation of the highest annual average groundwater table within or next to the proposed excavation. Refer to § 170-33, Groundwater protection, for requirements of the annual report documenting compliance with the four-foot buffer rule.

(12) Test pits that extend to either the seasonal high-water table, ledge, or a minimum of six feet below the maximum proposed excavation depth, including location and soils data; boring logs may be submitted separately.

(13) Proposed fencing, buffers or other visual barriers, including height and materials.

(14) All measures to control erosion, sedimentation, water pollution, air pollution, and any hazards to human safety.

(15) Plans for stormwater management.

(16) Plans for storage, use, and disposal of petroleum products and other regulated materials.

(17) Methods to prevent materials from the site from being tracked onto public roadways.

(18) Copies of all necessary state and federal permits.

(19) All infrastructure and topographic information shall be submitted in an electronic format, as well as on paper.

B. Reclamation plan. The reclamation plan shall address the effects of the proposed excavation on soil, surface water and groundwater, vegetation, overburden, topography, and fill material, and should address future land use consistent with the City's Master Plan. The plan shall show or be accompanied by the following items:

(1) Name, address, and signature with professional stamp of the person preparing the plan; date, bar scale and North arrow.

(2) All boundaries of the area proposed for reclamation and the land within 200 feet of the boundary of this site.

(3) Final topography of the area proposed for reclamation, at contour intervals of five feet or less.

(4) Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities.

(5) Timetable as to fully depleted sites within the excavation area.

(6) Schedule of final reclamation activities, including seeding mixtures, cover vegetation, fertilizer types, and application rates.

C. Other information. The Planning Board reserves the right, per RSA 155-E:3, VII, to request any other information it deems necessary to make an informed decision, or to have plans reviewed by an outside agency. According to the authority vested in the Planning Board by RSA 676:4, I(g), any reasonable expenses incurred for such information or reviews shall be charged to the applicant. Failure to pay such costs constitutes valid grounds for the Planning Board to deny the application. The following items shall accompany the application:

(1) An annual report documenting compliance with the requirements of § 170-33, Groundwater protection. Pursuant to RSA 155-E:11, the requirements of this section may be waived if the applicant demonstrates that such exception shall be recorded in the Registry of Deeds, and one copy filed with the New Hampshire Department of Environmental Services.

(2) A written statement from the Tax Collector that all current property and excavation taxes levied against all properties in the operation have been paid in full and that there are no unreleased tax liens encumbering said properties.

(3) A copy of the notice of intent to excavate filed with the Assessor's Office.

(4) A copy of the surety bond or other form of performance guaranty as approved by the Planning Board.

§ 170-49. Administration and enforcement.

A. Permits.

(1) Permits shall be issued only to the owner or his agent and shall not be transferable without the prior written consent of the Planning Board. A copy of the permit shall be prominently displayed at the site or the principal access to the site.

(2) A permit shall be valid for two years, and the expiration date shall be May 30.

(3) Failure to file for a permit shall be considered a violation, and operators who fail to file will be issued a cease and desist order by the Zoning Administrator.

(4) The Board may include in the permit any such reasonable conditions as are consistent with the purpose of these regulations.

(5) All permitted sites shall be inspected once every two years. Inspections by the Zoning Administrator or his designee shall be scheduled in April to coincide with permit renewal applications and in October each year by the Zoning Administrator or his designee. The inspection reports shall be timely submitted to the Planning Board for its review.

B. Amendments and renewals. Permit holders wishing to alter the size or location of the excavation, the rate of removal or the plan for reclamation shall apply for a renewal or

amendment following the same procedures as those required for the original excavation permit.

C. Inspections. The Zoning Administrator or his designee may make periodic inspections of all excavation sites to determine if the operations are in conformance with these regulations and the approved plans.

D. Suspensions and revocations. The Board may suspend or revoke a permit if the Zoning Administrator determines that any provision of the permit has been violated, a material misstatement made in the application upon which a permit was granted, or any unsafe or hazardous conditions are determined by a site inspection to exist. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with these regulations to the Zoning Board of Adjustment.

E. Appeals. Any person affected by the Planning Board's decision to approve or disapprove an application or any amendment thereto or any suspension or revocation of a permit may appeal to the Zoning Board of Adjustment for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall be filed within 10 days of such decision and shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable. The Zoning Board shall either grant or deny the request for rehearing within 10 days, and if the request is granted, a rehearing shall be scheduled within 30 days. Any person affected by the Zoning Board's decision on a motion for rehearing may appeal in accordance with RSA 677:4 to 677:15.

F. Penalties. Fines, penalties and remedies for violations of this regulation shall be the same as for violations of RSA 676:15 and 676:17. Whoever violates any provision of this regulation, a permit or a valid order issued hereunder shall be guilty of a misdemeanor.

ARTICLE X
Signs and Fences

§ 170-50. Sign review and regulations. [Amended 8-19-2015 by Ord. No. 2015.07.22-017; 10-26-2016 by Ord. No. 2016.10.12-015]

The purpose of this section is to create a legal framework for signage regulations that is intended to facilitate a flexible and agreeable communication between people. Such an ordinance acknowledges the need to protect the safety and welfare of the public, the need for a well-maintained and attractive appearance throughout the City of Dover and the need for adequate identification, advertising and communication. While this section recognizes that aesthetics and design quality cannot be satisfactorily legislated, it does, however, operate on the premise that a large percent of that which is unattractive can be eliminated by sensible quality control through maintenance and inspection and by guidelines formulated to minimize clutter.

A. Permitted signs. No sign shall be permitted within the City of Dover except in accordance with the provisions of this section. See Tables of Use and Dimensional Regulations by District for overview of permitted signs.

B. Permit required. No sign, other than a residential nameplate or a sign exempted from the permitting requirements of this section as described herein, shall be erected or placed in the City of Dover without a sign permit. Said permit shall be issued by the Zoning Administrator, provided that the sign meets all the regulations of this section, after the submission of an application and a set of plans to an appropriate scale, showing site location, dimensions, method of illumination, if any, and types of materials to be used in construction. Replacement of existing signs and support structures, where the area, location or materials are being altered, shall require a permit, and such replacement shall conform to the regulations of this section.

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 O. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

(2) All signs shall be constructed, erected and maintained so as not to present a hazard to persons and property.

(3) All signs shall be erected in such a manner so as not to obstruct free and clear vision along or onto a public right-of-way.

(4) All signs shall be erected in such a manner so as not to obstruct the view of, be confused with or mistaken for any authorized traffic sign, signal or like device.

(5) The illumination of any sign shall be nonflashing; spot- or floodlights shall be arranged so that the direct rays of light do not shine or reflect directly into adjacent properties or the line of vision of a motorist.

(a) Flashing signs are prohibited.

(b) Illuminance of the sign face shall not exceed the following standards:

[1] External illumination: 50 footcandles as measured on the sign face.

[2] Internal illumination: 5,000 nits (candelas per square meter) during daylight hours, and 500 nits between dusk and dawn, as measured at the sign's face.

[3] Direct illumination: 5,000 nits during daylight hours, and 500 nits between dusk and dawn, as measured at the sign's face.

(6) The top edge of a wall sign shall be at least one foot below the top of the wall or parapet wall. The top edge of a roof sign shall be at least one foot below the roof ridge or the highest point of the roof if no ridgepole exists.[11]

(7) No sign shall be painted or affixed with adhesive directly on the surface of a building.

11. Editor's Note: See Figure 1 of the Sign Diagrams, Part I, included as an attachment to this chapter.

(a) Window decals (such as: adhesive; labels; placards) are not permissible when affixed on the outside of a window, but are, generally, allowed when affixed to the inside. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

(8) Rotating signs or beacons, waving pennants or whirling devices are prohibited.

(9) Temporary signs are prohibited, except as otherwise provided in Subsection O. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

(10) All signs are prohibited within the public right-of-way, except as otherwise provided in this section.

(11) The terms of this section shall not apply to signs being necessary for the public welfare and, as such, are required by the municipal, state, or federal government.

(12) The material and construction of any sign or supporting elements shall be in accordance with the building and electrical codes (in use by the City at the time of installation) and all other applicable City regulations.

(13) On a corner lot, no freestanding sign or support element shall be erected to materially impede vision between a height of 2 1/2 feet and eight feet above curb grades in the same area bounded by the street lines of such corner lot and a straight line joining points along said street lines 30 feet from point of their intersection except as otherwise provided in this section.

(14) Essential directional signs not exceeding four square feet in area are permitted indicating entrance and exit driveways. Said signs shall not be subject to the permitting requirements of this section.

(15) Signs not exceeding two square feet in area are permitted in parking lots indicating aisles or reserved areas or spaces. Said signs shall not be subject to the permitting requirements of this section.

(16) On a building or project under construction, or on a property currently for sale or rent, one additional sign is permitted and shall conform to the following additional regulations:

(a) One sign not exceeding 32 square feet is permitted on a building or project under construction. Such sign shall be removed upon the receipt of a certificate of occupancy or upon the expiration of the building permit. An additional one sign not exceeding 32 square feet is also permitted as a temporary development identification sign at the principal vehicular entry point. Said sign shall not be subject to the permitting requirements of this section. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(b) One sign not to exceed four square feet may be erected on a property currently for sale or rent. Said sign shall not be subject to the permit requirements of this section.

(17) Wall signs shall conform to the following additional regulations:

(a) No wall sign shall be located in such a manner so as to extend above the next floor's windowsill or descend below the top of the lower floor's lintel.[12]

(b) In all nonresidential zoning districts where a business/premises fronts on more than one public street or municipal parking lot, one wall sign shall be permitted upon each frontage. The sign area displayed shall not exceed that area permitted by the frontage on that public street or parking lot.[13]

(c) In all nonresidential zoning districts, one informational/directional wall sign shall be permitted for each building entryway. Said sign shall not exceed four square feet in area and shall not be illuminated. Said sign shall not be subject to the permitting requirements of this section.

(18) All freestanding signs shall conform to the following regulations:

(a) No freestanding signs shall be located in an area designated for parking unless said sign is protected along all sides by curbing. A four-foot clear space is required along all approaches.[14]

(b) No freestanding sign shall be placed within 50 feet of a low-density residential district (R-40, R-20) boundary.

(19) All projecting signs shall conform to the following additional regulations:

(a) Projecting signs shall be attached to the main wall of the building.

(b) Projecting signs shall be prohibited from projecting over a street, alley or other public space beyond four feet eight inches from a building facade or 2/3 of the width of the sidewalk, whichever is less.[15]

(c) A clear space of not less than 10 feet shall be provided below all parts of a projecting sign, except for residential nameplates.

(d) In all nonresidential zoning districts where a business/premises fronts on more than one public street or municipal parking lot, one projecting sign shall be permitted upon each frontage. The sign area displayed shall not exceed that area permitted by the frontage on that public street or parking lot.

(20) Awnings may be used in lieu of permitted wall signs, provided said letters, insignia or emblems do not exceed the square footage allowed for a wall sign in the applicable zoning district.

D. Signs permitted in residential districts. Any sign permitted in a residential district shall conform to the following regulations (see tables for overview of permitted signs):

12. Editor's Note: See Figure 2 of the Sign Diagrams, Part I, included as an attachment to this chapter.

13. Editor's Note: See Figure 3 of the Sign Diagrams, Part I, included as an attachment to this chapter.

14. Editor's Note: See Figure 4 of the Sign Diagrams, Part I, included as an attachment to this chapter.

15. Editor's Note: See Figure 5 of the Sign Diagrams, Part I, included as an attachment to this chapter.

(1) Customary home occupation signs shall identify only the name of each occupant and the street address. Said sign shall not exceed two square feet and shall not be subject to the permit requirements of this section.

(2) One sign not to exceed 16 square feet may be erected in connection with any legally permitted nonresidential use, excepting home occupations and bed-and-breakfasts.

(3) One sign may be erected in connection with a lawfully maintained nonconforming use.

(4) All nonresidential signs may only be illuminated by constant external illumination. The lighting element shall be shielded and shall illuminate only the sign. No sign shall be illuminated after 9:00 p.m. or before 6:00 a.m.

(5) One sign not to exceed four square feet may be erected in connection with a bed-and-breakfast.

(6) No sign shall be located greater than eight feet above the ground, whether freestanding or attached to a building.

E. Signs permitted in CBD and CWD Districts. (See table for overview of permitted signs.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(1) Wall signs.[16] An additional one square foot of sign area per one foot of business frontage shall be permitted, provided that the character of the sign conforms to mill motif design criteria. Refer to Subsection O for applicable criteria.

F. Signs permitted in C District. (See table for overview of permitted signs.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(1) Freestanding signs.

(a) Where a principal building fronts on more than one street, one freestanding sign may be erected upon each frontage, provided that the building complies with applicable setbacks.

(b) One freestanding sign shall be permitted for every principal entryway to a shopping center. Such signage shall be a distance of 500 feet apart.

(c) Each freestanding sign shall not exceed 16 feet in height, except as provided for below, and shall be permanently affixed to the ground. Notwithstanding, freestanding signs fronting on the Spaulding Turnpike shall not exceed 30 feet in height.

(d) Notwithstanding, no freestanding sign shall be allowed on Old Rochester Road.[17]

G. Signs permitted in O and Gateway Districts. No sign shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted signs.) Signs shall only

16. Editor's Note: See Figure 6 of the Sign Diagrams, Part II, included as an attachment to this chapter.

17. Editor's Note: Original § 170-32G, Signs permitted in B-1 Districts, of the 2013 Code, which immediately followed this subsection, was repealed 7-22-2020 by Ord. No. 2020.07.08-007.

be illuminated by constant external illumination. The lighting element shall be shielded and shall illuminate only the sign. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

H. Signs permitted in CM District. (See table for overview of permitted signs.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(1) Freestanding signs.

(a) Where a principal building fronts on more than one street, one freestanding sign may be erected upon each frontage, provided that the building complies with applicable signage setbacks.

(b) Two freestanding development identification signs shall be permitted per approved industrial park, provided that the combined square footage of such signs does not exceed 500 square feet in area and that, if on a corner lot, such signs shall be set so as to not materially impede vision.

I. Signs permitted in IT District. (See table for overview of permitted signs.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(1) Freestanding signs.

(a) Where a development fronts on more than one public street or roadway, one freestanding sign shall be permitted upon each frontage.

(b) Each freestanding sign shall not exceed 16 feet in height, except as provided for below, and shall be permanently affixed to the ground. Notwithstanding, freestanding signs fronting on the Spaulding Turnpike shall not exceed 30 feet in height.

(c) Sign area shall not exceed 60 square feet in area. Notwithstanding, a freestanding sign fronting the Spaulding Turnpike shall not exceed 100 square feet in area.[18]

J. Political advertising signs. Political advertising signs are permitted per the political advertising sign provisions of state law.

K. Obsolete signs. Any sign which is located on property which becomes vacant and unoccupied for a period of more than six months shall be deemed to have been abandoned, and the sign shall be considered obsolete. Such obsolete signs are prohibited and shall be removed by the owner of the sign or owner of the premises. In the event that the said sign(s) and support(s) are not removed as requested by the Zoning Administrator, the City of Dover may remove said structure(s) and assess all costs and expenses incurred in said removal against the structure's owners and/or the owner of the land upon which said structure(s) is located.

L. Nonconforming signs. A sign installed prior to the effective date of this section which meets the applicable requirements of the Zoning Code then in effect but which is not in conformance with the provisions of this code shall be deemed a permitted

18. Editor's Note: Original § 170-32K, Signs permitted in the B-5 District, of the 2013 Code, which immediately followed this subsection, was repealed 7-22-2020 by Ord. No. 2020.07.08-007.

nonconforming sign. Such nonconforming sign shall, however, be subject to the following regulations:

(1) No nonconforming sign shall be altered in any way, in structure or material, which makes the sign less in compliance with the requirements of this section than it was before the alterations.

(2) No nonconforming sign shall be relocated to a position making it less compliant with the requirements of this section.

(3) Nonconforming freestanding signs and projecting signs may be replaced upon approval of a sign permit application, provided that the support structure of the sign remains in place and the dimensions of the sign are the same or smaller. If any other nonconforming sign is replaced, it shall be replaced in total with a sign that is in conformance with the provisions of this section.

(4) Should a nonconforming sign be destroyed by any means to an extent of more than 75% of its replacement cost at the time of its destruction, it shall not be reconstructed except in conformity with the provisions of this section.

M. Mill motif design criteria.

(1) Intent.

(a) A recurring architectural theme exists within the Central Business District, where the use of brick, granite and slate dominates much of the existing commercial building stock. Influenced by the early 19th century mill development, signage was closely integrated with the style and composition of the building, often consisting of handsomely carved and painted wooden signboards. The use of dark background tones, highlighted with bright lettering, was dominant. Projecting signs were typically constructed from dark-hued metal, cast iron in particular, and internal lighting or use of plastics, aluminum and vinyl was nonexistent.

(b) The use of a mill motif signage theme is an attempt to promote a style of architectural continuity within Dover's urban center. Within the defined mill motif theme, a great amount of flexibility is permitted where design and materials are involved, and all signage should be guided by general design criteria.

(2) Sign location. Every sign shall be required to be an integral part of its building. Signs shall be located with respect to the basic architectural framework of the building, so as not to obscure the primary elements (door and window openings and decorative facade treatments) of a building's framework.

(3) Sign composition.

(a) Lettering.

[1] No more than one font shall be permitted per sign. More than one size is permitted.

[2] Letters may be attached to the building facade.

[3] Light-colored letters on a dark background are required.

[4] Lettering shall be located so as not to obstruct architectural detailing on the building face.

[5] Product trademarks are not permitted. Generic trade symbols (e.g., a shoe for a cobbler, a mortar and pestle for a druggist) are permitted.

[6] Letter styles shall be limited to the classic genre, i.e., Copperplate Gothic, Times, Franklin Gothic, Benton, Clarendon, Haas Helvetica, Folio Caravelle Medium, Windsor, and Times Roman.

[7] The size of the lettering shall be in proportion to both the sign configuration and the building.

(b) Color.

[1] No more than three colors are preferred, plus black and white. Differences in shade or hue are considered different colors. Lettering is limited to one color.

[2] Colors used in signage should relate to the color composition of the building material and be compatible with them.

[3] The determination of sign color must relate to the degree of contrast between the sign lettering and sign background.

(c) Lighting.

[1] Internal illumination and direct illumination are prohibited.

[2] Only shielded external illumination shall be permitted if lighting is used.

(d) Materials.

[1] The appearance of traditional materials, such as wood, glass, brass, bronze or iron, is required.

[2] Wooden signs shall be constructed of dense, clear wood that adapts to engraving/carving and paint or stain. The use of plywood shall be limited to overlay, exterior or marine plywood.

[3] Projecting signs shall be supported by black, iron attachments to the building. Guy wires shall not be permitted as a principal sign support member.

[4] No support for a projecting sign shall extend above the cornice line of the building to which it is attached.

(4) Permit process.

(a) The Zoning Administrator shall be responsible for the issuance of sign permits relative to mill motif accessory signs. Application for said signs shall include the following items:

[1] A scaled elevation drawing of the entire building facade(s).

[2] Proposed sign clearly delineated on the elevation drawing.

[3] Detailed drawings indicating materials, size, colors and style of lettering, lighting and attachment method.

[4] A photograph of the building.

[5] A sample color rendering of the intended sign.

(b) Upon completion of the review, the Zoning Administrator will approve or disapprove the application and inform the applicant of the decision, in writing.

N. Fees for the review of signage are set annually and may be found in the City's Fee Schedule.

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 Community Development Department, except as noted in Subsection O(1)(b). The following regulations shall apply: **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]**

(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:

[1] One-week temporary sign permits are valid for a consecutive seven-day period and may be obtained once every three months, for a maximum of four one-week temporary signs per year. If the permit is not used in one quarter, it shall not be carried over to the next quarter.

[2] The temporary sign shall be limited to 24 square feet in size and shall not be placed in such a manner so as to create a traffic or safety hazard. Banner-type temporary signs are permitted only in the C Zoning District.

[3] The temporary sign shall be removed within 24 hours after the end of the approved display period. If the temporary sign or banner is not removed within 24 hours, the temporary sign or banner may be removed by the City of Dover.

[4] 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 O(1)(d) must be met. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

(b) Temporary signs allowed without a permit. One A-frame sandwich board temporary sign is permitted per lot or tenant and does not require a permit, provided all of the following conditions are met:

[1] The temporary sign is not located on a City sidewalk or within a public right-of-way.

[2] The maximum size of the temporary sign is eight square feet.

[3] The temporary sign must be placed directly in front of the building at a distance no greater than two feet from the building and must not impede pedestrian or handicapped access to the business or adjacent businesses.

(c) Temporary signs allowed with annual permit. One temporary sign shall be permitted per each principal building. Buildings with an excess of 100 feet of street frontage shall be permitted one additional temporary sign per every additional 100 feet of street frontage. See District Tables of Use for additional requirements.[19]

[1] 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 O(1)(d) must be met. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

[2] The following additional regulations shall apply to temporary signs located in the CBD-General District:

[a] The structure of the temporary sign must consist of medium density overlay plywood, or a similar durable, wood-like material which can withstand the weather, or metal (except as supplemented by material for changeable messages; see below). The use of other materials is permitted if styled and composed to imitate wood or metal.

[b] Any graphics, lettering, words, numbers, messages and/or symbols on the temporary sign shall be applied directly onto the surface of the sign and/or shall be made with sign plastic film.

[c] The material for changeable messages shall be either chalkboard or dry-erase board. Temporary signs with moveable slide-in plastic letters are not permitted.

[d] Temporary signs using stencils or spray paint are not permitted.

[e] Temporary signs may not be painted traffic yellow or construction-zone orange or use any reflective or fluorescent materials.

19. Editor's Note: The District Tables of Use are included as attachments to this chapter.

(d) Temporary signs located on a City sidewalk or within a public right-of-way. Temporary signs located on a City sidewalk or within a public right-of-way shall meet the following requirements:

[1] A certificate of insurance in the amount of $100,000 (bodily injury/ property damage) shall be filed as part of the temporary sign permit application to ensure sufficient liability coverage of the applicant.

[2] A hold harmless certification letter shall be filed as part of the temporary sign permit application to relieve the City of Dover from bodily injury and property damage liability.

[3] Temporary signs shall only be displayed during business hours.

[4] A five-foot clear passageway must be maintained at all times.

[5] Temporary signs shall be located directly in front of the building or in front of the space within the building occupied by the temporary sign owner.

(2) Community signs. With a permit, temporary signs may be located in the public right-of-way at Central Square, Weeks Crossing, and the intersections of Durham Road and Back River Road, Sixth Street and Indian Brook Drive, and Knox Marsh Road and Littleworth Road, provided that the following requirements are met:

(a) Community signs shall be A-frame/sandwich board type and no larger than six square feet in area and no greater than three feet in height.

(b) No more than three permits shall be issued per location, per display period.

(c) Each week of the year shall constitute one display period. No applicant will be issued a community sign permit for more than 12 display periods per calendar year.

(d) Applications for community sign permits will be accepted by the Planning and Community Development Department only during the week prior to the display period. Applications will not be accepted in advance unless an entire calendar year's display schedule and payment of fees are submitted by the applicant. Permits will be granted on a first-come, first-served basis.

(e) Applications must be signed by the property owner (applicant or applicant's landlord) and shall include:

[1] A certificate of insurance in the amount of $100,000 (bodily injury/ property damage) to ensure sufficient liability coverage of the applicant.

[2] A hold harmless certification letter to relieve the City of Dover from bodily injury and property liability.

(f) A display period sticker will be issued with the community sign permit and shall be affixed to the lower right corner of the sign face.

§ 170-51. Fence review and regulations. [Amended 6-22-2016 by Ord. No. 2016.06.08-010]

A. Fence heights. No person or other entity shall erect or cause to be erected a fence exceeding four feet in height between the right-of-way and either 10 feet from the right-of-way or a line parallel with the front of the house closest to the right-of-way, whichever is less. Fences may be up to eight feet in height for the remainder of the lot. Height is measured from ground level.

B. Fence design.

(1) The finished side of a fence shall face outward from the property on which the fence is located. The side of a fence containing the posts or poles and other bracing appurtenances shall face inward to the property being fenced in or on which the fence is located. When erected on a property or lot boundary line, all of the fence and any of its supporting structures or appurtenances shall be contained within the lot or property of the person erecting said fence.

(2) On a corner lot, no fence or vegetal elements shall be erected or placed in such a manner(s) as to materially impede vision between that area bounded by the street lines of such corner lot and a straight line joining points along said street lines 30 feet from the point to the intersection. For corner lots that are located on the inside curve of streets and at intersections that are not perpendicular, adequate and safe sight distances in both directions, as determined by the Zoning Administrator, shall be provided. Property owners shall maintain vegetation such that it does not grow to limit sight distance.

C. Exceptions. The provisions described in Subsection A shall not apply in the Commercial Manufacturing (CM), Commercial (C), Central Business (CBD), Gateway (G), Office (O), and Cochecho Waterfront (CWD) Zoning Districts, or whenever the Zoning Board of Adjustment, as a condition attached to the granting of a variance or special exception to this chapter, requires for screening purposes a fence exceeding eight feet. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012; 7-22-2020 by Ord. No. 2020.07.08-007]**

ARTICLE XI
Nonconforming Uses and Structures

§ 170-52. Nonconforming uses of land.[20]

Where, at the time of passage of this chapter, lawful use of land exists which would not be permitted by the regulations imposed by this chapter, the use may be continued so long as it remains otherwise lawful, provided that:

A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter, with the exception of a single-family structure. Said single-family

20. Editor's Note: Original § 170-39, Nonconforming lots, of the 2013 Code, which immediately preceded this section, was repealed 10-13-2021 by Ord. No. 2021.09.08-006. See now § 170-14, Nonconforming lots.

structure may be expanded up to 20% of its gross habitable floor space, provided the addition conforms with all other applicable regulations and ordinances and no additional units are created.

B. No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter.

C. If any such nonconforming use of land ceases for any reason for a period of more than 12 consecutive months or for 24 months during any three-year period, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

D. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land with the exception of accessory structures associated with a single-family house, provided they comply with all other applicable City ordinances and regulations.

E. The above notwithstanding, if a lot meets the requirements of § 170-14, any additions or accessory structures may be allowed to meet the side yard setbacks outlined therein.

§ 170-53. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height or yards, its location on the lot or other requirements concerning the structure may be continued so long as it remains otherwise lawful, subject to the following:

A. Except as provided for in §§ 170-52A and 170-53D, no such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

B. A building or structure nonconforming either in terms of use or bulk may be restored to its former bulk if destroyed by fire, other hazard or if it is determined by the building official to be a hazard to persons or buildings abutting it, provided that restoration of the structure is begun within 12 months after the act of destruction. All such structures in use at the time of destruction for agricultural purposes shall be exempt from the provisions of this subsection, provided that such reconstruction, alterations or repairs are in compliance with the provisions of Subsection A. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

C. Should such structure be intentionally moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Additions to nonconforming single-family structures that were made nonconforming by a zoning amendment that changed the front, side or rear setback requirements shall be permitted within the front, side or rear setback areas, provided that the addition is no closer to the lot line than the existing nonconforming structure, and no closer than 10 feet to the lot line.

E. For nonconforming single-family structures that were made nonconforming by a zoning amendment that changed the front, side or rear setback requirements, accessory structures that are less than one story in height shall be permitted within the front, side or rear setback areas provided that the accessory structure is no closer to the lot line than the existing nonconforming principal structure, and no closer than five feet to the lot line, and has no windows on the side of the building facing that encroached area. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

§ 170-54. Repairs and maintenance. [Amended 8-22-2018 by Ord. No. 2018.08.08-009]

On any nonconforming structure or portion of a structure containing a nonconforming use, ordinary repairs may be made, subject to the following provisions: if a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is so declared by the Housing Standards Board to be unsafe or unlawful by reason of physical condition, an owner shall be able to restore, repair or rebuild it within six months of said determination, in its existing location, unless an extension is granted by the Housing Standards Board. Otherwise, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. Any duly authorized official charged with protecting the public safety may rightfully order a structure to be secured to a safe condition.

§ 170-55. Uses permitted by special exception. [Amended 7-22-2020 by Ord. No. 2020.07.08-006]

Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through the Zoning Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

ARTICLE XII
Off-Street Parking and Loading

§ 170-56. Applicability.

The following conditions shall apply to all parking and loading spaces provided in conformance with this chapter:

A. Conformity with the Site Review Regulations, Chapter 153, §§ 153-14 and 153-17, site development criteria.

B. Where parking spaces are provided for nonresidential structures and this parking area adjoins a residential use, suitable screening at least seven feet in height shall be provided and maintained.

C. In the Central Business District (CBD) and Cochecho Waterfront District (CWD), municipal parking facilities may be substituted for the requirements of this section.

D. Parking spaces for nonresidential uses and multifamily dwellings shall have independent access to an aisle or driveway and be accessible year-round.[21]

ARTICLE XIII
Administration

§ 170-57. Administrative officer.

A. This chapter shall be enforced by the Zoning Administrator, who shall have the authority to make inspections necessary to carry out his/her duties in the enforcement of this chapter.

B. The Building Inspector shall not approve an application or issue a building permit or certificate of occupancy for any purpose, except in compliance with the provisions of this chapter.

§ 170-58. Violations and penalties.

The administration and enforcement of this chapter shall be in any manner authorized by state statute, including but not limited to RSA 31:39-d, 676:14, 676:15, 676:17, 676:17-a, and 676:17-b.

§ 170-59. Zoning Board of Adjustment.

A. Purpose. The purpose of the Zoning Board of Adjustment is to hear and decide appeals of any person(s) who is aggrieved by the administration, enforcement and application of this chapter.

B. Authority. The Zoning Board of Adjustment shall be duly constituted and shall have such duties and powers as specified under RSA 673:3 and 674:33 and this chapter as set forth herein.

C. Powers and duties.

(1) Powers. The Zoning Board of Adjustment shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made in the enforcement of this chapter (interpretation of ordinance). **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(b) To hear and decide special exceptions to the terms of this chapter upon which the Zoning Board of Adjustment is required to pass under this chapter (special exception).

(c) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to

21. Editor's Note: Original § 170-46, Loading spaces, of the 2013 Code which appeared in this article was repealed 6-22-2016 by Ord. No. 2016.06.08-010.

special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done (variance).

(d) To hear and decide requests for equitable waivers from the dimensional terms of this chapter where a structure has been found to be in violation of said dimensional requirement.

(2) Interpretation of chapter.

(a) On appeal from an order or decision made by any officer or board of the City, the Zoning Board of Adjustment shall have the power to decide any of the following questions:

[1] Determination of the meaning of any provision of the text of this chapter.

[2] Determination of the exact location of any district boundary shown on the Zoning Map.[22]

[3] The Zoning Board of Adjustment shall hear and decide appeals de novo and review on appeal any order, requirement, decision or determination made in the enforcement or application of this chapter. Upon such appeal, the Zoning Board of Adjustment may, in accordance with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify any such order, requirement or decision as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(3) Special exceptions. The Zoning Board of Adjustment shall have the power to hear and decide on application for special exceptions. In applying a special exception, the applicant need not demonstrate hardship, since the basis for the action is of general benefit to the City as a whole.

(a) In granting a special exception, the Zoning Board of Adjustment, with due regard to the nature and condition of all adjacent structures and uses and the district within which the same is located, shall find all of the following general conditions to be fulfilled:

[1] The requested use is essential or desirable to the public convenience or welfare.

[2] The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

[3] The requested use will not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.

22. Editor's Note: The Zoning Map in on file in the office of the City Clerk, where it may be examined during regular business hours.

(b) Any special exception which has not been acted upon in accordance with the approval of the Zoning Board of Adjustment within four years of the date of said approval shall be considered null and void.

(4) Variances.

(a) The Zoning Board of Adjustment may authorize a variance from the terms of this chapter for:

[1] A particular use.

[2] A parcel of land.

[3] An existing/proposed building.

(b) Said variance shall only be granted where unusual difficulty or special hardship would be imposed by the literal application and rigorous enforcement of this chapter.

(c) In granting variances, the Zoning Board of Adjustment, if it deems it proper to the carrying out of the intent and purpose of this chapter, may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purpose of this chapter.

(d) Any variance which has not been acted upon in accordance with the approval of the Zoning Board of Adjustment within four years of the date of said approval shall be considered null and void.

(5) Other requirements. The granting of any appeal by the Zoning Board of Adjustment shall not exempt the applicant from any provision of this chapter not specifically ruled upon by the Zoning Board of Adjustment or specifically set forth as excepted in this particular case from a provision of this chapter. It shall be unlawful for any owner or person to reconstruct, convert or alter a structure or change the use, increase the intensity of use or extend or displace the use of any building, other structure or lot or change any required limitations or special conditions imposed by the Zoning Board of Adjustment in authorizing a special exception or variance without appealing to the Zoning Board of Adjustment as a new case, over which the Zoning Board of Adjustment shall have complete administrative power to deny, approve or modify.

(6) Public hearing. The Zoning Board of Adjustment shall fix a reasonable time for the hearing of an appeal in accordance with its bylaws, and before any hearing is given either on an appeal or an application for variance or special exception of this chapter, notice shall be given to all abutters of any portion of the lot in question. Notice shall be given to abutters by verified mail, and also placed in a newspaper of general circulation, not less than five days before the date fixed for the hearing of the appeal. The costs of any notice shall be paid by the appellant or applicant to the Department of Planning and Community Development. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

D. Appeal from the decision of the Zoning Board of Adjustment.

(1) Rehearing. Within 30 days after any order or decision of the Zoning Board of Adjustment, any party to the action or proceedings or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding or covered or included in the order, specifying in the motion for rehearing the grounds therefor, and the Zoning Board of Adjustment may grant such rehearing if, in its opinion, good reason therefor is stated in such motion.

(2) Appeal to Superior Court. No appeal from any order or decision of the Zoning Board of Adjustment shall be taken unless the appellant shall have made application for rehearing as provided above, and when such application shall have been made, no ground set forth herein shall be urged, relied on or given any consideration by the Court, unless the Court for good cause shown shall allow the appellant to specify additional grounds. Within 30 days after the application for a rehearing is denied or, if the application is granted, then within 30 days of the decision on such rehearing, the applicant may appeal by petition to the Superior Court.

§ 170-60. Amendment procedure.

A. Power to amend. In accordance with RSA 674:16, the City Council may, from time to time, amend the provisions of this chapter.

B. Initiation of amendments. Amendments may be initiated by the City Council, the Planning Board, or by petition from one or more property owners in Dover or citizens of Dover.

C. Procedure for consideration of a proposed amendment.

(1) Amendments initiated by the Planning Board. The Planning Board may, upon its own initiative, from time to time, consider amendments to this chapter or Zoning Map and submit recommendations for amendments to the City Council. Such amendments shall be developed pursuant to the public notice and hearing requirements contained in Subsection D below.

(2) Amendments initiated by the City Council. The City Council may, upon its own initiative, from time to time, consider amendments to this chapter or Zoning Map. All such City Council-initiated amendments shall be referred to the Planning Board for its review and study. The referral shall be made, in writing, by the Mayor. The Planning Board shall, after following the public notice and hearing requirements contained in Subsection D below, submit written recommendations regarding the amendments to the City Council within 60 days of their referral.

(3) Amendments initiated by Dover citizens or property owners. Dover citizens or owners of property in Dover submitting amendments to this chapter or Zoning Map shall forward their proposed amendments to the Planning Board for its consideration and recommendation. Such submission shall contain the information required by Subsection E below. The Planning Board shall have the petition placed on the agenda for its next regularly scheduled meeting that proper notice, as required in Subsection D below, can be met. After the public hearing,

the Planning Board shall make its recommendations concerning the petitioned amendments to the City Council within 60 days of the date of the initial public hearing.

D. Public notice and hearing requirements.

(1) Public notice. Public notice shall be given for the time and place of the public hearing at least 10 days before the hearing, not including the day the notice is posted or published or the day of the public hearing. In accordance with the requirements of RSA 675:7, I(a) and (b)(3), notice of the public hearing shall be posted in at least three public places, including the City website. In accordance with RSA 675:7, I(b), the posting on the City website shall appear prominently on the City's home page (or a link directly to the notice appearing prominently on the City's home page), shall be posted at least 10 days before the hearing, and shall remain posted on the website until the conclusion of the hearing. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(2) Notice to landowners and abutters. Except as hereinafter provided, a letter of notification shall be sent to landowners whose property lies within that area affected by a rezoning boundary change, change in permitted minimum lot sizes, or change in permitted use to their zone. Otherwise, notices will be sent per RSA 675:7. All such notices shall be sent to the address used for mailing local property tax bills, shall be by first-class mail and shall be sent at least 10 days prior to the scheduled public hearing date. In accordance with RSA 675:7, I-a, good faith effort and substantial compliance shall satisfy the notice requirements set forth in this subsection. In accordance with RSA 675:7, I-b, in the event of petitioned zoning amendments, the petitioners shall be responsible for the full cost of notice by mail as set forth in this subsection. The requirements of RSA 675:7 shall apply if and to the extent RSA 675:7 (as may be amended from time to time) provides other or more stringent requirements than the notice and other requirements stated in this subsection. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(3) Text of notice. All letters of notification and public notices shall state the time and place of the public hearing, the nature of the amendment, and a general description of the property involved, where applicable, and designate a place where the full text of the amendment is on file for public inspection.

E. Submission requirements for petitioned amendments. A petitioned amendment proposal shall be accompanied by maps, data and narrative information describing the location, nature and purpose of the proposed amendment, as follows:

(1) A properly drafted ordinance containing the amendment in a form meeting the requirements of the City Clerk;

(2) A statement of the purposes and intent of the proposed amendment;

(3) A statement of the impact of the proposed amendment on the City's economy, environment, municipal services, municipal facilities and neighborhoods;

(4) A map showing the existing zoning districts and the amendments to these districts as proposed in the amendment, if applicable;

(5) The names, addresses, and telephone numbers of those submitting the petition and of any agents or representatives of the same;

(6) A list and address labels including the name, address, and Tax Map number of each property owner of the area proposed for rezoning and each property owner within 100 feet of the subject area. The list shall be current within 10 days of submittal; and

(7) A nonrefundable fee as contained within the Fee Schedule to cover the cost of the newspaper notice, and a nonrefundable fee as contained within the Fee Schedule per landowner and abutter required to be notified per Subsection D(2). **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

F. Criteria for Planning Board review of proposed amendments. The Planning Board shall provide to the City Council a report on each proposed amendment. The report of the Planning Board shall include the Planning Board's findings and recommendations on the following:

(1) The consistency of the proposed amendment with the Master Plan;

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

(3) The effect of the proposed amendment on the City's municipal services and capital facilities as described in the capital improvements program;

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

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

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

(7) 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.

G. City Council action on proposed amendments.

(1) Setting a hearing date. Upon receipt of the Planning Board's report and recommendations on the proposed amendment, or upon the expiration of the sixty-day study period, the City Council shall establish a date for a public hearing and shall further publish and post a notice of such hearing as specified in Subsection D.

(2) Waiver of notice. In the event that the proposed amendment is comprehensive in nature, the aforementioned provisions requiring notice by first class mail to individual landowners and abutters may be waived by a majority vote of the full City Council, with respect to the public hearing to be held before it. An amendment shall be deemed to be comprehensive in nature if it affects more than one of the zoning districts established by § 170-7 of this chapter. Under no

circumstances may the provisions for publication of notice in a newspaper or posting of public notice contained in Subsection D(1) of this section be waived.

(3) Action on the proposed amendment. After holding the duly noticed public hearing on a proposed amendment, the City Council shall approve or disapprove the amendment. The City Council shall not have the right to overrule the Planning Board recommendations unless by a vote of not less than 2/3 of its membership present and voting.

(4) Protest petition. If a valid protest petition, in accordance with RSA 675:5, has been filed against a proposed amendment, a favorable vote of 2/3 of the City Council members present shall be required.

170 Attachment 1

City of Dover

Rural Residential (R-40) District
[Amended 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Adult day care [5]
- Assembly hall
- Bank [5]
- Beauty shop and barbershop [5]
- Bed-and-breakfast
- Child-care facility
- Child-care home
- Clinic
- Conservation lot
- Conversion of existing dwelling to accommodate not more than 2 units [6]
- Country club [7]
- Dwelling, two-family [8]
- Dwelling, three- to four-family [8]
- Dwelling, single-family
- Educational institution, K-12
- Excavation [7]
- Farm [9]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [10]
- Hospital
- Manufactured housing
- Office [5] [11]
- Personal service establishment [5]
- Public recreation
- Public utility
- Recreational camp
- Retail sale of agricultural or farm products raised on site
- Theater [5]
- Veterinary office, animal hospital or kennel [12]
- Wholesaling of farm products [7]

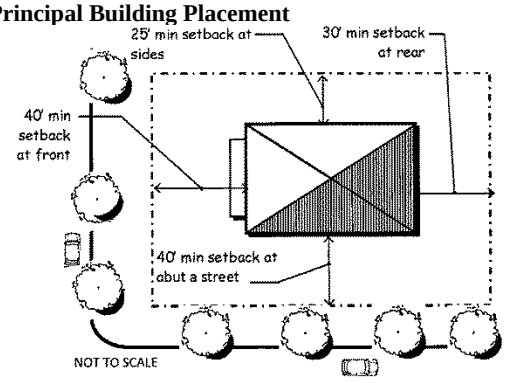
Uses Permitted by Special Exception

- Assisted living facility
- Congregate care facility
- Continuing care community facility
- Educational institution, postsecondary
- Elderly assisted care home
- Helicopter takeoffs and landings
- Junkyard
- Manufactured housing park
- Nursing home

Dimensional Regulations [1] [2]

Lot	
Minimum lot size [3] [4]	40,000 sf
Maximum lot coverage	10%
Minimum frontage	150 ft
Principal Building	
Front setback	40 ft
Abut a street setback	40 ft
Side setback	25 ft
Rear setback	30 ft
Outbuilding/Accessory Use	
Front setback	40 ft
Abut a street setback	40 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	35 ft max
Outbuilding	35 ft max

Principal Building Placement



Sign Regulations

Size	R-40 District
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)

Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Footnotes

[1] In the case of an open space subdivision, in accordance with Article IV of Chapter 157 of the Code of Dover, the dimensional requirements shall be as specified in § 157-21 of the Code of the City of Dover.

[2] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[4] Refer to Chapter 157, Subdivision of Land, Article IV, for the minimum lot size for a major subdivision. In an R-40 District, any major subdivision must follow the procedures for an open space subdivision (OSS).

[5] Use is allowed as a commercial component to an open space subdivision. (See § 157-21.)

[6] Any dwelling unit may be converted, not replaced, provided that the lot shall contain at least 4,000 square feet per dwelling unit and a minimum floor area of 500 square feet per dwelling unit. Two-family dwellings shall be designed to look like single-family dwellings (i.e., the two-family dwelling should not look like it was designed to occupy more than 1 family). At a minimum, this shall mean that only 1 entrance shall be visible from a public street, and only 1 driveway shall exist with no on-street parking required for residents.

[7] Use is not allowed as a commercial component to an open space subdivision. (See § 157-21.)

[8] Use is allowed when included within an open space subdivision with commercial components. (See § 157-21.)

[9] Farm animals are permitted, provided that the tract upon which such animals are kept shall support a minimum land area of 100,000 square feet. In no instance shall the shelters used to contain said animals be closer than 100 feet to any property boundary.

[10] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: no more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[11] Permitted only if operated as a customary home occupation (refer to definition in § 170-6B).

[12] Veterinary office and animal hospital uses are allowed as a commercial component to an open space subdivision. (See § 157-21.) Shelters and runs used to house and/or contain animals shall be no closer than 100 feet to any property line and must support a minimum tract size of 100,000 square feet.

Special Exception Criteria

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 7,500 sf of lot area in the R-40 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Congregate Care Facility: Congregate care facility is allowed as a special exception in accordance with the density and provisions stated below:

A. In the R-40 District in areas not serviced by City water and sewer utilities at a density of 1 unit per 10,000 sq. ft. of land; in the R-40 District in areas serviced by City water and sewer utilities at a density of 1 unit per 7,500 sq. ft. of land.
B. Provided that parking and service areas are screened from abutting residential uses.

Continuing Care Community Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 7,500 square feet of lot area in the R-40 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Elderly Assisted Care Home: Elderly assisted care home is allowed by special exception in accordance with the densities and provisions stated below:

A. Elderly assisted care homes larger than 6 bedrooms shall meet the following density requirements: In the R-40 District in areas not serviced by City water and sewer utilities, at a density of 1 bedroom

per 10,000 sq. ft. of land; in the R-40 District in areas serviced by City water and sewer utilities, at a density of 1 bedroom per 7,500 sq. ft.

B. Provided that parking and service areas are screened from abutting residential uses.

C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased, provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

Helicopter Takeoffs and Landings: Helicopter takeoffs and landings are allowed as a special exception subject to the following conditions:

A. There shall be a distance of 1,000 feet between any existing residential structure and any proposed helicopter landing pad.

B. Except in the case of an emergency, no helicopter takeoffs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.

C. The facility shall be accessory to the principal use located on the lot.

D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

E. The conditions for granting a special exception, contained in § 170-59C(3) must also be satisfied

Junkyard: A junkyard may only be permitted upon the determination that the property values of land adjacent to such use will not be compromised. Conditions may include but not be limited to the provision of adequate and properly maintained screening around land so used.

Manufactured Housing Parks: Manufactured housing parks shall be subject to the following regulations:

A. The proposed park must conform to Chapter 101, Manufactured Home Parks, of the Code.

B. All plans for the proposed park must have been granted preliminary approval from the Dover Planning Board.

C. A determination by the Zoning Board of Adjustment that the proposed manufactured housing will not adversely affect overall land values in the neighborhood.

D. A determination by the Zoning Board of Adjustment that the proposed manufactured housing will not result in the creation of hazardous traffic conditions.

Nursing Home: Nursing home is allowed as a special exception in accordance with the density and provisions stated below:

A. In the R-40 District in areas not serviced by City water and sewer utilities, at a density of 1 bedroom per 10,000 sq. ft. of land; in the R-40 District in areas serviced by City water and sewer utilities, at a density of 1 bedroom per 7,500 sq. ft. of land.

B. Provided that parking and service areas are screened from abutting residential uses.

170 Attachment 2

City of Dover

Low Density Residential (R-20) District
[Amended 8-19-2015 by Ord. No. 2015.07.22-017; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Adult day care [5]
- Assembly hall
- Bank [5]
- Beauty shop and barbershop [5]
- Bed-and-breakfast
- Child-care facility
- Child-care home
- Conservation lot
- Conversion of existing dwelling to accommodate not more than 2 units [6]
- Dwelling, two-family [7]
- Dwelling, three- to four-family [7]
- Dwelling, single-family
- Educational institution, K-12
- Farm [8]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [9]
- Office [10] [5]
- Personal service establishment [5]
- Public recreation
- Public utility [11]
- Retail sale of agricultural or farm products raised on site
- Roadside farm stand [12]
- Theater [5]
- Veterinary office, animal hospital or kennel [13]

Uses Permitted by Special Exception

- Assisted living facility
- Congregate care facility
- Continuing care community facility
- Educational institution, postsecondary
- Elderly assisted care home
- Helicopter takeoffs and landings
- Nursing home

Sign Regulations

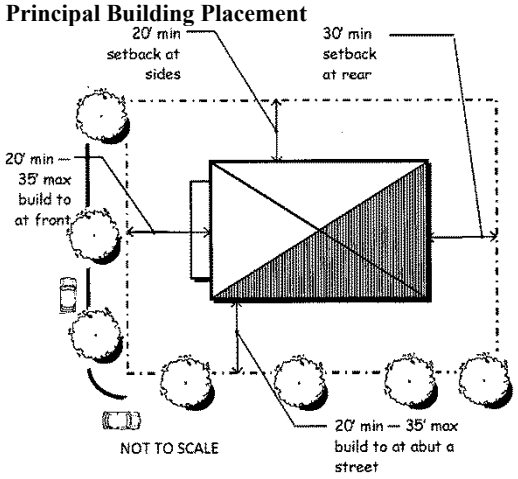
Size	R-20 District
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Dimensional Regulations [1][2]

Lot	
Minimum lot size [3]	20,000 sf
Maximum lot coverage	30%
Minimum frontage	125 ft
Principal Building	
Front build-to line	20 ft min, 35 ft max*
Abut a street build-to line	20 ft min, 35 ft max*
Side setback	20 ft
Rear setback	30 ft
Outbuilding/Accessory Use	
Front setback	No closer than the principal building or 35 feet, whichever is less
Abut a street setback	No closer than the principal building or 35 feet, whichever is less
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	35 ft max
Outbuilding	35 ft max

* Expansions to, or renovations of, existing structures have a twenty-foot setback.

Principal Building Placement



Footnotes

[1] In the case of an open space subdivision, in accordance with Article IV of Chapter 157 of the Code of Dover, the dimensional requirements shall be as specified in § 157-21 of the Code of the City of Dover.

[2] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[4] Refer to Chapter 157, Subdivision of Land, Article IV, for the minimum lot size for a major subdivision. Any major subdivision in an R-20 District must follow the procedures for an open space subdivision if the original lot meets the minimum lot size required.

[5] Use is allowed as a commercial component to an open space subdivision. (See § 157-21.)

[6] Any dwelling unit may be converted, not replaced, provided that the lot shall contain at least 4,000 square feet per dwelling unit and a minimum floor area of 500 square feet per dwelling unit. Two-family dwellings shall be designed to look like single-family dwellings (i.e., the two-family dwelling should not look like it was designed to occupy more than 1 family). At a minimum, this shall mean that only 1 entrance shall be visible from a public street, and only 1 driveway shall exist with no on-street parking required for residents.

[7] Two-family dwellings are permitted on lots with a density of 15,000 square feet per dwelling unit. The structures shall be designed to look like single-family dwellings (i.e., the two-family dwelling should not look like it was designed to occupy more than 1 family). At a minimum, this shall mean that only 1 entrance shall be visible from a public street, and only 1 driveway shall exist with no on-street parking required for residents. Single-family density shall be used for TDR. If two-family density is used, a two-family unit shall be built.

[8] Farm animals permitted, provided that the tract upon which such animals are kept shall support a minimum land area of 100,000 square feet. In no instance shall the shelters and pens or runs used to contain said animals be closer than 100 feet to any property boundary.

[9] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: No more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[10] Permitted only if operated as a customary home occupation (refer to definition in § 170-6B).

[11] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[12] Roadside farm stands shall be set back a minimum of 20 feet from all abutting vehicular rights-of-way. The area of any building associated with the roadside farm stand shall not be greater than 200 square feet in area, and shall be considered an accessory structure if a residence is also located on the property. The total of the display area and building area shall not exceed 600 square feet. Off-street parking shall be provided in the amount of 1 off-street parking space per 250 sq. ft. of display and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.

[13] Veterinary office and animal hospital uses are allowed as a commercial component to an open space subdivision. (See § 157-21.) Shelters and runs used to house and/or contain animals shall be

no closer than 100 feet to any property line and must support a minimum tract size of 100,000 square feet.

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 5,000 square feet of lot area in the R-20 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Congregate Care Facility: Congregate care facility is allowed as a special exception in accordance with the density and provisions stated below:

A. In the R-20 District at 1 unit per 5,000 sq. ft. of land.
B. Provided that parking and service areas are screened from abutting residential uses.

Continuing Care Community Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 5,000 square feet of lot area in the R-20 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Elderly Assisted Care Home: Elderly assisted care home is allowed by special exception in accordance with the densities and provisions stated below:

A. Elderly assisted care home larger than 6 bedrooms shall meet the following density requirements: in the R-20 District at a density of 1 bedroom per 5,000 sq. ft.
B. Provided that parking and service areas are screened from abutting residential uses.
C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (Off-street parking). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

Helicopter Takeoffs and Landings: Helicopter takeoffs and landings are allowed as a special exception subject to the following conditions:

A. There shall be a distance of 1,000 feet between any existing residential structure and any proposed helicopter landing pad.
B. Except in the case of an emergency, no helicopter takeoffs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
C. The facility shall be accessory to the principal use located on the lot.
D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.
E. The conditions for granting a special exception, contained in § 170-59C(3) must also be satisfied.

Nursing Home: Nursing home is allowed as a special exception in accordance with the density and provisions stated below:

A. In the R-20 District at 1 unit per 5,000 sq. ft. of land.
B. Provided that parking and service areas are screened from abutting residential uses.

170 Attachment 3

City of Dover

Medium Density Residential (R-12) District
[Amended 8-19-2015 by Ord. No. 2015.07.22-017; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Assembly hall
- Bed-and-breakfast
- Child-care facility
- Conservation lot
- Child-care home
- Conversion of existing dwelling to accommodate not more than 2 units [6]
- Dwelling, two-family [7]
- Dwelling, single-family
- Educational institution, K-12
- Educational institution, postsecondary
- Farm [8]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [9]
- Office [10]
- Public recreation
- Public utility [11]
- Roadside farm stand [12]

Uses Permitted by Special Exception

- Elderly assisted care home

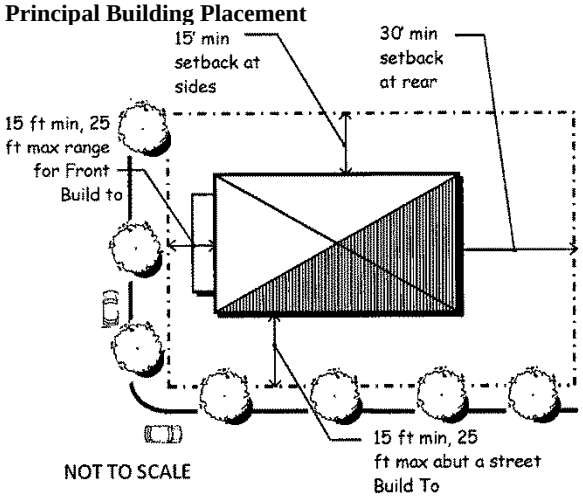
Sign Regulations

Size	R-12 District
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign max 2 sf, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Dimensional Regulations [1] [2]

Lot	
Minimum lot size [3] [4]	12,000 sf
Maximum lot coverage	30%
Minimum frontage	100 ft
Principal Building	
Front build-to line	15 ft min, 25 ft max [5]
Abut a street build-to line	15 ft min, 25 ft max [5]
Side setback	15 ft
Rear setback	30 ft
Outbuilding/Accessory Use	
Front setback	No closer than the principal building
Abut a street setback	No closer than the principal building
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	35 ft max
Outbuilding	35 ft max

Principal Building Placement



Footnotes

[1] In the case of an open space subdivision, in accordance with Article IV of Chapter 157 of the Code of Dover, the dimensional requirements shall be as specified in § 157-21 of the Code of the City of Dover.

[2] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[4] Refer to Chapter 157, Subdivision of Land, Article IV for the minimum lot size for a major subdivision. Any major subdivision in an R-12 district must follow the procedures for an open space subdivision if the original lot meets the minimum lot size required.

[5] Expansions to, or renovations of, structures on existing lots have a five-foot setback.

[6] Any dwelling unit may be converted, not replaced, provided that the lot shall contain at least 4,000 square feet per dwelling unit and a minimum floor area of 500 square feet per dwelling unit. Two-family dwellings shall be designed to look like single-family dwellings (i.e., the two-family dwelling should not look like it was designed to occupy more than 1 family). At a minimum, this shall mean that only 1 entrance shall be visible from a public street, and only 1 driveway shall exist with no on-street parking required for residents.

[7] Two-family dwellings are permitted on lots with a density of 9,000 square feet per dwelling unit. The structures shall be designed to look like single-family dwellings (i.e., the two-family dwelling should not look like it was designed to occupy more than 1 family). At a minimum, this shall mean that only 1 entrance shall be visible from a public street, and only 1 driveway shall exist with no on-street parking required for residents. Single-family density shall be used for TDR. If two-family density is used, a two-family unit shall be built.

[8] Shall not include the raising and sale of farm animals; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of freshwater fish or other aquaculture products; and/or the breeding of poultry or game birds.

[9] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: No more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[10] Permitted only if operated as a customary home occupation (refer to definition in § 170-6B).

[11] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[12] Roadside farm stands shall be set back a minimum of 20 feet from all abutting vehicular rights-of-way. The area of any building associated with the roadside farm stand shall not be greater than 200 square feet in area and shall be considered an accessory structure if a residence is also located on the property. The total of the display area, including the building, shall not exceed 400 sq. ft. Off-street parking shall be provided in the amount of 1 off-street parking space per 250 sq. ft. of display and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Elderly Assisted Care Home:

Elderly assisted care home is allowed by special exception in accordance with the densities and provisions stated below:

A. Elderly assisted care home larger than 6 bedrooms shall meet the following density requirements: in the R-12 District at a density of 1 bedroom per 3,000 sq. ft.

B. Provided that parking and service areas are screened from abutting residential uses.

C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (off-street parking). Furthermore, any increase to an existing structure

must be contained within or contiguous to the original structure.

170 Attachment 4

City of Dover

Suburban Density Multi-Residential (RM-SU) District
[Amended 6-22-2016 by Ord. No. 2016.06.08-010; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Adult day care
- Assembly hall
- Child-care facility
- Child-care home
- Conversion of existing dwelling to accommodate 5 or more units [3]
- Conversion of existing dwelling to accommodate not more than 4 units [3]
- Dwelling, two-family
- Dwelling, three- to four-family [3]
- Dwelling, multifamily [3]
- Dwelling, single-family
- Educational institution, K-12
- Farm [5]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [6]
- Office [7]
- Public recreation
- Public utility [8]
- Roadside farm stand [9]

Uses Permitted by Special Exception

- Elderly assisted care home

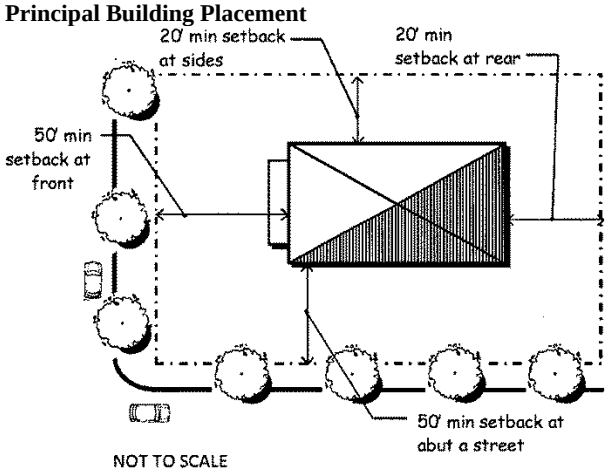
Sign Regulations

Size	RM-SU District
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Dimensional Regulations [1] [2]

Lot	
Minimum lot size [3] [4]	20,000 sf
Maximum lot coverage	40%
Minimum frontage	100 ft
Principal Building	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	20 ft
Rear setback	20 ft
Outbuilding/Accessory Use	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	40 ft max
Outbuilding	40 ft max

Principal Building Placement



Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] Provided that the lot upon which such multifamily residence is to be constructed shall contain at least 10,000 square feet for each dwelling unit.

[4] Reserved

[5] Shall not include the raising and sale of farm animals; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of freshwater fish or other aquaculture products; and/or the breeding of poultry or game birds.

[6] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: No more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[7] Permitted only if operated as a customary home occupation. (Refer to definition in § 170-6B.)

[8] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[9] Roadside farm stands shall be set back a minimum of 20 feet from all abutting vehicular rights-of-way. The area of any building associated with the roadside farm stand shall not be greater than 400 square feet in area and shall be considered an accessory structure if a residence is also located on the property. The total of the display area and building area shall not exceed 1,000 sq. ft. Off-street parking shall be provided in the amount of 1 off-street parking space per 250 sq. ft. of display and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Elderly Assisted Care Home:

Elderly assisted care home is allowed by special exception in accordance with the densities and provisions stated below:

A. Elderly assisted care homes larger than 6 bedrooms shall meet the following density requirements: in the RM-SU District at a density of 1 bedroom per 5,000 sq. ft.

B. Provided that parking and service areas are screened from abutting residential uses.

C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (off-street parking). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

170 Attachment 5

City of Dover

Urban Density Multi-Residential (RM-U) District
[Amended 8-19-2015 by Ord. No. 2015.07.22-017; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses
- Accessory dwelling unit
- Adult day care
- Assembly hall
- Child-care facility
- Child-care home
- Conservation lot
- Conversion of existing dwelling to accommodate not more than 2 units [4]
- Dwelling, two-family
- Dwelling, single-family
- Educational institution, K-12
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [5]
- Funeral parlor
- Office [6]
- Public recreation
- Public utility [7]
- Rooming house

Uses Permitted by Special Exception
- Assisted living facility
- Beauty shop and barbershop
- Congregate care facility
- Continuing care community facility
- Conversion of existing dwelling to accommodate not more than 4 units
- Dwelling, three- to four-family
- Elderly assisted care home
- Group home for minors
- Nursing home
- Retail store

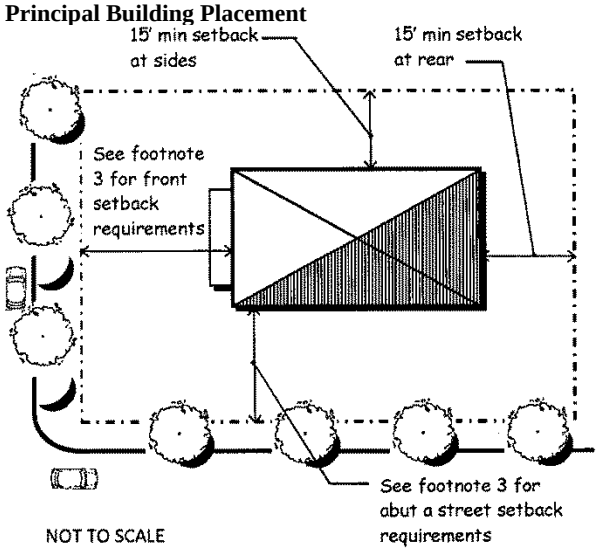
Sign Regulations

Size	**RM-U District**
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Dimensional Regulations [1] [2]

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	40%
Minimum frontage	80 ft
Principal Building	
Front setback	[3]
Abut a street setback	[3]
Side setback	15 ft
Rear setback	15 ft
Outbuilding/Accessory Use	
Front setback	No closer than the principal
Abut a street setback	No closer than the principal
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	40 ft max
Outbuilding	40 ft max

Principal Building Placement



Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] The property owner shall calculate the average front setbacks of all lots within the same zone located on the same side of the street, 250 feet in each direction from the center of the front lot line. This front setback dimension shall be considered to be a build-to line. Structures may be constructed within 5 feet plus or minus of the average. Porches or steps may be located an additional 5 feet beyond the front facade of the structure. Expansions to existing structures shall be subject to a minimum setback equal to the calculated average setback minus 5 feet.

[4] Provided that the lot contains at least 2,000 square feet for each dwelling unit, plus an additional 500 square feet for every bedroom contained in such multiunit residence. A maximum of 4 units per lot is allowed.

[5] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: No more than six chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of six animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[6] Permitted only if operated as a customary home occupation (refer to definition in § 170-6B).

[7] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 2,500 square feet of lot area in the RM-U District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Barbershops and Beauty Shops: Barber and beauty shops shall be subject to the following regulations:

A. No more than 1 operator's chair is permitted.
B. No assistants are to be employed.
C. All operators are to be members of the immediate family who reside in the home.
D. All such uses shall conform to the regulations governing customary home occupations in § 170-18.

Congregate Care Facility: Congregate care facility is allowed as a special exception in accordance with the density and provisions stated below:

A. In the RM-U District at 1 unit per 2,500 sq. ft. of land.
B. Provided that parking and service areas are screened from abutting residential uses.

Continuing Care Community Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 5,000 square feet of lot area in the R-20 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Conversion to or Creation of Dwelling, Three- to Four-Family: Three- or four-family dwellings and conversions of existing dwellings to 3 or 4 units shall be subject to the following regulations:

A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the RM-U District that are wholly or partly within 200 feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.
B. Off-street parking, in accordance with Chapter 153, Site Review Regulations, shall be provided as to avoid vehicles backing into the street. Two parking spaces per unit shall be required.
C. Parking lots shall be at least 5 feet from a side property line and 10 feet from a front property line.
D. Parking areas shall be screened from the street and from abutting lots.
E. Structures shall be at least 20 feet from a front property line, 15 feet from a rear property line and 15 from a side property line unless abutting a

street, in which case the distance from the side property line shall be 20 feet.

F. If the units generated are restricted to the HUD Fair Market Rent rates, for Dover, criteria A and E do not apply.

Elderly Assisted Care Home: Elderly assisted care home is allowed by special exception in accordance with the densities and provisions stated below:

A. Elderly assisted care homes larger than 6 bedrooms shall meet the following density requirements: In the RM-U District at a density of 1 bedroom per 2,500 sq. ft.
B. Provided that parking and service areas are screened from abutting residential uses.
C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased, provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

Group Home for Minors: Group home for minors shall be subject to the following conditions:

A. The group home site shall be compatible with abutting uses.
B. The group home shall be located in areas of transitional land use or mixed land uses.
C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.
D. Open space shall be maintained on the property in an amount comparable to the neighborhood.
E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

Nursing Home: Nursing home is allowed as a special exception in accordance with the density and provisions stated below:

A. In the RM-U District at 1 unit per 2,000 sq. ft. of land.
B. Provided that parking and service areas are screened from abutting residential uses.

Retail Store: A retail store shall be subject to the following regulations:

A. The store shall contribute to a neighborhood feel and be pedestrian-friendly.
B. The store shall be no larger than 2,000 square feet.
C. No more than half of the required parking necessary shall be on-site parking, which shall be screened from abutting residential lots.
D. Any loading or unloading of products shall not disrupt neighborhoods or traffic flow.
E. The proposed use shall be compatible with the surrounding neighborhood.
F. Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m., Sunday to Thursday.

170 Attachment 6

City of Dover

Heritage Residential (HR) District
[Added 8-19-2015 by Ord. No. 2015.07.22-017; amended 8-22-2018 by Ord. No. 2018.08.08-009; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses***

- Accessory dwelling unit
- Adult day care
- Child-care home
- Conversion of existing dwelling to accommodate not more than 2 units [5]
- Customary home occupation
- Dwelling, two-family [5]
- Dwelling, single-family
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [6]
- Public recreation
- Public utility [7]
- Roadside farm stand [8]

Uses Permitted by Conditional Use Permit***

- Bed-and-breakfast (permitted on Silver Street only)
- Child-care facility
- Conversion of existing dwelling to accommodate not more than 4 units
- Dwelling, three- to four-family
- Elderly assisted care home
- Group home for minors
- Office

Sign Regulations

Size	**HR District**
Total signs permitted	1
Total area permitted	8 sf (customary home occupation sign 2 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Dimensional Regulations* [1] [2]

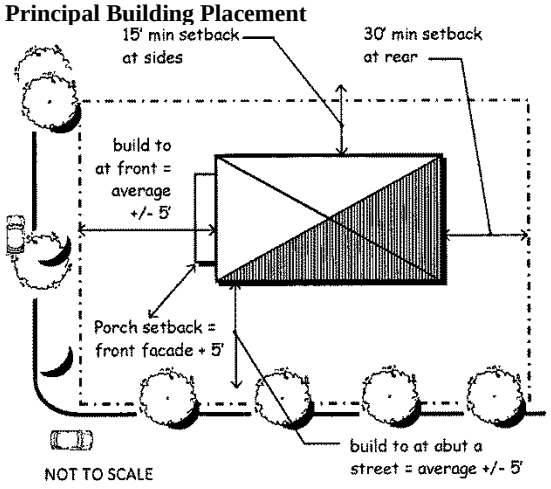
Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	40%
Minimum frontage	80 ft
Principal Building***	
Front build-to line	[3]
Abut a street build-to line	[3]
Side setback	15 ft
Rear setback	30 ft
Outbuilding/Accessory Use***	
Front setback	[4]
Abut a street setback	[4]
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	24 ft min**, 40 ft max
Outbuilding	40 ft max

* Deviations from these requirements are permitted by conditional use permit, subject to the requirements of § 170-20B(1), where applicable.

** The minimum principal building height shall not apply to additions constructed onto the rear of the principal building, provided that where the addition will be closer to either side lot line than the existing principal building, the addition shall be located no closer than 45 feet to the front lot line.

*** See next page for architectural considerations.

Principal Building Placement



Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] The property owner shall calculate the average front setbacks of all lots within the same zone located on the same side of the street, 250 feet in each direction from the center of the front lot line. This front setback dimension shall be considered to be a build-to line. Structures may be constructed within 5 feet plus or minus of the average. Porches or steps may be located an additional 5 feet beyond the front facade of the structure. Expansions to existing structures shall be subject to a minimum setback equal to the calculated average setback minus 5 feet.

[4] Accessory structures must be set back at least 20 feet from the average front setback of all lots within the same zone located on the same side of the street, 250 feet in each direction from the center of the front lot line.

[5] Two-family dwellings shall be designed to look like single-family dwellings (i.e., the two-family dwelling should not look like it was designed to occupy more than 1 family). At a minimum, this shall mean that only 1 entrance shall be visible from a public street. Notwithstanding any other provision of Chapter 170, a legal or legal nonconforming accessory structure existing as of the effective date of these regulations may be converted into a second unit, provided that it shall not be enlarged, nor shall any exterior improvements be made to alter its appearance as an accessory structure.

[6] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: No more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[7] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[8] Roadside farm stands shall be set back a minimum of 20 feet from all abutting vehicular rights-of-way. The area of any building associated with the roadside farm stand shall not be greater than 200 square feet in area and shall be considered an accessory structure if a residence is also located on the property. The total of the display area, including the building, shall not exceed 400 square feet. Off-street parking shall be provided in the amount of 1 off-street parking space per 250 square feet of display and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.

Architectural Considerations

The goal of the Heritage Residential District is to recognize, celebrate, and enhance the unique character of this area, in part by promoting architecture with a strong sense of place, fine detailing, quality materials, and designed with the site context and adjacent development in mind. To that end, applicants for new construction are encouraged to refer to the Dover Historic Preservation Guide (June 1991) for examples of architecture and design that is fitting for the Heritage Residential District. This document is available for viewing on the Planning and Community Development Department webpage and at the offices of the Planning and Community Development Department and Inspection Services Division, and is intended to serve as a guide to help encourage and inspire thoughtful and attractive development.

Conditional Use Permit Criteria

The requirements of § 170-20B(2) and (3) shall apply to all uses permitted by conditional use permit, in addition to the requirements set forth below.

Child-Care Facility: Child-care facilities shall be subject to the requirements set forth in the "child-care facility" definition, § 170-6.

Conversion to or Creation of Dwelling, Three- or Four-Family: Three- or four-family dwellings and conversions of existing dwellings to 3 or 4 units shall be subject to the following regulations:

A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the HR District that are wholly or partly within 200 feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.

B. Off-street parking, in accordance with Chapter 153, Site Review Regulations, shall be provided as to avoid vehicles backing into the street. Two parking spaces per unit shall be required.
C. Parking lots shall be at least 5 feet from a side property line and 10 feet from a front property line.
D. Parking areas shall be screened from the street and from abutting lots.
E. Structures shall be at least 20 feet from a front property line, 30 feet from a rear property line and 15 from a side property line unless abutting a street, in which case the distance from the side property line shall be 20 feet.
F. For new construction, the building must be designed to look like a single-family dwelling. At a minimum, this shall mean that only 1 entrance shall be visible from a public street. For conversions, the building must retain its appearance as a single-family dwelling or a two-family dwelling, whichever is the current use. Notwithstanding any other provision of Chapter 170, a legal or legal nonconforming accessory structure existing as of the effective date of these regulations may be converted into 1 or more residential units, provided that the building shall not be enlarged, nor shall any exterior improvements be made to alter its appearance as an accessory structure.

Elderly Assisted Care Home: Elderly assisted care home is allowed in accordance with the densities and provisions stated below:

A. Elderly assisted care homes larger than 6 bedrooms are permitted at a density of 1 bedroom per 2,500 square feet.
B. Parking and service areas are screened from abutting residential uses.
C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

Group Home for Minors: Group home for minors shall be subject to the following conditions:

A. The group home site shall be compatible with abutting uses.
B. The group home shall be located in areas of transitional land use or mixed land uses.
C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.
D. Open space shall be maintained on the property in an amount comparable to the neighborhood.
E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.
F. Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m., Sunday to Thursday, and 6:00 a.m. to 10:00 p.m., Friday and Saturday.

170 Attachment 7

City of Dover

Commercial (C) District
[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 10-13-2021 by Ord. No. 2021.09.08-006; 9-14-2022 by Ord. No. 2022.08.10-010]

Permitted Uses [8]
- Adult day care
- Auto service station
- Bank
- Barber and beauty shop
- Child-care facility
- Clinic
- Commercial parking facility
- Commercial recreation
- Computer and data processing
- Dwelling, multifamily [3]
- Eating and drinking establishment [4]
- Farm
- Hotel/motel
- New car sales
- Office
- Personal service establishment
- Public utility [5]
- Publishing facility
- Retail store
- Theater
- Used car lot [6]
- Veterinary office, animal hospital or kennel

Uses Permitted by Special Exception
- Adult bookstore and/or video store
- Adult cabaret
- Vehicle refueling and recharging station

Sign Regulations

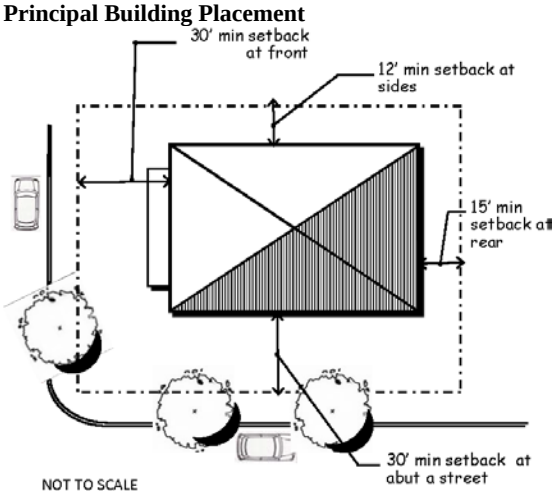
Size	C District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	2 sf for each linear foot of business frontage (see § 170-50 for regulations for businesses bordering the Spaulding Turnpike)
Type	
Freestanding	(Max size 60 sf, max height 16 ft. 1 sign per side of frontage. Freestanding signs shall be located on low planter walls or be monument signs.)
Projecting	Permitted (max size 8 sf)
Wall/awning	(Provide building signage that is proportional to the scale of the tenant facade, max 1 sf for each linear foot of business frontage)
Temporary	Permitted (max ht 4 ft, max size 32 sf)

Dimensional Regulations [1] [2]

Lot	
Minimum lot size	20,000 sf
Maximum coverage	50%
Minimum frontage	125 ft
Principal	
Front setback	30 ft
Abut a street setback	30 ft
Side setback [7]	12 ft
Rear setback [7]	15 ft
Outbuilding/Accessory Use	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	40 ft max
Outbuilding	40 ft max

* Parking areas shall be set back at least 25 feet from property lines

Principal Building Placement



Signs shall be designed and located to be visible from both pedestrian and vehicular areas, and shall be designed to further the design theme of the building and be consistent with any sign package. Paint sign backgrounds and sign cabinets to complement building colors.

Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] Provided the lot contain 5,000 square feet per dwelling unit. Units are allowed only in mixed-use buildings, where no more than 2/3 of the overall square footage of the building is residential.

[4] If the eating and drinking establishment has drive-in services, said service shall be set back either 50 feet from a residential abutting lot line or 100 feet from the abutting residential structure whichever is greater.

[5] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[6] Permitted if an accessory use to a new car dealership.

[7] A vegetated buffer of no less than 50 feet must be established and maintained along the C/R-12 zoning boundary abutting the southern property line of the Tax Assessor's Map 37, Lot 38. The buffer must be populated with existing vegetation, where available, and where existing vegetation is not available or not adequate, the buffer shall be improved to provide visual screening on a year-round basis for the benefit of the residential uses abutting the C Zoning District. The buffer may feature new landscaping vegetation and materials, berms, fences, walls and other screening techniques, with a preference toward preserving existing healthy trees, where feasible. Buildings, impervious surfaces, mechanical equipment, parking and storage and display of goods and materials are prohibited in the buffer. Following installation, the buffer must be adequately maintained by the owner(s) of Tax Assessor's Map 37, Lot 38.

[8] Solar/green roof standard:

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

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Adult bookstore and/or video store, adult cabaret: Adult bookstore and/or video store and adult cabaret shall be subject to the following conditions:

A. An adult bookstore, video store or cabaret shall be at least 500 feet from a parcel of land containing an existing residential use.

B. An adult bookstore, video store or cabaret shall be at least 1,000 feet from a parcel of land containing a school, church, community park or public recreational area.

C. No adult bookstore, video store or cabaret shall be permitted within 1,000 feet of an existing similar use.

D. The proposed use shall comply with all other state statutes, and City ordinances and codes.

Vehicle refueling/recharging stations:

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 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 80,000 square feet; the minimum lot width shall be 150 feet. Thirty-three percent of the subject parcel shall be open/green space.

C. The total permitted sign area shall not exceed 100 square feet, inclusive of the canopy and fueling equipment, and any signage for retail or eating or drinking uses.
D. Hours of operations shall be limited to 6:00 a.m. to 9:00 p.m.
E. If a drive-in thru service is proposed, said facility shall be set back either 50 feet from a residential abutting lot or 100 feet from the abutting residential structure, whichever is greater, and shall also be screened consistent with Subsection G below.
F. No fuel storage tanks may be constructed or enlarged closer than 100 feet to any Conservation District, and 200 feet to a secondary groundwater protection zone.
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.

170 Attachment 8

City of Dover

Commercial Manufacturing (CM) District
[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 10-13-2021 by Ord. No. 2021.09.08-006; 9-14-2022 by Ord. No. 2022.08.10-010; 8-9-2023 by Ord. No. 2023.07.12-008]

Permitted Uses [9]

- Adult day care
- Child-care facility
- Commercial recreation
- Eating and drinking establishment [5]
- Establishments for the manufacture, assembly, services and repair of the products listed below and other uses of a similar nature:
  - ◊ Drugs
  - ◊ Office, computing and accounting machines
  - ◊ Radio and television receiving equipment; communication equipment
  - ◊ Electronic components and engineering, laboratory, scientific and research instruments and associated equipment
  - ◊ Measuring and controlling instruments
  - ◊ Optical instruments and lenses
  - ◊ Surgical, medical and dental instruments and supplies
  - ◊ Photographic equipment and supplies
  - ◊ Electrotherapeutic, electro-medical and X-ray apparatus
- Farm [6]
- Fuel, oil, or gas storage
- Helicopter take offs and landings [7]
- Hotel/motel
- Industry
- Light industry
- Office
- Open storage [8]
- Personal service establishment
- Public utility
- Publishing facility
- Research institutions
- Retail sale of agricultural or farm products raised on site
- Trucking terminal
- Warehousing
- Wholesaling

Uses Permitted by Special Exception

- Auto service
- Vehicle refueling and recharging station

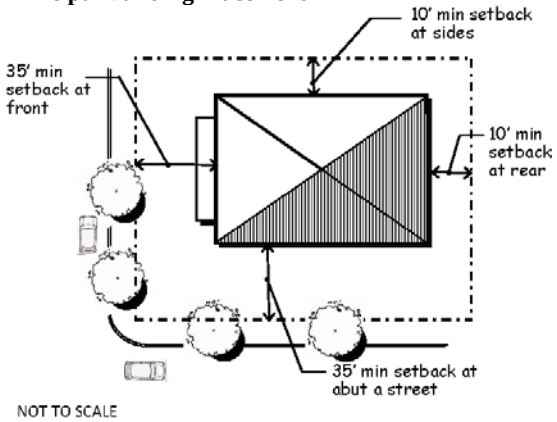
Uses Permitted by Conditional Use

- Alternative treatment center
- Self-service storage facility

Dimensional Regulations [1] [2]

Lot	
Minimum lot size	20,000 sf
Maximum lot coverage	50%
Minimum frontage	100 ft
Principal Building	
Front setback [3]	35 ft
Abut a street setback	35 ft
Side setback	10 ft
Rear setback	10 ft
Outbuilding/Accessory Use	
Front setback	35 ft
Abut a street setback	35 ft
Side setback	10 ft
Rear setback	10 ft
Building Height	
Principal building [4]	50 ft max
Outbuilding/accessory use	40 ft max

Principal Building Placement



Sign Regulations

Size	CM District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each 100 sf of leased space (if less than 700 sf of leased space, then 6 sf max)
Type	
Freestanding	Permitted, provided that the principal building is set back

	at least 35 ft (max size 100 sf, max ht 30 ft)
Projecting	Permitted
Wall/awning	Permitted
Temporary	Permitted

Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] The maximum building heights may be increased to 75 feet provided the following conditions are met:

A. The additional building height above 50 feet is necessary to meet an industrial function.
B. The building is located a minimum of 150 feet from a residential district.
C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.
D. The building is for a permitted use, and not one granted by special exception, conditional use permit or variance.

[5] If the eating and drinking establishment has drive-in services, said service shall be set back either 150 feet from a residential abutting lot line or 200 feet from the abutting residential structure whichever is greater.

[6] Shall not include the raising and sale of farm animals; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of freshwater fish or other aquaculture products; and/or the breeding of poultry or game birds.

[7] Helicopter take offs and landings are allowed subject to the following conditions:

A. There shall be a distance of 1,000 feet between any existing residential structure and any proposed helicopter landing pad.
B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
C. The facility shall be accessory to the principal use located on the lot.
D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

[8] Provided that safety precautions be implemented so to prevent the endangerment of people and property adjacent to said storage. Screening, of at least 6 feet in height, of all open storage shall be accomplished through use of a fence, wall or vegetal (evergreens) material.

[9] Solar/green roof standard:

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

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Vehicle refueling and recharging and auto service stations:

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 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 80,000 square feet, the minimum lot width shall be 150 feet. Thirty-three percent of the subject parcel shall be open/green space.

C. The total permitted sign area shall not exceed 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 100 feet to any Conservation District, and 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 6:00 a.m. to 9:00 p.m.

G. If a drive-in thru service is proposed, the facility shall be set back either 50 feet from a residential abutting lot or 100 feet from the abutting residential structure, whichever is greater, and shall also be screened consistent with Subsection E above.

Conditional Use Permit Criteria

An alternative treatment center, as defined in RSA 126-X:1, I, shall be allowed if a conditional use permit is granted by the Planning Board upon a finding that the following criteria are met:

A. An alternative treatment center shall not be located within 1,000 feet of the property line of a public or private elementary or secondary school or designated drug-free school zone.
B. The alternative treatment center shall be located in a permanent building and may not be located in a trailer, manufactured home, cargo container, or any structure that has axles with wheels. Drive-in services are prohibited.
C. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday through Friday, and 10:00 a.m. to 6:00 p.m. on Saturday and Sunday.
D. The alternative treatment center shall provide for the proper disposal of cannabis remnants or by-products, which remnants or by-products shall not be placed in the facility's exterior refuse containers.
E. The applicant shall provide a detailed narrative and floor plan, as well as any other relevant documentation, describing how the alternative treatment center shall be secured. The security plan must take into account the measures that will be taken to ensure the safe delivery of any product to the facility (including permitted times for delivery), how the product will be secured on site, and how patient transactions will be facilitated in order to ensure safety. The security plan shall be reviewed and approved by the City of Dover Police Department.
F. The use of cannabis on the premises is prohibited.
G. The alternative treatment center shall emit no cannabis-related fumes, vapors or odors which can be smelled or otherwise perceived from beyond the lot lines of the property where the facility is located.

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. No storage unit building which units are externally accessed shall be visible from the street.
C. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday through Friday, and 10:00 a.m. to 6:00 p.m. on Saturday and Sunday.
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 20 feet.
    ii. Not hold auctions or sales of contents of storage containers.
    iii. Have screening sufficient to block the view of the buildings from abutting parcels and shall prohibit lighting from shedding onto abutting parcels.
E. All setbacks shall be double the setbacks required in the district, not just the front setback.
F. The architectural design standards of § 153-14L(8)(b) shall be adhered to.

170 Attachment 9

City of Dover

Innovative Technology (IT) District
[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 10-13-2021 by Ord. No. 2021.09.08-006; 9-14-2022 by Ord. No. 2022.08.10-010]

Permitted Uses [10] [11] [12] [13] [14] [15]

- Adult day care
- Child-care facility
- Computer and data processing
- Eating and drinking establishments [7]
- Establishments for the manufacture, assembly, services and repair of the products listed below and other uses of a similar nature:
  - ◊ Drugs
  - ◊ Office, computing and accounting machines
  - ◊ Radio and television receiving equipment; communication equipment
  - ◊ Electronic components and engineering, laboratory, scientific and research instruments and associated equipment
  - ◊ Measuring and controlling instruments
  - ◊ Optical instruments and lenses
  - ◊ Surgical, medical and dental instruments and supplies
  - ◊ Photographic equipment and supplies
  - ◊ Electrotherapeutic, electro-medical and X-ray apparatus
- Excavation
- Farm [8]
- Laboratories (scientific, medical, chemical) and testing facilities devoted to experimental production, research, product development or similar activity
- Office
- Public utility [9]
- Publishing facility
- Veterinary office, animal hospital or kennel [10]
- Warehousing
- Wholesaling

Sign Regulations

Size	IT District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each linear foot of business frontage (see § 170-50 for regulations for businesses bordering the Spaulding Turnpike)
Type	
Freestanding	Permitted, provided that the principal building is set back at least 75 ft (max ht 16 ft, max size 100 sf)
Projecting	Not permitted
Wall/awning	Permitted
Temporary	Permitted

Dimensional Regulations [1] [2]

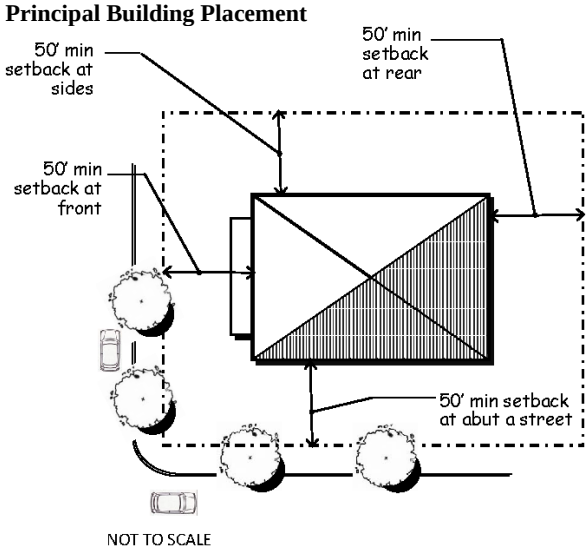
Lot	
Minimum lot size [3]	2 acres
Maximum lot coverage [4]	33%
Minimum frontage	200 ft [3]
Principal Building	
Front setback [5]	50 ft
Abut a street setback	50 ft
Side setback	50 ft
Rear setback	50 ft
Outbuilding/Accessory Use*	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building [6]	55 ft max
Outbuilding	55 ft max

* Parking areas shall be set back at least 25 feet from property lines.

Uses Permitted by Conditional Use

- Educational institution, post-secondary
- Helicopter take offs and landings
- Personal service establishment
- Self-service storage facility

Principal Building Placement



Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] Not applicable to lots of internal or private roadways.

[4] At least 33% of the site shall be maintained as open space, either landscaped or left natural. A maximum of 33% of the site can be covered by buildings.

[5] See § 170-15.

[6] The maximum building heights may be increased to 75 feet provided the following conditions are met:

A. The additional building height above 50 feet is necessary to meet an industrial function.

B. The building is located a minimum of 200 feet from a residential district.

C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.

D. The building is for a permitted use, and not one granted by special exception, conditional use permit or variance.

[7] No drive thru allowed.

[8] Where farm animals are raised and boarded, shelters to house said animals shall not be less than 100 feet from any property boundary.

[9] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[10] Shelters and runs used to house and/or contain animals shall be no closer than 100 feet to any property line and must support a minimum tract size of 100,000 square feet.

[11] Parking areas shall be screened from public streets and existing residential uses so as to minimize the visibility of such areas. Screening may consist of vegetation, earth berms, fencing or any combination of the above.

[12] The allowed activities shall not be obnoxious or offensive by reason of emission of dust, odor, smoke, gas, noise or similar cause. Prior to site plan approval, the applicant shall submit evidence to the Planning Board identifying waste products to be generated by on-site activities. A plan for removal of the waste shall be approved by the Planning Board. Developments that will use, store or generate hazardous chemicals shall identify such chemicals prior to site plan approval. A plan for storage and use of hazardous chemicals shall be approved by the Planning Board. Plans pertaining to waste or hazardous chemicals shall verify compliance with applicable federal, state and local regulations.

[13] A residential structure located within the Innovative Technology District and existing prior to 7-8-1987 may be increased up to 20% of the gross floor area of habitable space. New dwelling units shall not be allowed. Furthermore, customary accessory structures shall be allowed within the Innovative Technology District, but must remain within 75 feet of the nonconforming residential structure.

[14] Development within the IT District shall conform to design standards contained in Chapter 153, Site Review Regulations, § 153-15.

[15] Solar/green roof standard:

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

Conditional Use Permit Criteria

The following uses shall be allowed if a conditional use permit is granted by the Planning Board upon a finding that the following criteria are met:

Self-storage facility:

A. The minimum front setback shall be double the setbacks required in the district.

B. No storage unit building which units are externally accessed shall be visible from the street.

C. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday through Friday, and 10:00 a.m. to 6:00 p.m. on Saturday and Sunday.
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 20 feet.
    ii. Not hold auctions or sales of contents of storage containers.
    iii. Have screening sufficient to block the view of the buildings from abutting parcels and shall prohibit lighting from shedding onto abutting parcels.
E. All setbacks shall be double the setbacks required in the district, not just the front setback.
F. The architectural design standards of § 153-14L(8)(b) shall be adhered to.

Helicopter take offs and landings:

A. There shall be a distance of 1,000 feet between any existing residential structure and any proposed helicopter landing pad.
B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
C. The facility shall be accessory to the principal use located on the lot.
D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

Educational institution, post-secondary:

A. The school is a trade/vocational/career technical school.
B. The school is accredited by the State of New Hampshire

Personal service establishments:

A. The use is part of a larger retail/office or service center
B. The use is complimentary to the adjacent advanced manufacturing or assembly uses.

170 Attachment 10

City of Dover

Gateway District
[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 9-14-2022 by Ord. No. 2022.08.10-010; 8-9-2023 by Ord. No. 2023.07.012-008]

The information included in this table represents the requirements for development in this district; see § 170-20 for additional requirements.

Statement of Purpose

A gateway is an area that marks a transition point where you move from one existing condition to another. In terms of land use, Gateways generally indicate transition points from a less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (multistory buildings, civic buildings, etc.). In Dover the primary Gateways (Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground-floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.

Dimensional Regulations*

Principal Building	
Lot size	N/A
Lot coverage	50% max
Frontage build-out	60% min.
Front primary build to line	5 ft. min - 20 ft. max
Front secondary build to line	5 ft. min - 20 ft. max
Side setback	10 ft. min
Rear setback	15 ft. min
Outbuilding	
Front setback	20 ft. min + bldg. setback
Side setback	10 ft. min
Rear setback	15 ft. min
Private Frontages	
Common yard	Permitted
Porch and fence	Permitted
Terrace/light well	Permitted
Stoop	Permitted
Shopfront/awning	Permitted
Gallery	Not permitted
Height of Building	
Principal building	4 story max, 2 story min#
Outbuilding/accessory	2 story max

* CUP (§ 170-20B) may be used to adjust standards.

Parking Location Standards (See § 153-14)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

Permitted Uses* [1]

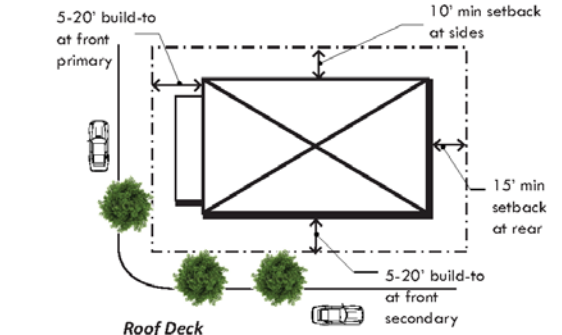
Use	
Residential	Permitted; density: 4,000 sf. per unit**#
Lodging	Permitted, up to 12 rooms. Must be 150 ft. from residential. 13 or more rooms are permitted with CUP.
Day care	Adult and child permitted, institutional not permitted.
Professional services and offices	Permitted#
Eating and drinking establishments	Permitted#
Retail/personal services	Permitted#
Industrial	Permitted on Broadway via CUP
Civic	Permitted
Drive-thru services	Not permitted
Other	Via conditional use permit

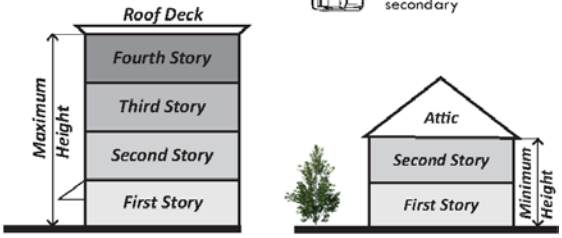
* CUP (§ 170-20B) may be used to adjust standards.

Footnotes

[1] If a four-story building is proposed, screening (year-round landscaping or solid fence) is required near property lines shared with adjacent properties where the building height is less than 4 stories, in order to create a visual buffer.

PRINCIPAL BUILDING PLACEMENT





PRINCIPAL BUILDING HEIGHTS

Sign Regulations

Sign Size and Quantity	
Total signs permitted	2
Total area of all signs	24 sf
Sign Type	
Freestanding	Permitted - 16 ft. max ht.
Projecting	Permitted - 10 ft. min. above sidewalk, 25 ft. max height, 24 sq. ft. max.
Wall/awning	Permitted
Temporary	Permitted per § 170-50O(1)

Downtown Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Gateway District is integral to maintaining the character and identity of our community. Building 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/nonresidential 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 facade shall be windows.
- A pedestrian entrance shall be required at the street side or front facade.
- 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 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 square feet or more must also incorporate solar panels and/or a green roof on at least 30% 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 is encouraged.
- Other integrated green infrastructure elements are encouraged.
- Approved public art is encouraged.

* CUP (§ 170-20B) may be used to adjust standards.

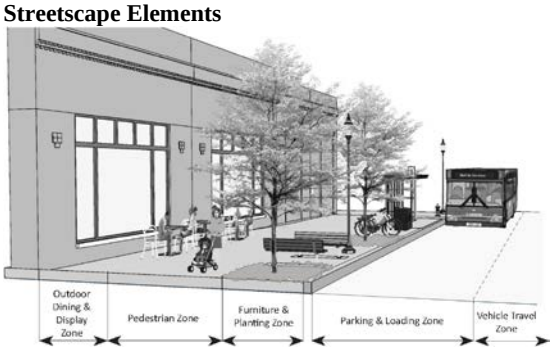
Streetscape Standards

Streetscape standards were crafted to ensure streets in mixed-use areas of the 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.

- Sidewalks are encouraged to be brick and shall be a 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 ground cover 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 five-foot-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 is 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 nonresidential project.
- Lighting and mechanical equipment standards per § 170-20E(3)(d).

* CUP (§ 170-20B) may be used to adjust standards.

Streetscape Elements



** Density: 3,000 square feet per unit if part of a mixed-use building with 35% nonresidential uses; 2,000 square feet per unit if rents conform to HUD fair market rent rates for Dover, as published by the New Hampshire Housing Finance Authority.

Rooming houses and manufactured homes are considered other uses.

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 and office, eating and drinking establishments and retail/personal services are limited to 2,000 square feet per unit.

170 Attachment 11

City of Dover

Hospital (H) District
[Amended 6-22-2016 by Ord. No. 2016.06.08-010; 10-26-2016 by Ord. No. 2016.10.12-015; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses
- Accessory dwelling unit
- Adult day care
- Assembly hall
- Assisted living facility [3]
- Bank
- Bed-and-breakfast
- Child-care facility
- Clinic
- Congregate care [4]
- Continuing care community facility [3]
- Dwelling, two-family
- Dwelling, single-family
- Educational institution, postsecondary
- Educational institution, K-12
- Elderly assisted care [5]
- Funeral parlor
- Hospital
- Nursing home [4]
- Office
- Public recreation
- Public utility [6]
- Rooming house

Uses Permitted by Conditional Use Permit
- Eating and drinking establishment
- Retail store
- Group home for minors

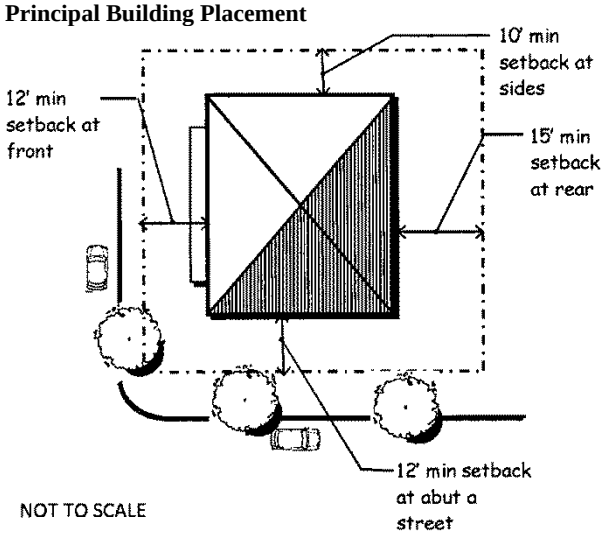
Sign Regulations

Size	H District
Total signs permitted	1 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	12 sf
Type	
Freestanding	Permitted, provided that the principal building is set back at least 20 ft (if multiple tenants, max size is 4 sf per tenant; max ht 8 ft)
Projecting	Not permitted
Wall/awning	Permitted (max ht 16 ft above ground elevation, or to bottom of sills of first level of windows above the first floor, whichever is lowest)
Temporary	Permitted

Dimensional Regulations [1] [2]

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	50%
Minimum frontage	100 ft
Principal Building	
Front setback	12 ft
Abut a street setback	12 ft
Side setback	10 ft
Rear setback	15 ft
Outbuilding/Accessory Use	
Front setback	12 ft
Front secondary setback	12 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	65 ft max
Outbuilding	40 ft max

Principal Building Placement



Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] An assisted living facility or continuing care community facility shall be serviced by municipal sewer and have a density of 1 unit requirement per 2,000 square feet of lot area. Parking lots and service areas are screened from abutting residential uses, and the facility shall obtain a license from the State of New Hampshire.

[4] A congregate care facility shall require a minimum lot size of 1,000 sq. ft. per unit, and a nursing home facility shall require a minimum lot size of 1,000 sq. ft. per bedroom.

[5] An elderly assisted care facility larger than 6 bedrooms shall meet the density of 1 bedroom per 2,500 sq. ft. Provide parking and service areas that are screened from abutting residential uses. Also, the maximum number of bedrooms and residents allowed in a facility may be increased, provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (off-street parking). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

[6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

Conditional Use Permit Criteria

Eating and Drinking Establishment: An eating and drinking establishment 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 eating and drinking establishment shall contribute to a neighborhood feel and be pedestrian-friendly.
B. The eating and drinking establishment shall be no larger than 2,000 square feet.
C. The eating and drinking establishment shall not include drive-in service.
D. The required parking may be reduced by 50% if on-street parking is available in the neighborhood.
E. All on-site parking shall be screened from abutting residential lots.
F. Any loading or unloading of products shall not disrupt neighborhoods or traffic flow.
G. The proposed use shall be compatible with the surrounding neighborhood.
H. Hours of operation shall be limited to 6:00 a.m. to 10:00 p.m., Sunday through Thursday, and 6:00 a.m. to 11:00 p.m., Friday and Saturday.
I. If a new building is proposed for the use, it shall be a minimum of 2 stories.
J. The applicant shall provide proof that he/she has conducted a preliminary code review for an eating and drinking establishment with the Inspection Services Division.

Retail Store: A retail store 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 store shall contribute to a neighborhood feel and be pedestrian-friendly.
B. The store shall be no larger than 2,000 square feet.
C. The store shall not include drive-in service.
D. The required parking may be reduced by 50% if on-street parking is available in the neighborhood.
E. All on-site parking shall be screened from abutting residential lots.
F. Any loading or unloading of products shall not disrupt neighborhoods or traffic flow.
G. The proposed use shall be compatible with the surrounding neighborhood.
H. Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m., Sunday through Thursday, and 6:00 a.m. to 10:00 p.m., Friday and Saturday.
I. If a new building is proposed for the use, it shall be a minimum of 2 stories.

Group Home for Minors: Group home for minors shall be subject to the following conditions:

A. The group home site shall be compatible with abutting uses.
B. The group home shall be located in areas of transitional land use or mixed land uses.
C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.
D. Open space shall be maintained on the property in an amount comparable to the neighborhood.
E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

170 Attachment 12

City of Dover

Little Bay Waterfront (LBW) District
[Amended 6-22-2016 by Ord. No. 2016.06.08-010; 10-26-2016 by Ord. No. 2016.10.12-015; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Assembly hall
- Bank
- Barbershop and beauty shop
- Bed-and-breakfast
- Child-care facility
- Commercial recreation
- Dwelling, three- to four-family [3]
- Dwelling, two-family
- Dwelling, single-family
- Eating and drinking establishment [4]
- Educational institution, postsecondary
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [5]
- Marina
- Office
- Personal service establishment
- Public utility [6]
- Retail store
- Water-related education/resource center
- Waterborne passenger transportation facility

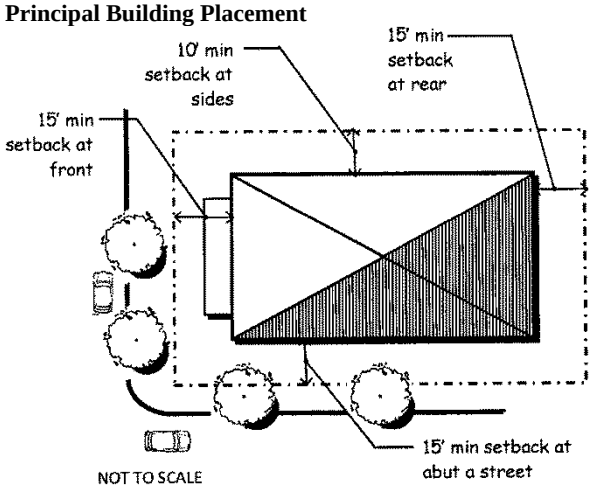
Sign Regulations

Size	LBW District
Total signs permitted	1 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 ft of sign area for each 3 ft of linear business frontage
Type	
Freestanding	Permitted, provided that the principal building is set back at least 20 ft (max ht 16 ft or 12 sf in area regardless of the number of individual tenants within the building)
Projecting	Permitted (max size 8 sf)
Wall/awning	Permitted (max size 16 sf; max ht 16 ft or to the bottom of the sills of the first level of windows above the first floor, whichever is lowest)
Temporary	Permitted

Dimensional Regulations [1] [2]

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	50%
Minimum frontage	75 ft
Principal Building	
Front setback	15 ft
Abut a street setback	15 ft
Side setback	10 ft
Rear setback	15 ft
Outbuilding/Accessory Use	
Front setback	15 ft
Abut a street setback	15 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	40 ft max
Outbuilding	40 ft max

Principal Building Placement



Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] Provided that the lot contains at least 10,000 square feet per dwelling unit.

[4] If fully enclosed with no drive-in service.

[5] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: no more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

170 Attachment 13

City of Dover

Office (O) District
[Amended 6-22-2016 by Ord. No. 2016.06.08-010; 10-26-2016 by Ord. No. 2016.10.12-015; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Adult day care
- Assembly hall
- Bank
- Bed-and-breakfast
- Child-care facility
- Clinic
- Congregate care [3]
- Dwelling, two-family
- Dwelling, three- to four-family [4]
- Dwelling, single-family
- Educational institution, postsecondary
- Educational institution, K-12
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [5]
- Funeral parlor
- Nursing home [3]
- Office
- Public recreation
- Public utility [6]
- Rooming house

Uses Permitted by Conditional Use Permit

- Eating and drinking establishment
- Retail store

Uses Permitted by Special Exception

- Assisted living facility
- Continuing care community facility
- Elderly assisted care
- Group home for minors

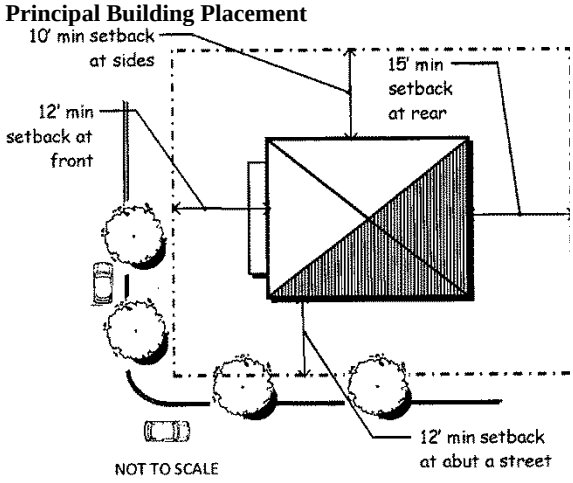
Sign Regulations

Size	O District
Total signs permitted	1 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	12 sf
Type	
Freestanding	Permitted, provided that the principal building is set back at least 20 ft (if multiple tenants, max size 4 sf per tenant; max ht 8 ft)
Projecting	Not permitted
Wall/awning	Permitted (max height 16 ft above ground elevation, or to bottom of sills of first level of windows above first floor, whichever is lowest)
Temporary	Permitted

Dimensional Regulations [1] [2]

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	50%
Minimum frontage	100 ft
Principal Building	
Front setback	12 ft
Abut a street setback	12 ft
Side setback	10 ft
Rear setback	15 ft
Outbuilding/Accessory Use	
Front setback	12 ft
Abut a street setback	12 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	45 ft max
Outbuilding	40 ft max

Principal Building Placement



Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] A congregate care facility shall require a minimum lot size of 1,000 square feet per unit, and a nursing home facility shall require a minimum lot size of 1,000 square feet per bedroom.

[4] Provided that the lot contains at least 5,000 square feet for each dwelling unit. Dwelling units are allowed only in the second story or higher of a newly constructed structure.

[5] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: no more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

Conditional Use Permit Criteria

Eating and Drinking Establishment: An eating and drinking establishment 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 eating and drinking establishment shall contribute to a neighborhood feel and be pedestrian-friendly.
B. The eating and drinking establishment shall be no larger than 2,000 square feet.
C. The eating and drinking establishment shall not include drive-in service.
D. The required parking may be reduced by 50% if on-street parking is available in the neighborhood.
E. All on-site parking shall be screened from abutting residential lots.
F. Any loading or unloading of products shall not disrupt neighborhoods or traffic flow.
G. The proposed use shall be compatible with the surrounding neighborhood.
H. Hours of operation shall be limited to 6:00 a.m. to 10:00 p.m., Sunday through Thursday, and 6:00 a.m. to 11:00 p.m., Friday and Saturday.
I. If a new building is proposed for the use, it shall be a minimum of 2 stories.
J. The applicant shall provide proof that he/she has conducted a preliminary code review for an eating and drinking establishment with the Inspection Services Division.

Retail Store: A retail store 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 store shall contribute to a neighborhood feel and be pedestrian-friendly.
B. The store shall be no larger than 2,000 square feet.
C. The store shall not include drive-in service.
D. The required parking may be reduced by 50% if on-street parking is available in the neighborhood.
E. All on-site parking shall be screened from abutting residential lots.
F. Any loading or unloading of products shall not disrupt neighborhoods or traffic flow.
G. The proposed use shall be compatible with the surrounding neighborhood.
H. Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m. Sunday through Thursday and 6:00 a.m. to 10:00 p.m. Friday and Saturday.
I. If a new building is proposed for the use, it shall be a minimum of 2 stories.

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 2,000 square feet of lot area in the O District.

C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Continuing Care Community Facility:
A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 2,000 square feet of lot area in the O District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Elderly Assisted Care Home: Elderly assisted care home is allowed by special exception in accordance with the densities and provisions stated below:
A. Elderly assisted care homes larger than 6 bedrooms shall meet the following density requirements: in the O District, at a density of 1 bedroom per 2,500 sq. ft.
B. Provided that parking and service areas are screened from abutting residential uses.
C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased, provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

Group Home for Minors: Group home for minors shall be subject to the following conditions:
A. The group home site shall be compatible with abutting uses.
B. The group home shall be located in areas of transitional land use or mixed land uses.
C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.
D. Open space shall be maintained on the property in an amount comparable to the neighborhood.
E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

170 Attachment 14

City of Dover

CBD Transit Oriented Development Sub-District
[Amended 9-11-2019 by Ord. No. 2019.08.28-12]

The information included in this table represents the requirements for development in this sub-district; see § 170-20 for additional requirements.

Statement of Purpose

This is an area ripe for redevelopment. This area west of Chestnut Street was once the home of coal yards, warehouses, and other supporting structures for the rail line that passes through it. The rail line will be the key to its future success as well. In combination with the associated transportation center, transportation is the key to future development here. It is envisioned that this could be an area of very dense development along the banks of the Cochecho River. A wide variety of uses is intended here, with residences dominating upper levels, and retail and commercial activity dominating lower levels.

Dimensional Regulations*

Principal Building	
Lot size	N/A
Lot coverage	75% - 100%
Frontage build-out	80% min
Front primary build-to line	0 ft. min - 0 ft. max
Front secondary build-to line	0 ft. min - 0 ft. max
Side setback	10 ft. min, 25 ft. max
Rear setback	0 ft. min, 25 ft. max
Outbuilding	
Front setback	Not permitted
Side setback	Not permitted
Rear setback	Not permitted
Private Frontages	
Common yard	Not permitted
Porch and fence	Not permitted
Terrace/lightwell	Not permitted
Stoop	Permitted
Shopfront/awning	Permitted
Gallery	Permitted
Height of Building	
Principal building	5 story max, 3 story min
Outbuilding/accessory	Not permitted

*CUP (§ 170-20B) may be used to adjust standards.

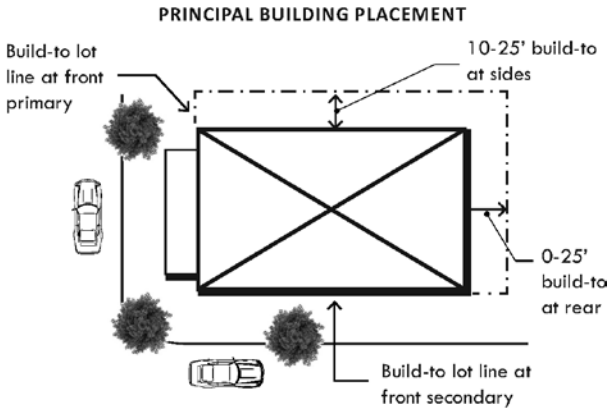
Parking Location Standards (See § 153-14)

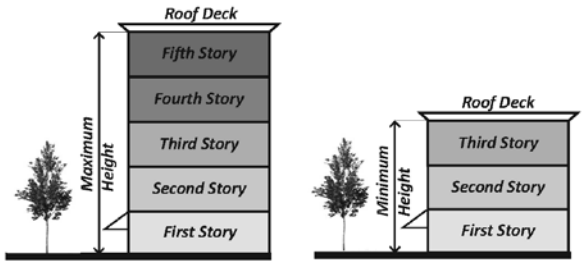
New construction resulting in additional square footage, or an increase in residential units, must comply with parking standards for the new portion of the building only.

Permitted Uses*

Use	
Residential	Permitted but not on ground floor, except as existing use
Lodging	Permitted
Professional services & offices	Permitted
Eating & drinking establishments	Permitted
Retail/personal services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-thru services	Not permitted
Other	Via conditional use permit

*CUP (§ 170-20B) may be used to adjust standards.





Sign Regulations

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	1 sf per lf of frontage - area may be increased if mill motif is adhered to
Sign Type	
Freestanding	Not permitted
Projecting	Permitted - 10 ft. min above sidewalk, 25 ft. max height, 24 sq. ft. max
Wall/Awning	Permitted - 40 sq. ft. max
Temporary	Permitted per § 170-50O(1)

Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Building designs and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate, and 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/nonresidential uses. 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 facade shall be windows.
- A pedestrian entrance shall be required at the street side or front facade.
- No more than 80% of any street facade shall be for parking.
- The use of ground floor exterior lighting on the building should offer a feeling of warm security and increase safety for 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 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.
- 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 a green roof on at least 30% of the roof area.

Optional Standards:

- Use of architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- 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 is encouraged.
- Other integrated green infrastructure elements are encouraged.

*CUP (§ 170-20B) may be used to adjust standards.

Streetscape Standards

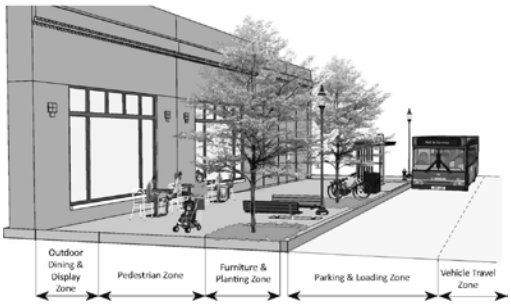
Streetscape standards were crafted to ensure streets in transportation-oriented, mixed-use areas of the CBD accommodate pedestrians and bicyclists and facilitate alternative transportation travel. All street elements must be consistent with Dover streetscape and landscape standards. For more information on streetscape standards, please see Section 3 of Dover's CBD Architectural Design Guidelines.

- Sidewalks shall be brick and a 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 ground cover 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 be maintained to ensure 5-foot-wide walkways.
- 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, at a minimum, be provided as follows:
  - 1 bench for every 75 feet of frontage.
  - At least 1 waste bin at each block corner.
  - At least 1 bike rack per project plus 10% of the parking spaces provided for bike storage.

- Lighting and mechanical equipment standards per § 170-20E(3)(d).

*CUP (§ 170-20B) may be used to adjust standards.

STREETSCAPE ELEMENTS



Adult Bookstore, Video Store, or Cabaret

These uses are subject to the following conditions:

- An adult bookstore, video store or cabaret shall be at least 500 feet from a parcel of land containing an existing residential use.
- An adult bookstore, video store or cabaret shall be at least 1,000 feet from a parcel of land containing a school, church, community park or public recreational area.
- No adult bookstore, video store or cabaret shall be permitted within 1,000 feet of an existing similar use.
- The proposed use shall comply with all other state statutes, and City ordinances and codes.

170 Attachment 15

City of Dover

CBD Mixed Use Sub-District
[Amended 9-11-2019 by Ord. No. 2019.08.28-12]

The information included in this table represents the requirements for development in this sub-district; see § 170-20 for additional requirements.

Statement of Purpose

This is an area in transition. Once the homes of the mills' managers and the community's professionals and successful merchants, shipbuilders, sea captains, and others, these stately Victorian buildings are a tribute to Dover's financial success during the height of the mill economy. These elegant structures lend grace to the community. While some of the existing buildings remain as single-family residences, others are being converted to apartments and offices. As new structures replace older ones, they should follow the setback and massing of earlier structures. Residences in these newer buildings should be restricted to upper levels. Landscaping is an important element of this district, in both the public and private arenas.

Dimensional Regulations*

Principal Building	
Lot size	N/A
Lot coverage	75% - 100%
Frontage build-out	80% min.
Front primary build-to line	0 ft. min - 0 ft. max
Front secondary build-to line	0 ft. min - 0 ft. max
Side setback	10 ft. min, 25 ft. max
Rear setback	0 ft. min, 25 ft. max
Outbuilding	
Front setback	Not permitted
Side setback	Not permitted
Rear setback	Not permitted
Private Frontages	
Common yard	Not permitted
Porch and fence	Not permitted
Terrace/lightwell	Not permitted
Stoop	Permitted
Shopfront/awning	Permitted
Gallery	Permitted
Height of Building	
Principal building	5 story max, 3 story min
Outbuilding/accessory	Not permitted

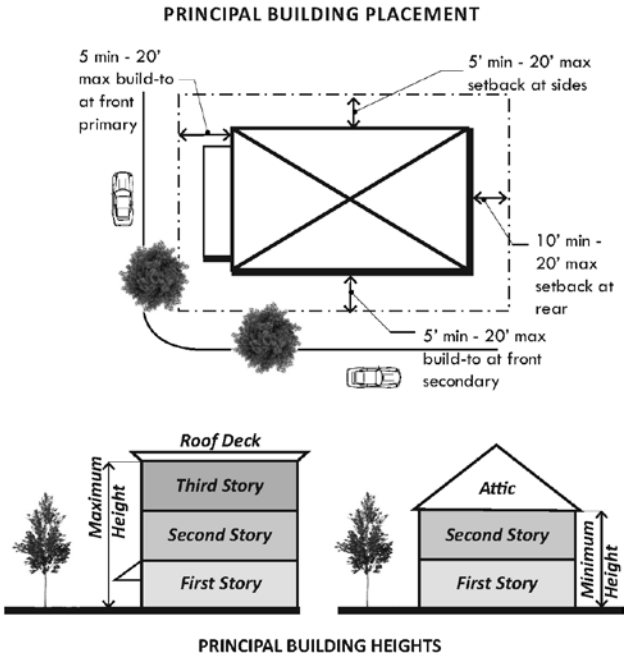
Parking Location Standards (See § 153-14)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

Permitted Uses*

Use	
Residential	Permitted, but not on ground floor except in existing structures; density allowed at 5,000 sf per unit, 10 units max
Lodging	Permitted, up to 12 rooms w/ stays up to 14 days
Professional services & offices	Permitted
Eating & drinking establishments	Not permitted
Retail/personal services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-thru Services	Not permitted
Other	Via conditional use permit

*CUP (§ 170-20B) may be used to adjust standards.



Sign Regulations

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	1 sf per lf of frontage - area may be increased if mill motif is adhered to
Sign Type	
Freestanding	Not permitted
Projecting	Permitted - 10 ft. min above sidewalk, 25 ft. max height, 24 sq. ft. max
Wall/awning	Permitted - 40 sq. ft. max
Temporary	Permitted per § 170-50O(1)

*CUP (§ 170-20B) may be used to adjust standards.

Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Building designs and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate, and 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/nonresidential uses. 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 facade shall be windows.
- A pedestrian entrance shall be required at the street side or front facade.
- 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 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.
- Utility elements shall be screened in an aesthetically pleasing manner.
- 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 a green roof on at least 30% of the roof area.

Optional Standards:

- Use of architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- Use of elements that accentuate and/or provide coverage at the entry such as canopy, porch, recessed entry, etc., is 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 is encouraged.
- Other integrated green infrastructure elements are encouraged.

*CUP (§ 170-20B) may be used to adjust standards.

Streetscape Standards

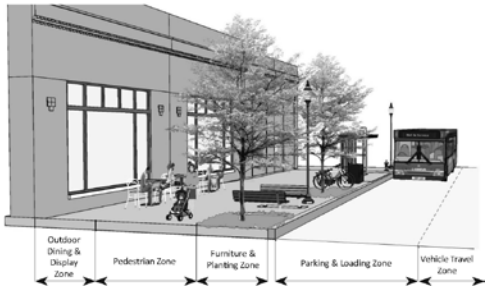
Streetscape standards were crafted to ensure streets in mixed-use areas of the CBD have a relationship with adjacent buildings, accommodate pedestrians and bicyclists, and are compatible with the character of Dover's neighborhoods. All street elements must be consistent with Dover streetscape and landscape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

- Sidewalks shall be brick and a 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 ground cover or shrubs, no bare ground or mulch-only areas 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.

- 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, at a minimum, 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 nonresidential project.
- Lighting and mechanical equipment standards per § 170-20E(3)(d).
- Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their buildings and maintain in such a way so that the walkway is cleared.
- Approved public art is encouraged.

*CUP (§ 170-20B) may be used to adjust standards.

STREETSCAPE ELEMENTS



170 Attachment 16

City of Dover

CBD Residential Sub-District
[Amended 9-11-2019 by Ord. No. 2019.08.28-12]

The information included in this table represents the requirements for development in this sub-district; see § 170-20 for additional requirements.

Statement of Purpose

North of the downtown core are neighborhoods of smaller homes, once the residences of mill employees, shopkeepers, and others for whom the close proximity to the downtown was an important feature. Smaller in scale than the more ornate homes in the Mixed Use District, many of these buildings still present considerable architectural detailing. Many of them have outbuildings at the rear of the property. The continued use of these areas as residential neighborhoods is important, both to the City's heritage and to achieving the smart growth and low carbon impact goals of the Master Plan. Where new structures are added, they should mimic the placement, scale, and building materials of the older homes.

Dimensional Regulations*

Principal Building	
Lot size	N/A
Minimum lot coverage	40%
Minimum frontage	75 ft.
Frontage build-out	40% min
Front primary build-to line	8 ft. min - 15 ft. max
Front secondary build-to line	8 ft. min - 10 ft. max
Side setback	10 ft.
Rear setback	15 ft.
Outbuilding	
Front setback	20 ft. min + bldg. setback
Side setback	5 ft. min
Rear setback	5 ft. min
Private Frontages	
Common yard	Permitted
Porch and fence	Permitted
Terrace/lightwell	Not permitted
Stoop	Permitted
Shopfront/awning	Not permitted
Gallery	Not permitted

Height of Building	
Principal building	3 story max, 2 story min
Outbuilding/accessory	2 story max

CUP (§ 170-20B) may be used to adjust standards.

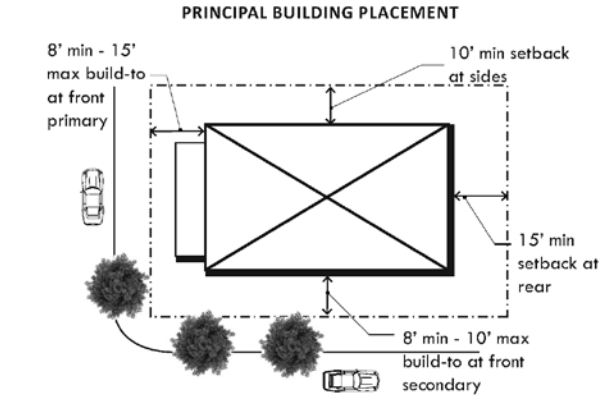
Parking Location Standards (See § 153-14)

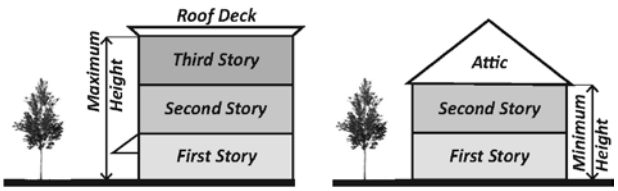
New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

Permitted Uses*

Use	
Residential	Permitted
Lodging	Permitted, up to 12 rooms w/ stays up to 14 days
Professional services & offices	Via conditional use permit
Eating & drinking establishments	Not permitted
Retail/personal services	Via conditional use permit
Industrial	Not permitted
Civic	Permitted
Other	Via conditional use permit

*CUP (§ 170-20B) may be used to adjust standards.





PRINCIPAL BUILDING HEIGHTS

Sign Regulations

Sign Size & Quantity	
Total signs permitted	1
Total area of all signs	16 sf
Sign Type	
Freestanding	Not permitted
Projecting	Permitted - 10 ft. min above sidewalk, 25 ft. max height, 24 sf max size
Wall/awning	Permitted - 16 ft. max height or to bottom of 2nd floor window sills, whichever is lowest
Temporary	Not permitted

Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Building designs and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate, and 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 3 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/nonresidential uses. 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 facade shall be windows.
- A pedestrian entrance shall be required at the street side or front facade.

Required Building Standards:

- Building designs shall be harmonious with neighboring structure in terms of mass, width, height, proportion, spacing, and setback.
- Building designs shall consider the quality of the pedestrian environment.
- Garage doors shall be relatively unobtrusive.
- Utility elements shall be screened in an aesthetically pleasing manner.

Optional Standards:

- Desirable materials include wood (clapboard and shakes), brick, stone, and contemporary materials that are harmonious and compatible with the aesthetic of the sub-district and its neighboring structures.
- Use of architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- 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 is encouraged.

*CUP (§ 170-20B) may be used to adjust standards.

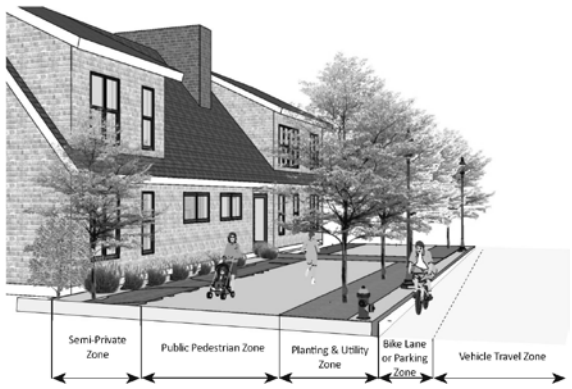
Streetscape Standards

Streetscape standards were crafted to ensure streets in residential areas of the CBD are walkable, 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 2 of Dover's CBD Architectural Design Guidelines.

- Sidewalks shall be a minimum of 5 feet wide.
- Projects shall be designed to maintain and enhance the quality of pedestrian, bicycle and vehicular facilities, and circulation and safety on affected public streets.
- Lighting and mechanical equipment standards per § 170-20E(3)(d).
- 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 ground cover or shrubs, no bare or mulch-only ground areas 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.
- Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their buildings but maintain them in a way to not block the walkways.

*CUP (§ 170-20B) may be used to adjust standards.

STREETSCAPE ELEMENTS



170 Attachment 17

City of Dover

CBD General Sub-District
[Amended 9-11-2019 by Ord. No. 2019.08.28-12]

The information included in this table represents the requirements for development in this sub-district; see § 170-20 for additional requirements.

Statement of Purpose

From the late 1700's, when Dover began to shift from a farming community to a manufacturing center, the land and blocks in and around Washington and Main Streets and Central Avenue have been the community's commercial core. Both redevelopment and new development should reflect that 250-year history. A wide array of retail and commercial activity should be encouraged here. Residential activity should be encouraged on the upper floors of buildings. New construction, where needed, should follow the pattern of existing development in terms of building placement, building height, and the use of durable construction materials. Public spaces are important here, and should be encouraged and maintained properly.

Dimensional Regulations*

Principal Building	
Lot size	N/A
Lot coverage	75%
Frontage build-out	70% min
Front primary build-to line	(1)
Front secondary build-to line	(1)
Side setback	0 ft. min - 24 ft. max
Rear setback	10 ft. min
Outbuilding	
Front setback	Not permitted
Side setback	Not permitted
Rear setback	Not permitted
Private Frontages	
Common yard	Not permitted
Porch and fence	Not permitted
Terrace/lightwell	Not permitted
Stoop	Permitted
Shopfront/awning	Permitted
Gallery	Permitted
Height of Building	
Principal building	5 story max, 2 story min
Outbuilding/accessory	Not permitted

*CUP (§ 170-20B) may be used to adjust standards.

(1) The property owner shall calculate the average front setbacks of all lots within the same zone located on the same side of the street, 250 feet in each direction from the center of the front lot line. This front setback dimension shall be considered to be a build-to line. Structures may be constructed within 5 feet plus or minus of the average. Porches or steps may be located an additional 5 feet beyond the front facade of the structure. Expansions to existing structures shall be subject to a minimum setback equal to the calculated average setback minus 5 feet.

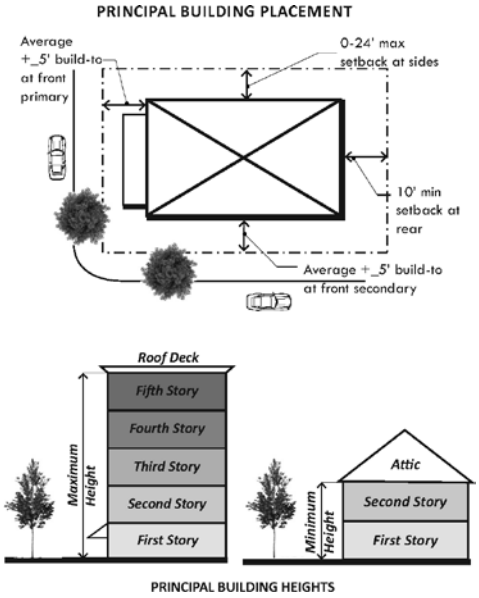
Parking Location Standards (See § 153-14)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

Permitted Uses*

Use	
Residential	Permitted, but not on ground floor except in an existing use
Lodging	Permitted
Professional services & offices	Permitted
Eating & drinking establishments	Permitted
Retail/personal services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-thru services	Not permitted
Other	Via conditional use permit

*CUP (§ 170-20B) may be used to adjust standards.



Sign Regulations

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	1 sf per lf of frontage - area may be increased if Mill Motif is adhered to
Sign Type	
Freestanding	Not permitted
Projecting	Permitted - 10 ft. min above sidewalk, 25 ft. max height, 24 sf
Wall/awning	Permitted, 40 sf max
Temporary	Permitted per § 170-50O(1)

Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Building designs and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate, and 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/nonresidential uses. 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 80% of the facade shall be windows.
- A pedestrian entrance shall be required at the street side or front facade.
- For new construction only nonresidential uses shall be on the ground floor level.
- Ground floor exterior lighting on the building is encouraged and should offer a feeling of warm security and increased 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 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.
- 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 a green roof on at least 30% of the roof area.

Optional Standards:

- Use of architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- Ornamental roof features that exceed the allowed building height are subject to the CUP process.
- Use of elements that accentuate and/or provide coverage at the entry such as canopy, porch, recessed entry, etc., is encouraged.
- LEED standards or an equivalent standard is encouraged.
- Energy-efficient design techniques, LEED standards, or an equivalent standard is encouraged.
- Other integrated green infrastructure elements are encouraged.

*CUP (§ 170-20B) may be used to adjust standards.

Streetscape Standards

Streetscape standards were crafted to create a vibrant, walkable downtown area that facilitates pedestrian activity. The experience

each person will have with the street, the sidewalk, the buildings, and the surrounding environment is what helps define the unique character of a place. 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.

- Sidewalks shall be brick and a 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 ground cover or shrubs, no bare ground or mulch-only areas 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-foot-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 provided as follows:
  - -1 bench for every 75 feet of frontage.
  - -At least 1 waste bin at each block corner.
  - -1 bike rack per project.
- Lighting and mechanical equipment standards per § 170-20E(3)(d).
- Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their buildings.
- Approved public art is encouraged.

*CUP (§ 170-20B) may be used to adjust standards.

STREETSCAPE ELEMENTS



170 Attachment 18

City of Dover

Cochecho Waterfront District (CWD)
[Amended 6-22-2016 by Ord. No. 2016.06.08-010; 9-11-2019 by Ord. No. 2019.08.28-012; 8-12-2020 by Ord. No. 2020.07.22-009; 8-9-2023 by Ord. No. 2023.07.012-008]

Permitted Uses [8]
- Bank
- Bed-and-breakfast
- Child-care facility
- Commercial parking facility
- Commercial recreation
- Dwelling, two-family [4]
- Dwelling, three- to four-family [4]
- Dwelling, multifamily [4]
- Dwelling, single-family [5]
- Eating and drinking establishments [6]
- Educational institution, postsecondary
- Hotel/retail
- Marina
- Office
- Personal service establishment
- Public recreation
- Public utility [7]
- Retail store
- Theater
- Water-related education/resource center
- Waterborne passenger transportation facility

Uses Permitted by Special Exception
- Conversion of existing dwelling to accommodate additional residential units [5]
- Helicopter takeoffs and landings

Sign Regulations

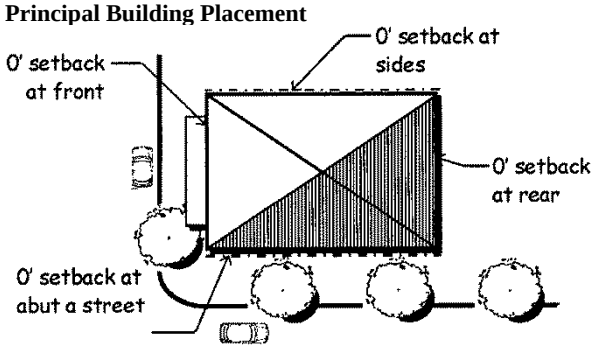
Size	CWD District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each linear foot of business frontage
Type	
Freestanding	Permitted, provided that the principal building is set back at least 5 ft (max size is 60 sf, max height is 16 ft)
Projecting	Permitted (max size 24 sf, min ht 10 ft above sidewalk, max ht is 25 ft above sidewalk)
Wall/Awning	Permitted (max size 40 sf)
Temporary	Permitted (max height is 3 ft, max size 6 sf; see § 170-50E for additional regulations)

Dimensional Regulations [1]

Lot	
Minimum lot size	N/A
Maximum coverage [2]	75%
Minimum frontage	N/A
Principal Building	
Front setback	0 ft
Abut a street setback	0 ft
Side setback	0 ft
Rear setback	0 ft
Outbuilding/Accessory Use	
Front setback	0 ft
Abut a street setback	0 ft
Side setback	0 ft
Rear setback	0 ft
Height of Building	
Principal building	55 ft max
Outbuilding	55 ft max

*: Deviations from these requirements are permitted by conditional use permit, subject to the requirements of § 170-20B(1), where applicable.

Principal Building Placement



NOT TO SCALE

Footnotes

[1] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[2] Lots located in the Cochecho Waterfront District (CWD) and located south of the Cochecho River may have a maximum lot coverage of 100%.

[3] Any new construction along the existing CWD/R-12 zoning boundary (as described herein*) shall conform to the following setbacks:

- Structures and buildings shall be set back a minimum of 75 feet from said boundary.
- Pavement and parking shall be set back a minimum of 25 feet from said boundary.

*Boundary runs from the northwest corner of Tax Assessor's Map K lot 3; thence turning and running southerly until the southern property line of Tax Assessor's Map K lot 4-B, and turning and running westerly along a line 400' parallel to Henry Law Avenue, until meeting Assessor's Map 22 lot 41, running northerly to intersection with Assessor's Map 22 lot 42, and running westerly along the southern property line of said lot for a distance of approximately 980 feet to the northeast corner of Tax Assessor's Map 22 lot 33; thence running westerly to the northeast corner of Tax Assessor's Map 22 lot 12.

[4] Provided that the lot contains at least 1,000 square feet of land area for each dwelling unit and that each dwelling unit contains at least 600 square feet of gross floor area.

[5] Single-family units are only allowed if adjoined to other residential or nonresidential uses in the same structure. Single-family detached units are not allowed.

[6] If fully enclosed with no drive-in service.

[7] Public utility facilities shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[8] Shall follow solar/green roof standard:

- All buildings must be solar ready.
- Commercial and mixed-use buildings that are 25,000 square feet or more must also incorporate solar panels and/or a green roof on at least 30% of the roof area.
- Solar shall not affect the view of the river for nearby properties or rights-of-way.

Architecture shall complement the Design Guidelines for the Cochecho Waterfront Development.

Approved public art is encouraged.

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Helicopter Takeoffs and Landings: Helicopter take offs and landings are allowed as a special exception subject to the following conditions:

A. There shall be a distance of 1,000 feet between any existing residential structure and any proposed helicopter landing pad.

B. Except in the case of an emergency, no helicopter takeoffs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.

C. The facility shall be accessory to the principal use located on the lot.

D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

E. The conditions for granting a special exception contained in § 170-59C(3) must also be satisfied.

170 Attachment 19

City of Dover

Sign Diagrams
Part I

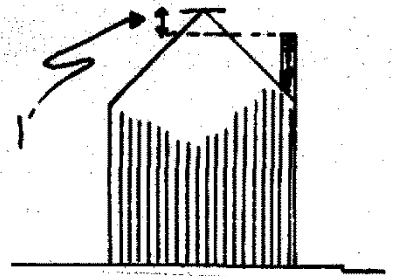


Figure 1

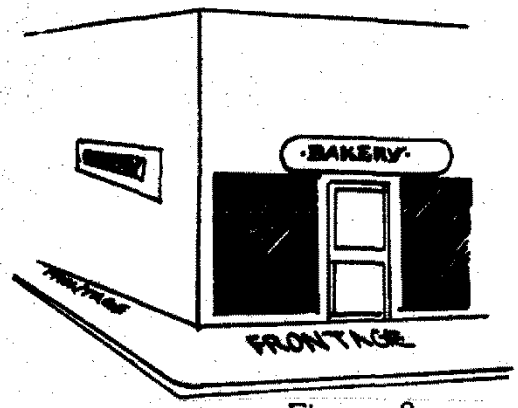


Figure 3

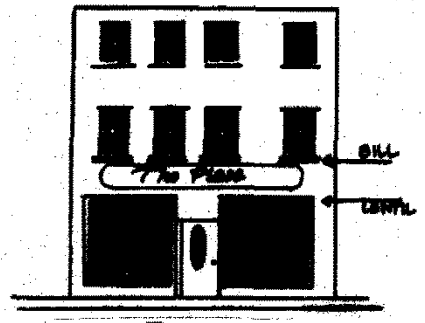


Figure 2

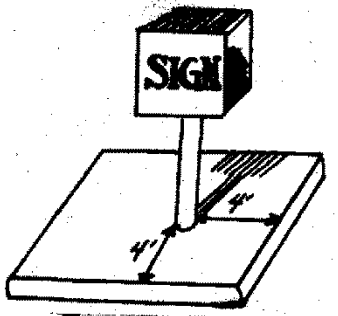


Figure 4

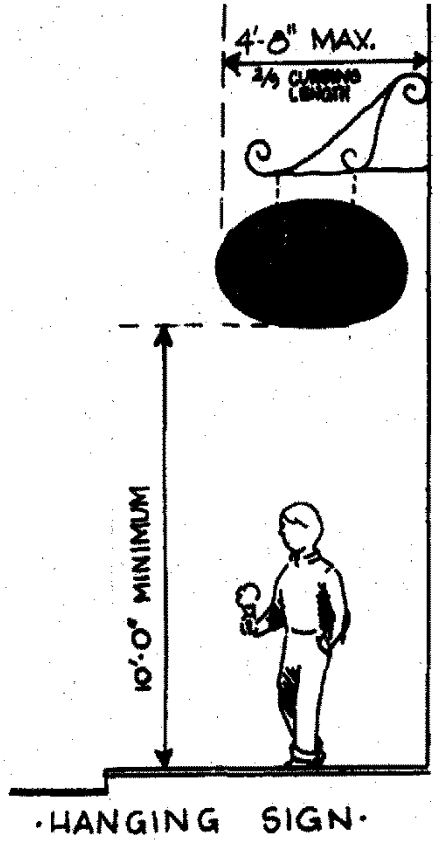


Figure 5

City of Dover

Sign Diagrams
Part II

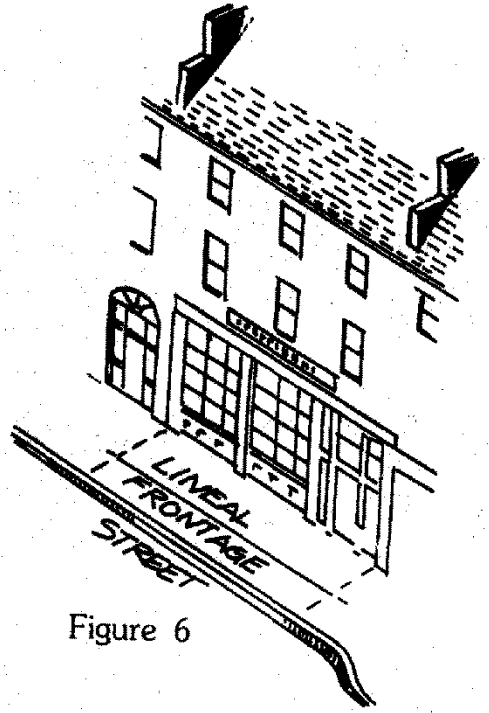


Figure 6

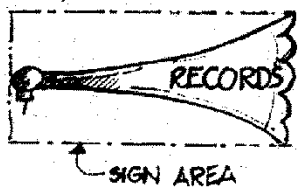


Figure 9

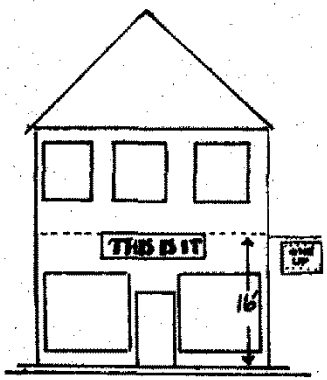


Figure 7

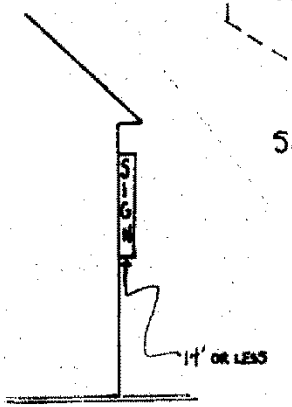


Figure 10

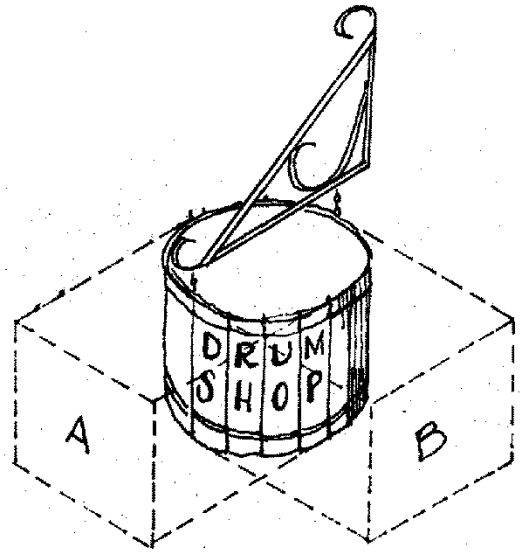


Figure 8

City of Dover

Sign Diagrams
Part III

In Figure A, the sign above the shop front has been placed as high as it would be allowed in this particular instance: just below the sills of the second story windows. It is also as wide as is allowed: the full width of the building's sign frontage. The result is a jarring relationship between the sign and the building's facade. Nothing on the sign seems to line up with anything that is part of the building itself: the window sills appear to rest on top of the sign, the lintel (the horizontal beam over the shop front) is partly covered. The total effect is one of everything being slightly off balance.

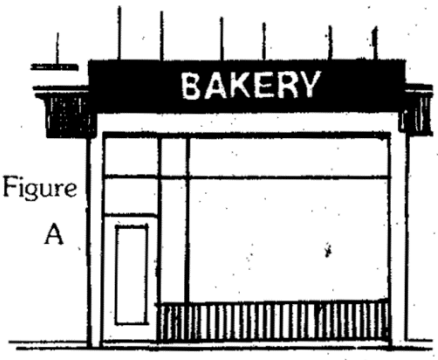


Figure A

Figures B, C and D, on the other hand, show three (3) different ways in which the same sign idea can be made to relate successfully to the rest of the building.

In Figure B, the sign becomes part of the architecture of the building by being lowered and reduced slightly in depth so it appears as a facing to the lintel, which was half covered in Figure A. This is a good solution if there is enough depth to the lintel to permit the use of legible-size letters.

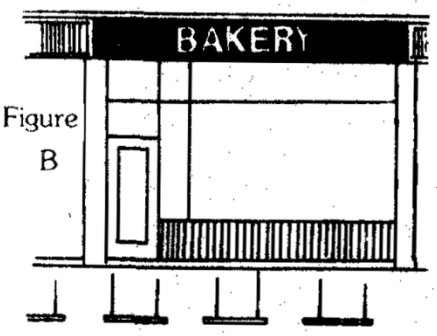


Figure B

Another approach, where the lintel is quite shallow, is shown in Figure C. Here the sign is integrated with the shop front by being enclosed within the frame of the building, which is outlined by the side walls and the lintel itself. This solution is particularly effective where the frame of the shop front is relatively high and may allow the use of a deeper sign than that shown in Figure B. Being placed lower, the sign may also be more legible from the street.

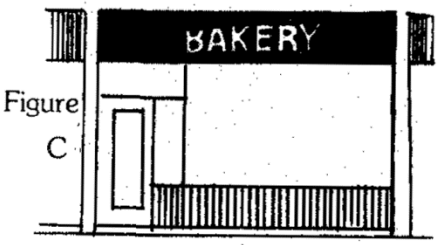


Figure C

In Figure D, the sign is in the form of applied or painted letters, with the building lintel itself as the background. If carefully designed and executed, this treatment not only respects the building but enhances it; unlike signs mounted on boards, the open letters do not totally obscure any part of the building, and they cause the least interruption to the continuity of the building's architecture, which can be seen through and around the letters. The individually attached letters also give a sense of permanence to the business they advertise.

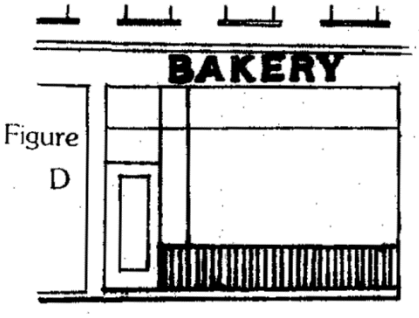


Figure D

City of Dover

Sign Diagrams
Part 1V

Figure E shows the basic framework or pattern of the buildings that form the street front as they were originally conceived in terms of solid and void, or wall and hole. Despite the fact that the window and door holes of the different buildings do not line up exactly, which provides variety and adds to the interest of the street, there is quite a strong feeling of continuity and unity in the row of structures since they all have the same basic elements.

Figure F, shows how the even rhythm of these basic elements (the shop front holes and the windows in the lower floors of the buildings) can be almost completely obliterated by the jumble of shop signs of widely varying shapes, sizes and heights.

In Figure G, the basic pattern of the street front has been retained by the simple fact that the shop fronts and their signs have stayed within the frames provided by the buildings. (The one exception is the sign on the right, because it is composed of individual letters applied directly to the buildings itself.) Three (3) of the shop fronts, quite different in the character of their signs and entrances, are now seen to form the ground floor of the same building, the sort of thing that helps create a feeling of continuity along the street.

Figure E

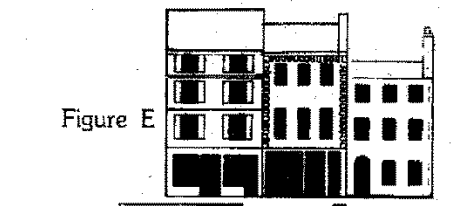


Figure F

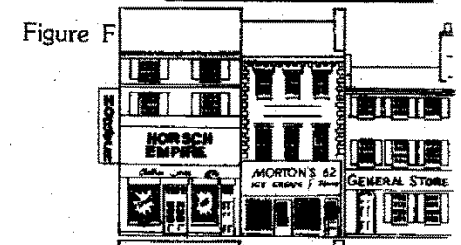
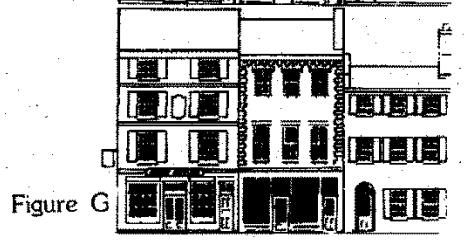


Figure G



It should be noted that the marked improvement to the street front shown in Figure G has been achieved without any sacrifice in the effectiveness of individual signs. Although the signs are smaller in size, they are actually easier to read because they are of cleaner and simpler design. This emphasizes another important point: Legibility and effectiveness do not depend on size alone, but also on design.

Chapter 170, Zoning

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§ 170-2. Authority.
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~~§ 170-29.2. Reserved.~~
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§ ~~170-29.5.~~ 170-40. Prohibited projects.
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§ ~~170-29.7.~~ 170-42. Operational standards.
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§ ~~170-30.~~ 170-45. Performance guarantee.
§ ~~170-30.1.~~ 170-46. Waivers.
§ ~~170-30.2.~~ 170-47. Application procedures.
§ ~~170-30.3.~~ 170-48. Application submission items.
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~~§ 170-31. Reserved.~~

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~~§§ 170-34 to 170-38 (Reserved)~~

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Nonconforming ~~Lots,~~ Uses and Structures

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~~§§ 170-48 to 170-50 (Reserved)~~
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§ ~~170-52.~~ 170-59. Zoning Board of Adjustment.
§ ~~170-53.~~ 170-60. Amendment procedure.

Schedule C

Comparison of Previous and New (Recodified) Ch. 170

Chapter 170

ZONING

~~CHAPTER 170~~

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~~GENERAL PROVISIONS~~

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~~170-2. Authority.~~

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General Provisions

§ 170-1. Title.

§ 170-2. Authority.

§ 170-3. Purpose.

§ 170-4. Interpretation.

§ 170-5. Applicability.

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~~170-8. Zoning Map.~~

~~170-9. Amendments to Zoning Map.~~

~~170-10. Interpretation of District Boundaries.~~

Districts and District Boundaries

§ 170-7. Establishment of districts.

§ 170-8. Zoning Map.

§ 170-9. Amendments to Zoning Map.

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§ 170-10. Interpretation of district boundaries.

ARTICLE IV USES; TABLES

170-11. Use Regulations.

170-12. Applicability of Tables of Use and Dimensional Regulations by District.

Current through 8/16/2023

170-18. CUSTOMARY HOME OCCUPATIONS.

170-19. Reserved.

170-20. Central Business District Regulations.

170-21. ALTERNATIVE ENERGY SYSTEM.

170-22. TELECOMMUNICATIONS FACILITES.

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FLOODPLAIN DEVELOPMENT

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§ 170-12. Applicability of Tables of Use

§ 170-12. Applicability of Tables of Use and Dimensional Regulations by District.

ARTICLE V

Dimensional Regulations

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§ 170-14. Nonconforming lots.

§ 170-15. Recreation space and separation between use requirements.

§ 170-16. Swimming pools.

§ 170-17. Removal of barriers to access.

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ARTICLE VI
Additional Regulations

~~ADDITIONAL REGULATIONS~~

~~[HISTORY: Formerly Chapter 113, which was adopted by the City Council on 3-25-1987 as Ord.~~ ~~by Ord. No. 26-98; General syntax updates on 07-22-2020 by Ord. No. 2020.07.08.006 Amendments noted where applicable. Merged into 170 on 08-12-2015 by Ord. No. 2015.07.22-017]~~

§ 170-18. Customary home occupations.

§ 170-19. Non-environmental conditional use permit criteria.

§ 170-20. Central Business District regulations.

§ 170-21. Alternative energy systems.

§ 170-22. Telecommunications facilities.

§ 170-23. Impact fees.

§ 170-24. Accessory dwelling units.

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Floodplain Development

§ 170-25. General provisions.

~~No. 87.1. Revised in its entirety by the City Council on 01-20-1999~~

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§ 170-33. Groundwater protection.

§ 170-34. Scenic Road Overlay District.

§ 170-35. Hazardous Waste Landfill District I.

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~~OVERRIDING DISTRICTS~~

~~170-26. Additional Regulations.~~

~~170-27. Conservation District.~~

~~170-27.1. Wetland Protection District.~~

~~170-27.2. TRANSFER OF DEVELOPMENT RIGHTS.~~

~~170-28. Urban Renewal District.~~

~~170-28.1. Riverfront Residential Overlay District.~~

~~170-28.2. Residential-Commercial Mixed Use (RCM) Overlay~~

~~170-28.3. Groundwater Protection.~~

~~170-28.4. Scenic Road Overlay District.~~

~~170-28.5. Hazardous Waste Landfill District I.~~

~~ARTICLE IX~~

~~EXCAVATIONS~~

ARTICLE IX
Excavations

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§ 170-~~29.1~~37. Purpose and ~~Intent~~ intent.

~~170-29.2.~~

§ 170-~~29.3~~38. Applicability.

§ 170-~~29.4~~39. Abandoned ~~EXCAVATIONS~~ excavations.

§ 170-~~29.5~~40. Prohibited ~~Projects~~ projects.

§ 170-~~29.6~~41. Criteria for ~~Non-conforming EXPANSIONS~~ nonconforming expansions.

§ 170-~~29.7~~42. Operational ~~Standards~~standards.

§ 170-43. Site reclamation standards.

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§ 170-45. Performance guarantee.

§ 170-46. Waivers.

§ 170-47. Application Procedures

§ 170-48. Application submission items.

§ 170-49. Administration and enforcement

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~~170-29.8. Site RECLAMATION Standards.~~

~~170-29.9. Incremental RECLAMATION.~~

~~170-30. Performance Guarantee.~~

~~170-30.1. Waivers.~~

~~170-30.2. Application Procedures.~~

~~170-30.3. Application Submission Items.~~

~~170-30.4. Administration and Enforcement.~~

~~170-31. Reserved (Formerly Standards).~~

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~~SIGNS AND FENCES~~

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~~170-33. FENCE Review and Regulations.~~

~~170-34. through 170-38. (Reserved)~~

ARTICLE X

Signs and Fences

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§ 170-51. Fence review and regulations.

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~~170-40. NONCONFORMING USEs of land.~~

~~170-41. Nonconforming STRUCTUREs.~~

~~170-42. Repairs and Maintenance.~~

~~170-43. Uses Permitted by Special Exception.~~

Nonconforming Uses and Structures

§ 170-52. Nonconforming uses of land.

§ 170-53. Nonconforming structures.

§ 170-54. Repairs and maintenance.

§ 170-55. Uses permitted by special exception.

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ARTICLE XII

~~OFF-STREET PARKING AND LOADING~~

Off-Street Parking and Loading

§ 170-~~44.~~ 56. Applicability.

~~170-45. Reserved (Formerly Required Spaces).~~

~~170-46. Reserved (Formerly Loading Spaces).~~

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§ 170-57.~~170-47.~~ Administrative ~~Officer~~officer.

~~170-48. Reserved (Formerly Building Permit Procedure).~~

~~170-49. Reserved (Formerly CERTIFICATE OF OCCUPANCY).~~

~~170-48. Reserved (Formerly Building Permit Fees).~~

§ 170-58.~~170-51.~~ Violations and ~~Penalties~~penalties.

~~170-52. ZONING BOARD OF ADJUSTMENT.~~

§ 170-60.~~170-53.~~ Amendment ~~Procedure~~procedure.

~~TABLES OF USE AND DIMENSIONAL REGULATIONS BY DISTRICT~~

~~Residential~~

~~HR Heritage Residential District R-40~~ Rural Residential (R-40) District

~~R-20~~ Low-Density Residential ~~District~~(R-20) District

~~R-12~~ Medium-Density Residential (R-12) District

~~RM-SU~~ Suburban Density Multi-~~residential~~ Residential (RM-SU) District~~RM-U~~

Urban Density Multi-~~residential~~

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Residential (RM-U) District

Heritage Residential (HR) District

~~Nonresidential~~

~~C~~ Commercial (C) District

~~CM~~ Commercial Manufacturing (CM) District

~~IT~~ Innovative Technology (IT) District

Gateway (G) District

~~Mixed-Use~~

~~H Hospital~~Hospital (H) District

Little Bay Waterfront (LBW) District

CBD ~~Central Business District~~Transit-Oriented Development Sub-District

~~Regulating Plan~~

~~General~~

~~Mixed Use~~

~~Residential~~

~~TOD Transit Oriented Development~~

~~CWD Cocheco Waterfront District~~

CBD Mixed-Use Sub-District

CBD Residential Sub-District

CDB General Sub-District

Cocheco Waterfront District (CWD)

Sign Diagrams

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[HISTORY: Adopted by the City Council ~~on 05-23-1979 as Ord. No. 15-79; Amended on 09-~~13-2013 by Ord. No. 2013.~~08.14-12;~~10.09-013 as Ch. 170 of the 2013 Code. Amended ~~on 02-~~2-26-2014 by Ord. No. 2014.01.22-001; ~~Amended on 04-~~4-23-2014 by Ord. No. 2014.04.09-008~~; Amended on 08-12-2015 by Ord. No. 2015.07.22-017~~. Subsequent amendments ~~No.~~ noted where applicable.]

~~GENERAL REFERENCES PLANNING BOARD See Ch. 41. Site Plan Review See Ch. 149. STREETS and SIDEWALKS See Ch. 152. Subdivision of Land See Ch. 155.~~

ARTICLE I

General Provisions~~GENERAL PROVISIONS~~

§ 170-1. Title.

This ~~Chapter~~chapter shall be known and may be cited as the "Zoning Ordinance of the City of Dover, New Hampshire."

§ 170-2. Authority.

This ~~Chapter~~chapter is adopted pursuant to the authority granted by RSA 674:16.

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§ 170-3. Purpose. [Amended 7-22-2020 by Ord. No. 2020.07.08-006]

This ~~Chapter~~chapter is an element of the Dover Master Plan and is designed to promote the health, safety, and the general welfare of Dover's residents by serving to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; to encourage the maintenance of Dover's economic and aesthetic quality of life; and to encourage the most appropriate use of land throughout the City of Dover.

§ 170-4. Interpretation.

The provisions of this ~~Chapter~~chapter shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals and the general welfare of the City of Dover. The provisions of this ~~Chapter~~chapter are not intended to repeal or in any way impair or negate any other lawfully adopted ordinance, regulation or rule. Whenever the regulations made under the authority hereof differ from those prescribed by any ordinance or regulation, that provision which imposes the greater restriction shall govern.

§ 170-5. Applicability. ~~[Amended on 06-10-87 by Ord. No. 13-87.]~~

All ~~BUILDINGS~~buildings or ~~STRUCTURES~~structures hereafter erected, reconstructed, ~~ALTERED~~altered, enlarged or relocated or all future use of premises in the City of Dover shall be in conformity with the provisions of this ~~Chapter~~chapter. This ~~Chapter~~chapter shall not apply to existing ~~BUILDINGS~~buildings or ~~STRUCTURES~~structures, nor to the existing use of any ~~BUILDING~~building or ~~STRUCTURE~~structure or of land to the extent to which it is used at the time of enactment of this ~~Chapter~~chapter. Furthermore, if the ~~PLANNING BOARD~~Planning Board has formally accepted an application for development prior to the first legal notice of a proposed change to this ~~Chapter~~chapter, the Building Official shall not withhold a ~~BUILDING~~building permit, and the proposed regulation shall not affect the accepted application.

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ARTICLE II ~~TERMINOLOGY~~

Terminology

[Amended 8-19-2015 by Ord. No. 2015.07.22-017; 6-22-2016 by Ord. No. 2016.06.08-010; 8-22-2018 by Ord. No. 2018.08.08-009; 9-11-2019 by Ord. No. 2019.08.28-012; 7-22-2020 by Ord. No. ~~170-6. Word Usage and Definitions. [Amended on 9-24-80 by Ord.~~ 2020.07.08-006]

§ 170-6. Word usage and definitions.

~~No. 15-80; Amended on 6-10-87 by Ord. No. 13-87; Amended on 9-14-88 by Ord. No. 15-88; Amended on 11-30-88 by Ord. No. 24-88; Amended on 08-01-90 by Ord. No. 8-90; Amended on 04-03-91 by Ord. No. 01-91; Amended on 09-01-93 by Ord. No. 20-93; Amended on 09-15-93 by Ord. No. 19-93; Amended on 10-20-93 by Ord. No. 28-93; Amended on 08-24-94 by Ord. No. 09-94; Amended on 03-18-98 by Ord. No. 02-98; Amended on 02-17-99 by Ord. No. 25-98; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 03-19-2003 by Ord. No. 05-03; Amended on 03-21-2007 by Ord. No. 01-07; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 10-10.27-13; Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 08-19-2015 by Ord. No. 2015.07.22-017; Amended on 06-22-2016 by Ord. No. 2016.06.08-010; Amended on 08-22-2018 by Ord. No. 2018.08.08-009, Amended on 07-22-2020 by Ord. No. 2020.07.08.006, Amended on 07-22-2020 by Ord. No. 2020.07.08.007, Amended on 09-14-2022 by Ord. No. 2022.08.10.010., Amended on 08-09-2024 by Ord. No. 2023.07.12-008]~~

A. For the purposes of this ~~Chapter~~chapter, the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive; the ~~words~~word "used" or ~~occupies" include~~"occupied" includes the words "intended, designed or arranged to be used or occupied~~,"~~"; and certain terms or words shall be interpreted as follows~~:~~.

B. Words and terms appearing ~~in CAPITAL LETTERS~~ throughout this ~~Chapter~~chapter shall have the meanings indicated below. Other ~~Land Use/Planning~~land use/planning related words and terms not defined in this ~~Chapter~~chapter shall rely on the definition(s) contained within A Planners Dictionary published and updated by the American Planning Association~~:~~.

ABANDONED SIGN ~~means any SIGN~~ — Any sign that does not display a well-maintained message for a consecutive ~~one-hundred-eighty (~~180~~)~~ -day period, and/or the owner of said ~~SIGN~~sign cannot be located after reasonable efforts have been made, and/or said ~~SIGN~~sign is no

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longer fully supported by the ~~STRUCTURE~~structure designed to support the ~~SIGN~~sign for a consecutive ~~one hundred eighty (~~180~~)~~ day period, and/or the ~~SIGN~~sign no longer advertises bona fide business and/or products sold for a consecutive ~~one hundred eighty (~~180~~)~~ day period. The Zoning Administrator shall direct the removal of any ~~SIGN~~sign which meets this definition.

ABUTTER ~~means:~~

(1) The owner of record of a parcel of land located in New Hampshire and that adjoins or is directly within ~~two hundred (~~200~~)~~ feet (including land across the ~~STREET~~street or waterway) of the proposed site under consideration by the ~~PLANNING BOARD~~Planning Board.

(2) For the purposes of receiving testimony only, and not for purposes of notification, the term "~~ABUTTER~~abutter" shall include any person or entity who is able to demonstrate that his land will be directly affected by the proposal under consideration.

(3) In the case of an abutting property being under a condominium or other collective form of ownership, the term "~~ABUTTER"~~abutter" means the officers of the collective or association, as defined in RSA 356-B:~~3~~ 3, XXIII. Additionally, the individual owners of units within the association~~,~~ which are located within ~~two hundred (~~200~~)~~ feet of the common property line shall be notified only by first~~-~~class mail.

(4) For purposes of notification and receiving testimony, ~~ABUTTER~~"abutter" means all affected towns and the regional planning commission in the case of a development having regional impact, as determined by the ~~PLANNING BOARD~~Planning Board.

(5) For purposes of notification, ~~ABUTTER~~abutter ownership information for ~~LOTS~~lots located in Dover~~,~~ shall be obtained through the ~~City's~~City's Tax Assessment Office.

ACCESSORY DWELLING UNIT ~~means a~~ A secondary ~~DWELLING UNIT (a)~~dwelling unit attached and subordinate to a ~~SINGLE FAMILY DWELLING or (b)~~single-family dwelling or constructed within a detached garage that is~~-~~

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accessory and subordinate to a ~~SINGLE FAMILY DWELLING.~~single-family dwelling. See ~~Section~~§ 170-24 for the accessory dwelling unit regulations. **[Amended 10-13-2021 by Ord. No. ~~ACCESSORY DWELLING UNIT~~2021.09.08-006]**

~~regulations.~~

ACCESSORY STRUCTURE ~~means a STRUCTURE~~ — A structure with a minimum ~~FLOOR AREA~~floor area of ~~two hundred (~~200~~)~~ square feet which exists on the same ~~LOT~~lot and within the same zoning district as the ~~PRINCIPAL BUILDING~~principal building and which shall be customarily incident and subordinate to the ~~PRINCIPAL BUILDING~~principal building, subject to the provisions of § 170-10E. **[Amended 10-13-2021 by Ord. No. ~~Chapter 170-10 E.~~2021.09.08-006]**

ACCESSORY USE ~~means a~~ — A use existing on the same ~~LOT~~lot and within the same zoning district as the principal use which shall be customarily incident and subordinate to the principal use~~;~~, subject, however, to the provisions of § 170-~~10 E~~10E.

ADULT BOOKSTORE AND/OR VIDEO STORE ~~means a~~

(1) A place of business that devotes more than ~~fifteen percent (~~15~~%)~~% of the total display, shelf, rack, table, stand or ~~FLOOR AREA,~~floor area for the display and sale of the following: ~~[Added]~~

~~(1)~~ Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, ~~video cassettes~~videocassettes, slides, tapes, records, CD-~~ROMS~~ROMs or other

(a) forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1; or

~~(2)~~(b) Instruments, devices or paraphernalia which are designed for use in connection with "sexual conduct" as defined in RSA 571-B:1, other than birth~~-~~control ~~devises~~devices.

(2) An ~~**ADULT BOOKSTORE**~~adult bookstore and/or ~~VIDEO STORE~~video store does not include an establishment that sells books, periodicals or videos as an incidental or accessory part of its principal stock ~~and~~ in trade and does not devote more than ~~fifteen percent (~~15~~%)~~% of the total ~~FLOOR AREA~~floor area of the establishment to the sale of books, periodicals or videos.

ADULT CABARET ~~means a night club~~ — A nightclub, bar, restaurant or similar establishment which, during a substantial portion of the total presentation time, features live performances that meet the definition of "harmful to minors" and/or "~~a~~ sexual conduct" as set forth in RSA 571-B:1 and/or shows films, motion pictures, ~~video cassettes~~videocassettes, slides or other photographic reproductions~~,~~ which ~~meets~~meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

ADULT DAY CARE ~~means a~~ — A facility used for the care of three ~~(3)~~ or more adults for less than ~~twenty-four (~~24~~)~~ hours per day who are in need of supervision or assistance with daily living activities. The facility may provide for dining, recreation activities,

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education and counseling services, and ~~ACCESSORY USEs~~accessory uses related to the care of adults in need.

AGRICULTURE – — See RSA 21:34-a~~.~~, II. ~~AGRICULTURE~~Agriculture shall not include marketing or selling at wholesale or retail, except where permitted as part of a ~~ROADSIDE FARM STAND~~roadside farm stand or where the retail sale of agricultural or ~~FARM~~farm products raised on site is a permitted use. One ~~SINGLE FAMILY DWELLING~~single-family dwelling shall be permitted as an accessory to the ~~principle~~principal use.

ALTER or ~~**ALTERATIONS** means any~~ALTERATION — Any change involving the structural frame of a ~~BUILDING~~building or use of a ~~BUILDING~~building.

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ALTERNATIVE ENERGY SYSTEM ~~means a~~ — A system where energy is derived from a renewable natural source, such as the sun, wind, tides, or waves. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

ALTERNATIVE TOWER STRUCTURE ~~means the~~ — The use of ~~STRUCTURES~~ structures such as man-made trees, clock ~~TOWERS~~towers, bell steeples, rooftops on ~~BUILDINGS~~buildings five ~~(5)~~ stories or more, light poles, and similar ~~Alternative~~alternative-design mounting ~~STRUCTURES~~structures that camouflage or conceal the presence of ~~ANTENNAS~~antennas or ~~TOWERS~~towers and their appurtenances.

ANTENNA ~~means any~~ — Any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, repeater, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

APPLICANT ~~means any~~ — Any person, agent, firm, association, partnership or corporation that makes application to a land use board ~~-~~ pursuant to the rules and regulations of this ~~Chapter~~chapter.

ASSEMBLY HALL — A building or a portion of a building, not to exceed 5,000 square feet, used for groups of people to gather for an event or regularly scheduled program. Assembly halls include but are not limited to service clubs, religious institutions, cultural and educational lecture/performance halls, banquet halls, and similar facilities.

ASSESSED PROPERTY ~~means any~~ — Any land or ~~BUILDINGS~~buildings comprising ~~NEW DEVELOPMENT~~new development that is subject to an ~~IMPACT FEE~~ impact fee assessment under this chapter.

ASSESSMENT ~~under this Article.~~

~~**ASSESSMENT** means a~~ — A notification issued by the City of Dover, its ~~PLANNING BOARD~~Planning Board, or its Building Inspector ~~-~~ which states the amount of an ~~IMPACT FEE~~impact fee due on an ~~ASSESSED PROPERTY~~assessed property and the responsibilities, conditions or schedules pertinent to the process and timing of ~~IMPACT FEE~~impact-fee payments to the City.

ASSISTED LIVING FACILITY ~~means a~~ — A facility, licensed under RSA 151-E, that provides housing and supportive services and care for more than ~~twelve (~~12~~)~~ elderly residents who require assistance with daily living activities but do not require the skilled nursing and medical care provided in a ~~NURSING~~

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~~HOME~~nursing home. Such supportive services include the provision of meals, housekeeping, laundry, transportation, daily personal care, dispensing of medications and ~~twenty-four~~

(~~staffing~~ 24~~)~~ hours per day ~~staffing~~. An ~~ASSISTED LIVING FACILITY~~assisted living facility includes a community dining ~~ROOM~~room in which meals are provided to all residents and each individual assisted living unit may also have a kitchenette. Other than any accommodations provided for use by the ~~facility's~~facility's staff, only assisted living units are permitted as part of an ~~ASSISTED LIVING FACILITY~~assisted living facility.

~~**ASSEMBLY HALL** means a BUILDING or a portion of a BUILDING, not to exceed five thousand (5,000) square feet, used for groups of people to gather for an event or regularly scheduled program. ASSEMBLY HALLs include but are not limited to SERVICE CLUB, religious institutions, cultural and educational lecture/performance halls, banquet halls, and similar facilities.~~

AUTO SERVICE ~~means a~~ A place of business which offers as a service the repair of automobiles. Such ~~"AUTO SERVICE"~~auto service place shall not be construed to be a ~~VEHICLE REFUELING /RECHARGING STATION~~vehicle refueling/ recharging station.

BED ~~-~~ AND ~~-~~ BREAKFAST ~~means a~~ A residential ~~STRUCTURE~~structure consisting of nine

~~(~~9~~)~~ or ~~less~~fewer bedrooms rented on a temporary, short ~~-~~ term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on ~~-~~ site management on a twenty-four ~~(~~24~~)~~ ~~-~~ hour basis. Breakfast shall be the only meal served and shall be served to registered guests only.

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BERM ~~means a~~ — A mound of ~~EARTH~~earth that may contain stumps of sufficient ~~HEIGHT~~height to serve as sight, sound, sand and dust screening of operations in an ~~EXCAVATION SITE~~excavation site.

BLOCK ~~means a~~ — A tract of land bounded by ~~STREETs~~streets or by a combination of ~~STREETs~~streets and public land, railroad ~~RIGHTS-OF-WAY~~rights-of-way, waterways or other barriers to the continuity of a development.

BLOCK CORNER ~~means where~~ — Where two public ~~STREETs~~streets meet on a ~~BLOCK~~block.

BLOCK FACE ~~means the~~ — The aggregate of all the ~~BUILDING~~building facades on one side of a ~~BLOCK~~block.

~~**BUILD TO LINE** means a line parallel to the STREET RIGHT-OF-WAY LINE representing the distance that part of the BUILDING must be located. Front porches, stairs and handicap ramps may extend beyond the BUILD TO LINE up to half their depth. If locating the BUILDING at the BUILD TO LINE is not possible due to SETBACK or buffer requirements of Chapter 170-27 or Chapter 170-27.1, the BUILDING shall be located as close to the BUILD TO LINE as feasible. For parcels with no FRONTAGE, the BUILD TO LINE shall be calculated from the boundary parallel to the nearest STREET RIGHT-OF-WAY LINE. For parcels with FRONTAGE on a tidal waterway, the BUILD TO LINE may be a one hundred (100) foot SETBACK, unless reduced via a Conditional Use Permit from the reference line, no matter the distance to the STREET RIGHT-OF-WAY LINE.~~

~~**BUILDING** means any STRUCTURE~~BUILDING — Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and which is constructed and permanently affixed on the land. Such ~~"BUILDING"~~building includes open decks, open breezeways and any roofed areas. This in no way is to be construed to include a trailer, ~~MANUFACTURED HOME~~manufactured home or any other like product. For the purposes of measuring ~~SETBACKs~~setbacks, eaves and uncovered porches, accessible ramps or steps may encroach into the side, ~~REAR~~rear and front ~~SETBACKs or~~setbacks for a distance of up to three ~~(3)~~ feet. Improvements made at ground level (patio, pads, deck) are not required to meet ~~SETBACKS~~setbacks.

BUILD-TO LINE — A line parallel to the street right-of-way line representing the distance that part of the building must be located. Front porches, stairs and handicap ramps may extend beyond the build-to line up to half their depth. If locating the building

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at the build-to line is not possible due to setback or buffer requirements of § 170-27 or 170-28, the building shall be located as close to the build-to line as feasible. For parcels with no frontage, the build-to line shall be calculated from the boundary parallel to the nearest street right-of-way line. For parcels with frontage on a tidal waterway, the build-to line may be a 100-foot setback, unless reduced via a conditional use permit from the reference line, no matter the distance to the street right-of-way line.

BULK ~~means a~~ — A term used to indicate the physical size, ~~SETBACKS~~setbacks, and location of a ~~BUILDING~~building upon a ~~LOT~~lot.

~~**BUSINESS FLOOR AREA - [Repealed on 08-08-2018 by Ord. No. 08-08-2018-009]**~~

BUSINESS FRONTAGE ~~means the~~ — The length along the ~~GROUND FLOOR~~ground floor of a ~~BUILDING~~building front, having ~~FRONTAGE~~frontage on the ~~STREET~~street, which is occupied by a separate and distinct principal use~~;~~, or the length along the ~~GROUND FLOOR~~ground floor of a ~~BUILDING~~building side, having ~~FRONTAGE~~frontage on a ~~STREET~~street, which is occupied by a separate and distinct principal use or by the same principal use which occupies the front of said ~~BUILDING~~building.

CERTIFICATE OF OCCUPANCY — See Chapter 57, Building Construction, § 57-9, of the Code of the City of Dover.

CERTIFIED SOIL SCIENTIST ~~means a~~ — A person who, by reason of special knowledge of pedological principles acquired by professional education and practical experience as specified by RSA 310-A:84, is qualified to practice soil science and who has been duly certified by the State Board of Natural Scientists.

~~**CERTIFICATE OF OCCUPANCY** — See Chapter 68 of the Code of the City of Dover, titled "Building Construction", Section 68-15.~~

CHILD-CARE FACILITY ~~means a non-residential~~ — A nonresidential facility used for the care of children for periods of less than ~~twenty-four (~~24~~)~~ hours per day~~,~~ and/or the provision of educational services commonly associated with preschool, nursery schools or kindergartens. ~~A CHILD CARE FACILITY~~A child-care facility requires Technical Review Committee review.

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CHILD-CARE HOME ~~means an~~ An occupied ~~SINGLE FAMILY DWELLING~~ single-family dwelling in which child day care is provided for less than ~~twenty four (~~24~~)~~ hours per day, except in emergencies. A ~~CHILD CARE HOME~~child-care home is subject to the ~~CUSTOMARY HOME OCCUPATION~~customary home occupation requirements and requires a ~~CUSTOMARY HOME OCCUPATION Certificate~~customary home occupation certificate of ~~Use~~use. There are two types of ~~CHILD CARE HOMES~~child-care homes, as follows:

(1) ~~Group CHILD CARE HOME~~A group child-care home is a child day care for seven ~~(7)~~ to ~~twelve (~~12~~)~~ preschool-aged children from one or more unrelated families. The ~~twelve (~~12~~)~~ children shall include all children residing with the caregiver in the home, except children ~~ten (~~10~~)~~ years of age or older. In addition to the ~~twelve (~~12~~)~~ children, up to five ~~(5)~~ children enrolled in a full-day school program may also be cared for up to five ~~(5)~~ hours per day on school days and all day during school holidays. Applications require Technical Review Committee review~~;~~ and are subject to possible ~~Site Review~~site review and ~~PLANNING BOARD~~Planning Board approval per ~~Section 149-4.D of the Site Review Regulations.~~

~~Family CHILD CARE HOME~~§ 153-4D of Chapter 153, Site Review Regulations.

~~(2)~~ A family child-care home is a child day care for up to six ~~(6)~~ preschool-aged children from one or more unrelated families. The six ~~(6)~~ children shall include all children residing with the caregiver in the home, except children ~~ten (~~10~~)~~ years of age or older. In addition to the six ~~(6)~~ children, up to three

~~(3)~~(2) children enrolled in a full-day school program may also be cared for up to five ~~(5)~~ hours per day on school days and all day during school holidays. ~~A Family CHILD CARE HOME~~A family child-care home for up to three ~~(3)~~ children (at any one time and not including the ~~provider's~~provider's own children) shall not require a ~~CUSTOMARY HOME OCCUPATION Certificate of Use~~customary home occupation certificate of use and does not require Technical Review Committee review.

CIVIC BUILDING ~~means a BUILDING~~ A building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

CIVIC SPACE ~~means an~~ An outdoor area dedicated for public use.

COLLECTION ~~means the~~ The actual delivery of payment of an

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~~ASSESSMENT~~assessment of an ~~IMPACT FEE~~impact fee to the City of Dover on behalf of an ~~ASSESSED PROPERTY~~assessed property.

COMMENCEMENT OF CONSTRUCTION ~~means the~~ — The beginning of the physical construction of an approved ~~STRUCTURE~~structure. Said construction shall include the erection of any portion of a ~~STRUCTURE~~structure above or below grade level.

COMMERCIAL EXCAVATION ~~means EXCAVATION~~ — Excavation of ~~EARTH~~earth intended for commerce, excluding ~~EXCAVATION~~excavation that is strictly conducted for the purpose of ~~ALTERATIONs~~alterations, renovation, improvement or construction to the property on which the ~~EXCAVATION~~excavation takes place. Any material leaving the property for whatever reason is considered to be a commercial operation, except agricultural activities, as defined by RSA 21:34-a.

~~**COMMERICAL PARKING FACILITY** means an area of OFF-STREET PARKING, where, for a fee, or permit, motor vehicles may be stored for the purpose of temporary, daily, weekly, or overnight OFF-STREET PARKING. Said facility may provide shuttle or park-n-ride services.~~

COMMERCIAL RECREATION ~~means leisure~~ — Leisure-time activities conducted at prescribed places, sites, or fields as a principal use, in order to obtain profit for a private group, organization, or individual. For the purpose of this ~~ordinance, COMMERCIAL RECREATION~~chapter, commercial recreation may include but not be limited to~~: (a)~~ mechanical-, and/or electronic-operating games ~~(b)~~, animated mechanical devices, and/or rides ~~(c)~~and live entertainment~~;~~, and ~~(d)~~ food concessions will be allowed by permit.

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COMMERCIAL PARKING FACILITY — An area of off-street parking where, for a fee or permit, motor vehicles may be stored for the purpose of temporary, daily, weekly, or overnight off-street parking. Said facility may provide shuttle or park-and-ride services.

COMMON YARD ~~means a~~ — A planted private ~~FRONTAGE~~frontage wherein the facade is set back from the front property line.

CONGREGATE CARE FACILITIES ~~means a~~ — A residential facility for elderly persons containing individual~~,~~ one ~~(1)~~, and two ~~(2)~~ bedroom units. Each unit may also have a kitchenette. The facility shall contain common dining facilities and amenities, such as housekeeping, transportation and organized social and recreational activities, and may include limited medical services on site. This facility is intended for and solely occupied by persons ~~sixty-two (~~62~~)~~ years of age or older and thereby qualifies as ~~"~~housing for older persons~~"~~ under state law.

CONSERVATION LOT ~~means a LOT~~ — A lot created solely for the purpose of land conservation. The ~~CONSERVATION LOT~~conservation lot must contain no less than ~~fifty percent (~~50%~~)~~% developable uplands, but will have no ~~DEVELOPMENT RIGHTS.~~development rights. The ~~CONSERVATION LOT~~conservation lot may be owned by a private, nonprofit organization, which has as its purpose the preservation of ~~OPEN SPACE~~open space, or dedicated to a public entity. ~~CONSERVATION LOTs~~Conservation lots must meet the required minimum ~~LOT~~lot size and ~~SETBACKs.~~ ~~CONSERVATION LOTs~~setbacks. Conservation lots do not need to meet the minimum ~~FRONTAGE~~frontage requirements. ~~CONSERVATION LOTs~~Conservation lots must be created following the regulations outlined in Chapter 157, Land Subdivision Regulations. **[Amended 10-13-2021 by Ord. No. ~~of Land.~~2021.09.08-006]**

CONTIGUOUS ~~means land~~ — Land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, wholly within the City, except in the case of ~~STATIONARY MANUFACTURING PLANTS~~stationary manufacturing plants, whose perimeter is not defined by the ~~City's~~City's boundaries.

CONTINUING ~~—~~CARE COMMUNITY FACILITY ~~means a~~ — A residential development that provides multiple elements of adult living, including independent living units, assisted- living units and skilled nursing care, enabling residents to live at a single location as their medical needs change over time. This facility is licensed pursuant to RSA 420-D and includes common dining, recreation and health facilities and other common areas; provides services such as medical care~~,~~ and programmed social activities; and may include limited accessory retail and personal services. This facility is intended for and solely occupied by persons ~~sixty-two (~~62~~)~~ years of age or older and thereby qualifies as ~~"~~housing for older persons~~"~~ under state law.

COUNTRY CLUB ~~means a~~ — A nonprofit establishment involving the use of a golf course, swimming pool or tennis courts and a ~~STRUCTURE~~structure designed as a center for these activities within which food and drink may be served to members of said club and their guests. The term "~~COUNTRY CLUB~~country club" shall not be so construed as to include within its meaning any operation conducted with a profit-

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making intent.

COVERAGE ~~means the~~ — The percentage of area of a ~~LOT~~lot which is occupied by the physical limits of a ~~BUILDING~~building or ~~BUILDINGs~~buildings. Roofed area to the extent of the ~~drip line~~dripline shall constitute the physical limits of a ~~BUILDING~~building.

COVER CROP ~~means vegetation~~ — Vegetation designed to prevent erosion of the soil.

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CUSTOMARY HOME OCCUPATION ~~means an~~ — An occupation carried on as a secondary use in a ~~DWELLING UNIT~~dwelling unit or accessory ~~BUILDING~~building by the occupant of such unit.

DEVELOPMENT IDENTIFICATION SIGN ~~means a SIGN~~ — A sign attached to a screening wall or landscape planter designed and intended to identify an approved multi-lot residential subdivision or multi-tenant site plan, located at the principal vehicular entry points. Also includes a construction sign as a ~~TEMPORARY SIGN~~temporary sign for this purpose. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

DEVELOPMENT RIGHTS ~~means the~~ — The legal claim to construct or develop specified land uses within specified densities and/or dimensional limits as granted by ~~the City of Dover Zoning Ordinance~~this chapter.

DIMENSION STONE ~~means rock~~ — Rock that is cut, shaped or selected for use in ~~BLOCKS~~blocks, slabs, sheets or other construction units of specified shapes or sizes and is used for external or interior parts of ~~BUILDINGS~~buildings, foundations, curbing, paving, flagging, bridges, revetments or for other architectural or engineering purposes. ~~DIMENSION STONE~~Dimension stone includes quarry ~~BLOCKS~~blocks from which sections of ~~DIMENSION STONE~~dimension stone are to be produced. ~~DIMENSION STONE~~Dimension stone does not include ~~EARTH~~earth as defined below.

DIRECT ~~ILLUNIMATION means that the~~ILLUMINATION — The material of which a ~~SIGN~~sign is made is itself illuminated (e.g., neon light).

DRIVE-IN SERVICE ~~means service~~ — Service whereby the customer need not leave his vehicle in order to obtain the product offered for sale.

~~**DWELLING, MULTI-FAMILY** means a BUILDING containing more than four (4) DWELLING UNITs.~~

~~**DWELLING, SINGLE-FAMILY** means a detached BUILDING containing one~~

~~(1)~~ DWELLING UNIT ~~only.~~

~~**DWELLING UNIT** means one~~ — One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the ~~DWELLING UNIT~~dwelling unit for exclusive use of a single family maintaining a household.

DWELLING, MULTIFAMILY — A building containing more than four dwelling units.

DWELLING, SINGLE-FAMILY — A detached building containing one dwelling unit

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only.

EARTH ~~means sand~~ — Sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally- occurring unconsolidated materials that normally mask the bedrock.

~~**EDUCATIONAL INSTITUTION, POST SECONDARY** means an institute of higher education that provides a curriculum of academic instruction beyond the high school level, is licensed by the State of New Hampshire, and is accredited by an approved agency.~~

EDUCATIONAL INSTITUTION, K-12 ~~means a~~ — A facility, licensed by the State of New Hampshire, that provides curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

EDUCATIONAL INSTITUTION, POST-SECONDARY — An institute of higher education that provides a curriculum of academic instruction beyond the high school level, is licensed by the State of New Hampshire, and is accredited by an approved agency.

ELDERLY ASSISTED- CARE HOME ~~means a~~ — A residential facility permanently housing six ~~(6)~~ to ~~twelve (~~12~~)~~ elderly residents with common dining facilities and ~~ACCESSORY USES~~accessory uses typically needed by elderly persons. The Zoning Board of Adjustment may increase the number of residents through the granting of a special exception.

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ENERGY STORAGE ~~is the~~ — The capture of energy produced at one time for use at a later time. A device that stores energy is generally called an "accumulator" or "battery~~.~~." Energy comes in multiple forms including radiation, chemical, gravitational potential, electrical potential, electricity, elevated temperature, latent heat and kinetic. Energy storage involves converting energy from forms that are difficult to store to more conveniently or economically storable forms. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

EXCAVATION ~~means a~~ — A land area that is used, or has been used, for the commercial taking of ~~EARTH~~earth, including all ~~SLOPES~~slopes.

EXCAVATION AREA ~~means the~~ — The area within an ~~EXCAVATION SITE~~ excavation site where ~~EXCAVATION~~excavation has occurred or is eligible to occur under the provisions of RSA 155-E. This is also known as the "pit area~~.~~."

EXCAVATION SITE ~~means any~~ — Any area of ~~CONTIGUOUS~~contiguous land in common ownership upon which ~~EXCAVATION~~excavation takes place.

EXISTING EXCAVATION ~~means any EXCAVATION~~ — Any excavation that lawfully existed as of August 24, 1979, from which ~~EARTH~~earth material of sufficient weight or volume to be commercially useful had been removed during the two ~~(2)~~ -year period before August 24, 1979.

EXISTING TOWERS AND ANTENNAS ~~means any TOWER~~ — Any tower or ~~ANTENNA~~ antenna lawfully constructed or permitted prior to the adoption of this ~~ordinance~~chapter. Additionally, any ~~TOWER~~tower or ~~ANTENNA~~antenna lawfully constructed in accordance with this ~~ordinance~~chapter that predates an application currently before the ~~PLANNING BOARD~~Planning Board.

EXPANSION (pertaining to ~~EXCAVATIONs) means~~excavations)

(1) "Expansion of ~~EXISTING EXCAVATIONS~~existing excavations" means ~~EXCAVATION~~excavation beyond the limits of the City and the area which on ~~8/~~August 24~~/79~~, 1979, had been ~~CONTIGUOUS~~contiguous to and in common ownership with the ~~EXCAVATION SITE~~excavation site and has been appraised and inventoried for tax purposes as part of the same tract as the ~~EXCAVATION SITE~~excavation site.

~~(2)~~ "Expansion of ~~STATIONARY MANUFACTURING PLANTS~~stationary manufacturing plants" means to any

(2) ~~CONTIGUOUS~~ contiguous lands which were in common ownership with the site of the plant on ~~8/~~August 4~~/89~~, 1989.

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EXTENSION, BUILDING. ~~means any~~ — Any action which shall cause the ~~FLOOR AREA~~floor area or volume of a ~~STRUCTURE~~structure to be increased.

EXTENSION, USE. ~~means the~~ — The enlargement of a business, industrial or residential activity beyond the limits in use at the time this ~~Chapter~~chapter was passed.

EXTERNAL ILLUMINATION. ~~means a~~ — A separate light fixture that shines onto a ~~SIGN~~sign in order to illuminate it.

FAA. ~~means an~~ — An acronym meaning "Federal Aviation Administration.~~"~~

~~**FAMILY. [Repealed on 08-01-90 by Ord. No. 8-90]**~~

FARM. ~~-~~ — See RSA 21:34-a~~.~~ I. See also the definition of ~~AGRICULTURE~~"agriculture."

FARM ANIMALS. ~~means animals~~ — Animals that are commonly raised or kept in an agricultural setting, including, but not limited to, chickens, roosters, turkeys, ducks, pigs, sheep, goats, horses, cows, cattle, llamas, emus, ostriches, donkeys, mules, buffalo, bison~~, alpacas, elk, deer and reindeer; provided, however, that chickens, sheep or goats, totaling six (6) or fewer, shall not be considered to be included.~~

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alpacas, elk, deer and reindeer; provided, however, that chickens, sheep or goats totaling six or fewer shall not be considered to be included.

FARM ANIMALS FOR FAMILY USE ~~means animals~~ — Animals commonly raised or kept by a family for ~~non-commercial~~noncommercial purposes on a ~~LOT~~lot containing a one- or two-family dwelling. Includes chickens, sheep or goats totaling six ~~(6)~~ or fewer, but does not include roosters.

FCC ~~means an~~ — An acronym meaning "Federal Communications Commission~~.~~."

FENCE ~~means a~~ — A freestanding ~~STRUCTURE~~structure of metal, masonry, composition of wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

FLASHING SIGN ~~means any~~ — Any directly or indirectly illuminated ~~SIGN~~sign which changes the intensity of illumination so as to result in changes in light, color, ~~director~~direction or animation. Included in this definition shall be electronic changeable message boards or ~~SIGNS~~signs of similar technologies, excluding those deemed necessary for the public safety and welfare by ~~Federal, State~~federal, state or municipal authorities.

FLOOR AREA ~~means the~~ — The sum of the gross horizontal areas of all floors of any ~~BUILDING~~building or ~~BUILDINGS~~buildings on a ~~LOT~~lot measured from the exterior walls. In particular, the ~~"FLOOR AREA"~~floor area shall include:

(1) In dwellings, any basement space designed to be used for residential purpose.

(2) In other than dwellings, any basement or cellar space used for any purpose.

(3) In all ~~BUILDINGS~~buildings, interior balconies, mezzanines, roofed porches or terraces and all spaces other than basement or cellar spaces with structural ~~head ROOM~~headroom of at least seven ~~(7)~~ feet.

~~**FLOOR RATIO - [Repealed 08-01-90 by Ord. No. 8-90]**~~

FREESTANDING SIGN ~~means a SIGN~~ — A sign permanently erected on a freestanding frame, mast or pole and not attached to any ~~BUILDING~~building. A-frame ~~SIGNs~~signs shall not be considered freestanding but rather ~~a~~ temporary ~~SIGN~~signs. Each individual tenant panel on a multi-tenant ~~SIGN~~sign shall require a ~~SIGN~~sign permit and shall be counted towards each ~~tenants'~~tenant's permitted number of ~~SIGNs~~signs and ~~SIGN AREA~~sign area.

FRONTAGE ~~means the~~

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(1) The linear distance measured along the front ~~LOT LINE~~lot line between the points of intersection with the side ~~LOT LINEs. "FRONTAGE"~~lot lines. Frontage along ~~cul~~culs-de-~~sacs~~sac shall be the linear distance at the appropriate ~~FRONT YARD BUILDING set back~~front yard building setback depth from the front ~~LOT LINE~~lot line between the points of intersection with the side ~~LOT LINEs~~lot lines. For the purpose of measurement, ~~LOT "FRONTAGE"~~lot frontage shall be continuous and measured along the joining boundary of the front ~~LOT LINE~~lot line and a public right-of-way.

(2) ~~**FRONTAGE**, in the CBD~~In the Central Business District, "frontage" means the area between a ~~BUILDING~~building facade and the public ~~STREET~~street, inclusive of its built and planted components.

GALLERY ~~means a~~ A private ~~FRONTAGE~~frontage conventional for retail use wherein the facade is aligned close to the front property line with an attached, cantilevered shed or lightweight colonnade overlapping the ~~SIDEWALK~~sidewalk.

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GEOTHERMAL ENERGY ~~means a~~— A system generating electricity by tapping into steam or hot water reservoirs underground; the heat is used to drive an electrical generator. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

GROUND FLOOR ~~means the STREET~~— The street level floor of a ~~STRUCTURE~~structure.

GROUND-MOUNTED SOLAR ~~means a~~— A system installed on the ground rather than on the roof of a building. This allows the solar panels to be placed anywhere on the property and mounted at any height, from a few inches to many feet off the ground. Ground- mounted solar may include motorized ground-mounts that track the sun throughout the day, ensuring the panels are facing the sun at all times, as well as panels attached to stand-alone carports. **[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 8-9- 2023 by Ord. No. 2023.07.12-008]**

GROUP HOME FOR MINORS ~~means a~~— A group boarding home for minor children and others attending Grades K—12 which is issued a general or intermediate license by, and operated in accordance with standards promulgated by the State of New Hampshire Department of Health and Human Services. Such use may include ~~ACCESSORY USEs~~accessory uses, such as educational and counseling programs, which are directly related to the primary purpose of the home.

HAZARDOUS WASTE/MATERIAL ~~means a~~— A material, waste or combination of materials or wastes which, because of the quantity, concentration or infectious characteristics, may cause or significantly contribute to illness or present a substantial hazard to health, safety or welfare or to the environment.

HEIGHT, ~~when~~— When referring to a telecommunications ~~TOWER~~tower or other ~~STRUCTURE~~structure, means the distance measured from ground level to the highest point on the ~~TOWER~~tower or other ~~STRUCTURE~~structure or appurtenance, even if said highest point is an ~~ANTENNAs~~antenna or other appurtenance.

HEIGHT OF BUILDING ~~means the~~— The vertical distance measured from the average grade level adjoining the ~~BUILDING~~building to the highest level of the roof surface or front ~~PARAPET~~parapet, whichever is greater. Television and radio receiver ~~ANTENNAs~~antennas and photovoltaic systems as well as church steeples shall not be included in this calculation.

~~**HEIGHT RATIO - [Repealed 08-01-90 by Ord. No. 8-90]**~~

HIGH INTENSITY SOIL MAP (HIS) ~~means a~~— A map prepared using the methods prescribed by the Society of Soil Scientists of Northern New England in the publication ~~HIGH INTENSITY SOIL MAPs~~High Intensity Soil Maps for New Hampshire, January 1987, as amended.

HOME-BASED ~~AGRICULTRUAL~~AGRICULTURAL ACTIVITIES ~~means the~~— The sale of products associated with raising poultry~~/~~, bees~~/~~ or like animals, or harvesting

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of herbs, flowers or vegetables/ fruit. Products must be grown on- site and may be sold ~~in~~ either in raw or value- added forms.

HOTEL ~~means a BUILDING~~ — A building consisting of ~~ten (~~10~~)~~ or more ~~ROOMS~~rooms accessed by a common hallway and designed for~~,~~ or used commercially as temporary living quarters for persons who are lodged with or without meals.

IMPACT FEE ~~means a~~ — A fee or ~~ASSESSMENT~~assessment imposed upon development, including subdivision, ~~BUILDING~~building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the City of Dover or the Dover School District, including and limited to water treatment and distribution facilities; wastewater treatment and ~~disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and RIGHTS OF WAY; municipal OFFICE facilities; public school facilities; public safety facilities; solid waste COLLECTION, transfer, recycling, processing and disposal facilities; public library facilities; and PUBLIC RECREATIONAL FACILTIES not including PUBLIC OPEN SPACE.~~

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disposal facilities; sanitary sewers; stormwater, drainage and flood-control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities, not including public open space.

INTERMITTENT STREAM ~~means a~~ — A stream that flows for sufficient times of the year to develop and maintain defined channels but which may not flow during dry portions of the year.

INTERNAL ILLUMINATION ~~means illumination~~ — Illumination that is located within a translucent or otherwise diffusive ~~SIGN~~sign material.

JUNKYARD ~~means an~~ — An open area where waste~~,~~ or used or secondhand materials are brought, sold, exchanged, stored, baled, packed, ~~dissembled~~disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term "~~JUNKYARD~~junkyard" shall not include uses established entirely within enclosed ~~BUILDINGs~~buildings.

JUNKYARD, MOTOR VEHICLE ~~means any~~ — Any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two ~~(2)~~ or more unregistered motor vehicles which are no longer operable or in condition for legal use on the public highways or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part or intended to be a part of any motor vehicles, the sum of which parts or materials shall be equal in ~~BULK~~bulk to two ~~(2)~~ or more motor vehicles. ~~"MOTOR VEHICLE JUNKYARD~~"Motor vehicle junkyard", shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn materials which are parts of a motor vehicle or cut up the parts thereof. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

KENNEL ~~means any BUILDING~~ — Any building(s) or land operated as a business for the boarding, breeding, training, or selling of five ~~(5)~~ or more dogs, cats or other household pets.

LANDSCAPE AREA ~~means the~~ — The area unoccupied by pavement or ~~STRUCTUREs~~structures and open to the sky in either a landscaped or grassed condition. May include recreational fields, lawns, and public parks that do not possess significant conservation features.

LIGHT INDUSTRY ~~means all~~ — All manufacturing and assembly processes carried on completely within a ~~STRUCTURE,~~structure and involving no permanent outside storage of equipment or materials (except as a customary ~~ACCESSORY USE~~accessory use in connection with the permitted activities with the ~~STRUCTUREs~~structures), unless such storage is approved by the Dover ~~PLANNING BOARD~~Planning Board. This term shall not be interpreted to include any industry, the operations of which shall result in

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significant objectionable noise, glare, vibration or odor which would constitute a ~~NUISANCE~~nuisance in an industrial district and which exceed the maximum levels of adjacent activities.

LOADING BERTH ~~means a~~ — A berth designed for the ~~on-loading~~onloading and off-loading of trucks and other commercial vehicles.

LOT ~~means a~~ — A parcel of land which fronts on and has ingress and egress by means of a public vehicular right-of-~~-~~way and is occupied by, or is intended to be occupied by, one ~~(1) PRINCIPAL BUILDING~~principal building and its accessory ~~BUILDINGS~~buildings or uses customarily incidental to it, together with-

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such ~~OPEN SPACEs~~open spaces and yards as are required by this ~~Chapter~~chapter. More than one ~~(1) PRINCIPAL BUILDING~~principal building may be placed on a ~~LOT~~lot located in the Central Business or Gateway District. More than one ~~(1) PRINCIPAL BUILDING~~principal building may also be placed on a ~~LOT~~lot in all other districts with ~~PLANNING BOARD~~Planning Board approval for ~~non-residential~~nonresidential developments, ~~MULTI-FAMILY DWELLING~~multifamily dwelling developments, and ~~OPEN SPACE~~open space subdivisions. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

LOT LINE — A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT WIDTH — The width of a lot along a straight line parallel to the front street line and lying at a distance from said street line equal to the required minimum front yard setback for said lot.

LOT, CORNER ~~means a LOT~~ — A lot abutting upon two ~~(2)~~ or more ~~STREETs~~streets at their intersection. The side of the ~~CORNER LOT~~corner lot that fronts on the ~~STREET~~street that provides the address for the property shall be considered the front, and the side(s) of the ~~CORNER LOT~~corner lot that front on any other ~~STREETs~~streets shall be considered the abut-a-street.

~~**LOT LINE** means a line of record bounding a LOT which divides one LOT from another LOT or from a public or private STREET or any other PUBLIC SPACE.~~

~~**LOT WIDTH** means the width of a LOT along a straight line parallel to the front STREET line and lying at a distance from said STREET line equal to the required minimum FRONT YARD SETBACK for said LOT.~~

MANUFACTURED HOUSING ~~means any STRUCTURE~~ — Any structure, transportable in one or more sections, which, in the traveling mode, is eight ~~(8)~~ body feet or more in width and ~~forty (40)~~ body feet or more in length, or, when erected on site, is ~~three hundred and twenty (320)~~ square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. ~~MANUFACTURED HOUSING~~Manufactured housing shall not include presite built housing as defined in RSA 674:31-a.

MANUFACTURED HOUSING PARK or MOBILE HOME PARK ~~means any~~ — Any plot of ground upon which two ~~(2)~~ or more ~~MANUFACTURED HOMES~~manufactured homes, occupied for dwelling or sleeping purposes, are located.

~~**MANUFACTURED HOUSING SUBDIVISION**~~

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~~[Repealed on 11-28-2012 by Ord. No. 2012.11.14-24.]~~

MARINA ~~means a~~— A facility for storing, servicing, fueling, berthing, securing and launching of private pleasure marine craft that may include the sale of fuel and incidental supplies for boat owners, crews and guests.

METEOROLOGICAL TOWER (MET TOWER) ~~means the TOWER~~— The tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ~~ordinance,~~ chapter, "MET ~~TOWERS~~tower", shall refer only to those whose purpose ~~are~~is to analyze the environmental factors needed to assess the potential to install, construct or erect a ~~SMALL WIND ENERGY SYSTEM~~small wind energy system.

MODIFICATION ~~in~~— In relation to a ~~SMALL WIND ENERGY SYSTEM~~small wind energy system, means any change to the system that materially ~~ALTERS~~alters the size, type or location of the ~~SMALL WIND ENERGY SYSTEM.~~small wind energy system. Like-kind replacements shall not be construed to be a ~~MODIFICATION~~modification.

MOTEL ~~means a BUILDING~~— A building consisting of ~~ten (~~10~~)~~ or more ~~ROOMS~~rooms having direct outside access and designed for, or used commercially as temporary living quarters for persons who are lodged with or without meals.

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NEIGHBORHOOD ~~means a~~ — A grouping of ~~STRUCTURES~~structures with more clearly evident relationship to one another than to other ~~STRUCTURES~~structures in the community.

NET METERING ~~means the~~ — The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the ~~customer's ALTERNATIVE ENERGY SYSTEM~~ customer's alternative energy system that is fed back into the electric distribution system over a billing period. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

NEW DEVELOPMENT ~~means an~~

(1) An activity that results in:

~~(1)~~(a) The creation of a new ~~DWELLING UNIT~~dwelling unit or units; ~~or~~

~~(2)~~(b) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of ~~DWELLING UNITs; or~~dwelling units;

~~(3)~~(c) Construction resulting in a new ~~non-residential BUILDING~~nonresidential building or a net increase in the ~~FLOOR AREA~~floor area of any ~~non-residential BUILDING~~nonresidential building; or

~~(4)~~(d) The conversion of an existing use to another use if such change creates a net increase in the demand on public capital facilities that are the subject of ~~IMPACT FEE ASSESSMENTs~~impact fee assessments.

(2) ~~**NEW DEVELOPMENT**~~New development shall not include the replacement of an existing ~~MANUFACTURED HOME~~manufactured home or the reconstruction of a ~~STRUCTURE~~structure that has been destroyed by fire or natural disaster where there is no change in its size, density or type of use, and where there is no net increase in demand on public capital facilities.

NONCONFORMING USE ~~means a~~ — A lawful use that does not conform to the prescribed use regulations of the district in which it is located.

NUISANCE ~~means a~~ — A factor generally recognized to be undesirable, such as odor, noise, glare or vibration.

NURSING HOME ~~means a~~ — A residential facility for elderly persons that is licensed by the ~~State~~state, containing a common dining facility and ~~ACCESSORY USEs~~accessory uses typically needed by elderly residents.

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OFFICE means a place of business which may fall under the following categories:

Accessory. An OFFICE facility that is incidental and accessory to another business or sales activity that is the primary use of the STRUCTURE or site.

Administrative Business Professional. An establishment providing direct, "over-the-counter" services to consumers (e.g., insurance agencies, real estate OFFICEs, travel agencies, utility company OFFICEs, etc.) and OFFICE-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property. This use includes: accounting, auditing and bookkeeping services, advertising agencies, airline, lodging, chain, and rental car company reservation centers, architectural, engineering, planning and surveying services, attorneys, legal services, commercial art and design services, computer software and hardware design, counseling services, court reporting services, data processing services, detective agencies and similar services, educational, scientific and research organizations, employment, stenographic, secretarial and word processing services, insurance claim processing, literary and talent agencies, mail order and e-commerce transaction processing, management and public relations services, media postproduction services, photography and commercial art studios, police facility used as an OFFICE where there are no jail detention facilities or storage of vehicles except the parking of police cars, psychologist, TELECOMMUNICATIONS FACILITY design and management, telemarketing, writers and artists OFFICEs;

Government. An administrative, clerical, or public contact OFFICE of a government agency,

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~~including postal facilities, together with the incidental storage and maintenance of vehicles.~~

~~Medical. An OFFICE or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these OFFICEs, but exclude inpatient services and overnight accommodation.~~

OFF-SITE IMPROVEMENTS ~~means those~~ — Those public facility improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision ~~PLAT~~plat or site plan approval by the ~~PLANNING BOARD.~~Planning Board. Such ~~OFF-SITE IMPROVEMENTS~~off-site improvements shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development.

OFF-STREET PARKING ~~means parking~~ — Parking facilities located in ~~city~~City or privately owned ~~LOTs~~lots and ~~STRUCTURES~~structures.

OFFICE — A place of business which may fall under the following categories:

(1) Accessory. An office facility that is incidental and accessory to another business or sales activity that is the primary use of the structure or site.

(2) Administrative business professional. An establishment providing direct, over-the-counter services to consumers (e.g., insurance agencies, real estate offices, travel

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agencies, utility company offices, etc.) and office-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property. This use includes accounting, auditing and bookkeeping services; advertising agencies; airline, lodging, chain, and rental car company reservation centers; architectural, engineering, planning and surveying services; attorneys; legal services; commercial art and design services; computer software and hardware design; counseling services; court reporting services; data processing services; detective agencies and similar services; educational, scientific and research organizations; employment, stenographic, secretarial and word processing services; insurance claim processing; literary and talent agencies; mail order and e-commerce transaction processing; management and public relations services; media postproduction services; photography and commercial art studios; police facility used as an office where there are no jail detention facilities or storage of vehicles except the parking of police cars; psychologists; telecommunications facility design and management; telemarketing; and writers' and artists' offices.

(3) Government. An administrative, clerical, or public contact office of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.

Medical.

(4) An office or health facility providing health services, including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these offices, but excludes inpatient services and overnight accommodation.

OPEN SPACE ~~means land~~ — Land that is not built upon or substantially ~~ALTERED~~altered by human activity, including open fields, such as meadows and farmland, and forest as well as undeveloped shorelands and ~~waterbodies~~water bodies.

ORDINARY HIGH-WATER MARK ~~means the~~ — The line on shore, running parallel to the main stem of the river, established by the fluctuations of the water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristic of the surrounding areas.

OUTBUILDING ~~— see ACCESSORY STRUCTURE~~ — See "accessory structure."

PARAPET ~~means a~~ — A low, protective wall or railing along the edge of a raised ~~STRUCTURE~~structure such as a roof or balcony.

PARKING SPACE ~~means an~~ — An off-~~Street~~street area available with paved surface, accessible and suitable for parking one ~~(1)~~ motor vehicle.

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PERSONAL SERVICE ESTABLISHMENT ~~means a~~ A commercial use, the primary concern of which is the rendering of services rather than the sale of products. "Primary concern" shall mean less than ~~fifty percent (50%)~~% of the revenues from such commercial use shall be gained from the sale of products. ~~A "PERSONAL SERVICE ESTABLISHMENT"~~A personal service establishment shall not be construed to include a gasoline service station.

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PLANNING BOARD ~~means the PLANNING BOARD~~ — The Planning Board of the City of Dover.

PLAT ~~means a~~ — A map or plan of a subdivision or a site plan, prepared by a registered surveyor or engineer in compliance with all applicable provisions of ~~the Zoning Ordinance (Ch. 170),~~this chapter, the Site Review Regulations (~~Ch. 149~~Chapter 153), and the Subdivision Regulations (~~Ch.155~~Chapter 157) of the Code of the City of Dover.

PORCH ~~means a~~ — A private ~~FRONTAGE~~frontage set back from the front property line with an attached porch permitted to encroach beyond the ~~BUILD-TO LINEs~~build-to lines.

POWER GRID ~~means the~~ — The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

PRINCIPAL BUILDING ~~means the~~ — The main ~~BUILDING~~building on a ~~LOT~~lot, usually located toward the ~~FRONTAGE~~frontage.

PROJECTING SIGN ~~means a SIGN~~ — A sign attached to a ~~BUILDING~~building with the plane of the ~~SIGN~~sign at an angle to the plane of the wall of the ~~BUILDING~~building.

PUBLIC ART ~~means works~~ — Works of art in any media that ~~has~~have been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all.

PUBLIC OPEN SPACE ~~means a~~ — A parcel of land essentially unimproved and principally intended for ~~OPEN SPACE~~open space preservation, natural resource conservation, or similar uses. For the purposes of this ~~Article~~chapter, City parks that do not include "~~"~~public recreation facilities constitute public open space.

PUBLIC RECREATION ~~FACILITIES" constitute PUBLIC OPEN SPACE.~~

~~**PUBLIC RECREATION** means leisure~~ — Leisure-time activities open to the public, subject to reasonable limitations as to participation, and conducted at prescribed places, sites or fields by ~~non-profit~~nonprofit corporations or charitable organizations. The ~~non-profit~~nonprofit organization or charitable organization may either rent or own the site. Food concessions will be allowed by permit.

PUBLIC RECREATION FACILITIES ~~means the~~ — The land and facilities owned or operated by the City of Dover, other than ~~PUBLIC OPEN SPACE~~public open space, that are used or designed for the conduct of recreational sports or recreation programs, and which include equipment or substantial improvements to the land to provide indoor or outdoor ~~PUBLIC RECREATION~~public recreation opportunities. ~~PUBLIC RECREATION FACILITIES~~Public recreation facilities may also include those portions

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of ~~PUBLIC OPEN SPACE~~public open space parcels that are improved with developed trail systems for uses such as hiking or cross-country skiing.

PUBLIC SPACE ~~means open~~— Open to public view or access.

PUBLISHING FACILITY ~~means a STRUCTURE~~— A structure or part of a ~~STRUCTURE,~~

structure, with ~~OFFICE~~office space and production facilities, which is used for producing newspapers, magazines, books and/or other related published materials. For the purpose of this definition, production facilities shall include a printing press and/or similar equipment.

REAR ~~means the~~— The private back portion of a property.

RECEIVING AREA ~~means a~~— A defined area within a TDR ~~DISTRICT~~District to which ~~DEVELOPMENT RIGHTS~~development rights are transferred resulting in more efficient and intense use of suitable development sites.

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RECLAMATION ~~means the~~ — The restoring of an ~~EXCAVATION SITE~~excavation site to a standard at least equal to those outlined in ~~Section~~§ 170-~~29.8~~43.

REGULATING PLAN ~~means a~~ — A zoning map or set of maps that shows the sub-districts subject to regulation by ~~Section~~§ 170-20.

REVOCATION ~~means the~~ — The revoking of the approved extraction permit by the ~~PLANNING BOARD~~Planning Board. The ~~REVOCATION~~revocation requires ceasing operations until such time as the owner or operator can bring the operation into compliance, and subsequently reapply for permitted status with the ~~PLANNING BOARD~~Planning Board at a regular meeting using standard application steps as outlined in this ~~article~~chapter.

~~**RIGHTS**~~ RIGHT-OF-WAY ~~means a~~ — A public or private area that allows for the passage of people, goods, and/or utilities. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

RIGHT-OF-WAY LINES ~~means the~~ — The lines that form the boundaries of the ~~RIGHT-OF-WAY~~right-of-way.

ROADSIDE FARM STAND — An accessory use where permitted agricultural products grown on site are sold.

ROOFTOP SOLAR ~~mean a~~ — A photovoltaic system that generates electricity by capturing solar energy and is mounted on the rooftop of a residential or commercial building or structure. **[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 8-9-2023 by Ord. No. 2023.07.12-008]**

ROOM ~~means an~~ — An unsubdivided portion of the interior of a ~~DWELLING UNIT~~dwelling unit, excluding bathrooms, closets, hallways and service porches.

~~**ROADSIDE FARM STAND** means an ACCESSORY USE where permitted AGRICULTURE products grown on site are sold.~~

ROOMING HOUSE ~~means any BUILDING~~ — Any building in which ~~ROOMS~~rooms are rented, leased or otherwise made available for compensation to not more than ~~ten (~~10~~)~~ persons, for longer than one night, but not requiring a long-term lease. ~~Said ROOMS~~, said rooms being for a sleeping purpose and containing communal bathroom facilities and cooking facilities.

SELF-SERVICE STORAGE FACILITY ~~means a~~ — A building or a group of buildings consisting of individual, self-contained units of various sizes rented or leased for self-storage of ~~customers'~~customers' property. Internally accessed facilities shall be considered warehousing but ~~are~~ still are required to have the parking and screening requirements of externally accessed self-storage facilities. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

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SENDING AREA ~~means a~~— A defined area within a TDR ~~DISTRICT~~District from which ~~DEVELOPMENT RIGHTS~~development rights are transferred, resulting in the permanent preservation of lands possessing significant conservation features.

SERVICE CLUB ~~means an~~— An establishment to be used as a gathering place for a group of citizens organized for a ~~non-profit~~nonprofit purpose.

SETBACK ~~means the~~— The area of a ~~LOT~~lot measured from the ~~LOT LINE~~lot line to a ~~BUILDING~~building facade or elevation that is maintained clear of permanent ~~STRUCTURES~~structures, with the exception of allowed encroachments for stairs or porches.

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SHADOW FLICKER ~~means the~~ — The visible flicker effect when rotating blades of the ~~WIND GENERATOR~~wind generator cast shadows on the ground and nearby ~~STRUCTURES~~structures causing a repeating pattern of light and shadow.

~~**SHOPFRONT** means a~~SHOP FRONT — A private ~~FRONTAGE~~frontage conventional for retail use with substantial glazing and an awning, wherein the facade is aligned close to the front property line with the ~~BUILDING~~building entrance at ~~SIDEWALK~~sidewalk grade.

SHOPPING CENTER ~~means any BUILDING~~ — Any building containing five ~~(5)~~ or more tenants and containing more than ~~fifty thousand (~~50,000~~) Square~~ square feet of gross ~~FLOOR AREA~~floor area.

SIDEWALK ~~means the~~ — The paved section of the public ~~FRONTAGE~~frontage dedicated to pedestrian activity, ~~café~~cafe seating, and other ~~STREET FURNITURE~~street furniture.

SIGN ~~means any~~ — Any name, identification, description, display, or illustration which is affixed to or painted or represented directly or indirectly upon a ~~BUILDING, STRUCTURE~~building, structure or piece of land, in view of the general public, and which directs attention to an object, product, place, activity, person, institution, organization or business.

SIGN AREA ~~means the~~ — The entire area within a single continuous perimeter enclosing the extreme limits of the actual ~~SIGN~~sign surface. It does not include any structural elements outside the limits of such perimeter which do not form an integral part of the display. For projecting or double-faced ~~SIGNs~~signs, only one ~~(1)~~ display space shall be measured in computing total surface area where the ~~SIGN~~sign faces are parallel or where the interior angle formed by the faces is ~~ninety degrees (~~90°~~)~~° or less.[1] For ~~FREESTANDING SIGNs, SIGN AREA~~freestanding signs, sign area does not include any portion of the ~~SIGN~~sign displaying the ~~BUILDING~~building address.[1]

SITE DEVELOPMENT PLAN ~~means professionally~~ — Professionally rendered drawings which delineate a proposed ~~non-residential, multi-family~~nonresidential, multifamily or ~~MANUFACTURED HOME~~manufactured home development. Said plan shall include~~:~~ property lines, location of ~~BUILDINGs~~buildings, means of ingress and egress, access to off-site parking and all provisions as outlined in this ~~Chapter~~chapter and Chapter ~~149, entitled~~153, Site Review Regulations, of the Code of the City of Dover.

SLOPE ~~means the~~ — The ratio of vertical distance to horizontal distance (rise divided by run), usually expressed in percent or degrees. ~~SLOPE~~Slope is measured over horizontal distances of ~~twenty (~~20~~)~~ feet or more, utilizing elevations at two-foot contours.

~~**SQUARE** means a CIVIC SPACE designed for unstructured recreation and civic purposes, spatially defined by BUILDING FRONTAGEs and consisting of paths, lawns~~

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~~and trees.~~

SMALL WIND ENERGY SYSTEM ~~means a~~ — A wind energy conversion system consisting of a ~~WIND GENERATOR~~wind generator, a ~~TOWER~~tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for ~~onsite~~on-site consumption.

SQUARE — A civic space designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees.

STATIONARY MANUFACTURING AND/OR PROCESSING PLANTS — Facilities ~~means facilities~~ that are placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying or processing excavated ~~EARTH~~earth materials.

1. Editor's Note: See Figures 8 and 9 of the Sign Diagrams, Part II, included as an attachment to this chapter.

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STOOP ~~means a~~ — A private ~~FRONTAGE~~frontage wherein the facade is aligned close to the front property line with the first story elevated from the ~~SIDEWALK~~sidewalk for privacy, with an exterior stair and landing at the entrance.

STREET ~~means a city~~ — A City thoroughfare for vehicle access.

STREET FURNITURE ~~means benches~~ — Benches and other ~~STRUCTURES~~structures incorporated into the ~~STREETSCAPE~~streetscape for use by pedestrians.

~~**STREET LIGHTS** means pedestrian~~ STREETLIGHTS — Pedestrian-scale lighting incorporated into the ~~STREETSCAPE~~streetscape and in parking facilities to promote safe travel during evening hours.

STREETSCAPE — The physical elements along a street, including trees, benches, waste bins, and bike racks.

STREET TREES ~~means canopy~~ — Canopy trees used to reinforce the area along vehicular ~~STREETS~~streets where pedestrian activities are encouraged.

STREET WALLS ~~means a~~ — A freestanding wall built along the front property line. It may mask a parking ~~LOT~~lot from the ~~STREET~~street, provide privacy to a ~~SIDE YARD~~side yard, and/or strengthen the spatial definition of the public realm.

~~**STREETSCAPE** means the physical elements along a STREET including trees, benches, waste bins, and bike racks.~~

STRUCTURE ~~means a~~ — A framework of support.

SUSPENSION ~~means the~~ — The ordered cessation of that portion of an extraction operation that is in violation of this ~~Article~~chapter until such time as the owner or operator can demonstrate compliance to the Zoning Administrator.

SYSTEM HEIGHT ~~means the~~ — The vertical distance from ground level to the tip of the ~~WIND GENERATOR~~wind generator blade when it is at its highest point.

TDR DISTRICT — An area defined as a "zoning overlay district," which includes a sending area and a receiving area for the purpose of transferring development rights from a parcel within the sending area to a parcel within the receiving area.

TELECOMMUNICATIONS ~~**FACILITIES** means any STRUCTURE,~~

~~ANTENNA, TOWER~~FACILITY — Any structure, antenna, tower or other device which provides licensed commercial mobile wireless services, cellular telephone services,

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specialized mobile radio communications (SMR), enhanced specialized mobile radio communications (ESMR), personal communications service (PCS), paging, and similar services marketed to the general public.

TEMPORARY SIGN ~~means a SIGN~~— A sign(s) customarily located on a trailer or similar wheeled apparatus, whether self-propelled or pulled by another vehicle, which is not permanently affixed to the ground, A-frame, sandwich board, inflatable, and other ~~SIGNs~~signs not permanently affixed, directly or indirectly, upon a ~~BUILDING, STRUCTURE~~building, structure, or land and not otherwise referenced under the ~~definitions~~definition of "~~FREESTANDING SIGN," "PROJECTING SIGN~~freestanding sign," "projecting sign", or "~~WALL~~wall sign" shall also be considered as temporary signs.

~~SIGN", shall also be considered as "TEMPORARY SIGNs".~~

TERRACE/LIGHTWELL ~~means a~~— A private ~~FRONTAGE~~frontage set back from the front property line by an elevated terrace or sunken lightwell which is permitted to encroach beyond the ~~BUILD-TO LINEs~~build- to lines.

~~**TOURIST HOME -- [Repealed on 08-01-90 by Ord. No. 8-90.]**~~

TOWER ~~means any STRUCTURE~~— Any structure that is designed and constructed primarily for the purpose of supporting one or more ~~ANTENNAs~~antennas, including self-supporting lattice ~~TOWERs~~towers, guy ~~TOWERs~~towers, or-

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monopole ~~TOWERs~~towers. The ~~terms~~term also includes commercial radio and television transmission ~~TOWERs~~towers, microwave ~~TOWERs~~towers, common carriers ~~TOWERs~~towers, cellular telephone ~~TOWERs, ALTERNATIVE TOWER STRUCTUREs~~towers, alternative tower structures, and similar ~~STRUCTUREs~~structures.

TOWER ~~means the~~— The monopole, guyed monopole or lattice ~~STRUCTURE~~structure that supports a ~~WIND GENERATOR~~wind generator.

TOWER HEIGHT ~~means the HEIGHT~~— The height above grade of the fixed portion of the ~~TOWER~~tower, excluding the ~~WIND GENERATOR~~wind generator.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) ~~means the~~— The conveyance of the ~~DEVELOPMENT RIGHTS~~development rights of a parcel of land by deed or other legal instrument approved by the ~~PLANNING BOARD~~Planning Board to the developer of another parcel. Said legal instrument shall be recorded at the Strafford County Registry of Deeds.

~~**TDR DISTRCT** means an area defined as a zoning overlay district, which includes a SENDING AREA and a RECEIVING AREA for the purpose of transferring DEVELOPMENT RIGHTS from a parcel within the SENDING AREA to a parcel within the RECEIVING AREA.~~

UNSUITABLE DEVELOPMENT AREA ~~means the~~— The area of a site that includes wetlands, water bodies, slopes exceeding a grade of 20% and totaling more than 2,000 square feet of contiguous area, land used for septic systems, floodways, and floodway fringe within the 100-year ~~FLOODPLAIN~~floodplain as shown on the latest FEMA maps accepted by the City, and public utility easements. **[Added 10-13-2021 by Ord. No. 2021.09.08-006; amended 8- 9-2023 by Ord. No. 2023.07.12-008]**

USED CAR LOT ~~means an~~— An unenclosed space on which three ~~(3)~~ or more used cars are stored or offered for sale.

VEHICLE REFUELING-/RECHARGING STATION ~~means an~~

— An establishment, the principle use of which is to provide for the sale of gasoline fuel (including but not limited to gasoline, diesel, natural gas, electricity or hydrogen) and oil to individual vehicles and retail sale of products required for motor vehicle maintenance such as oil, transmission fluid, brake fluid, polish, wax, fuel additives and treatments, wipers, tires, batteries, windshield wiper fluid, cleaning fluids and similar items. The retail sale of propane and kerosene is also allowed. The retail sale of over-the-counter retail consumer merchandise and drive-through service may also be allowed.

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~~The retail sale of over-the-counter retail consumer merchandise and DRIVE-THRU SERVICE may also be allowed.~~

WALL, SIGN ~~means a SIGN~~ — A sign attached to or erected against the wall of a ~~BUILDING~~building, with the face in a parallel plane to the plane of the ~~BUILDING~~building wall, and projecting no more than ~~fourteen (~~14~~)~~ inches from the ~~BUILDING~~building wall.[2]

WAREHOUSING ~~means only~~ — Only includes the activity of storing wares or goods by the occupant in his own behalf or for the benefit of others.

WATERBORNE PASSENGER TRANSPORTATION FACILITY — A facility designed for storing, servicing, fueling, berthing, securing and launching of excursion boats and water shuttles for the purpose of transporting passengers.

WATER-DEPENDENT ~~means those~~ — Those uses and facilities which require direct access to, or location in, marine or tidal waters and which, therefore, cannot be located inland.

WATER-RELATED EDUCATIONAL/RESOURCE CENTER ~~means a~~ — A facility devoted to the provision of educational resources and materials and/or displays. Such a facility may include but not be limited to a museum, aquarium, and aquaculture facility.

~~**WATERBORNE PASSENGER TRANSPORTATION FACILITY** means a facility designed for storing, servicing, fueling, berthing, securing and launching of excursion boats and water shuttles for the purpose of transporting passengers.~~

2. **Editor's Note: See Figure 10 of the Sign Diagrams, Part II, included as an attachment to this chapter.**

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WETLAND EVALUATION HANDBOOK FOR DOVER ~~means the~~ — The manual used to conduct a functional evaluation of the wetland in order to obtain a conditional use permit as required by ~~the~~§ 170-28, Wetland Protection District ~~Ordinance.~~[3], of this chapter. This handbook shall be adopted and amended, as required, by the ~~PLANNING BOARD~~Planning Board after a public hearing. Notice for said public hearing shall be published in a newspaper of general circulation and posted in three ~~(3)~~ places at least ~~fifteen~~15 days prior to the hearing.

~~(15) days prior to the hearing.~~

WHOLESALING ~~means only~~ — Only includes the activity of storage, repacking, sale and/or distribution of commodities in ~~BULK~~bulk quantities to jobbers, retailers, processors and manufacturers and shall not allow the sale and/or distribution of commodities to consumers on a retail basis.

WIND GENERATOR ~~means the~~ — The blades and associated mechanical and electrical conversion components mounted on top of the ~~TOWER~~tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

WINDOW SIGN ~~means a~~ — A sign affixed to, or within one foot of, a window, intended to be visible and readable from the ~~RIGHT-OF-WAY~~right-of-way or from adjacent property. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

YARD, FRONT ~~means an~~ — An open, unoccupied space on a ~~LOT~~lot between the ~~STREET~~street line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said ~~LOT~~lot is located.

YARD, REAR ~~means an~~ — An open, unoccupied space on a ~~LOT~~lot between the ~~REAR LOT LINE~~rear lot line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.

YARD, SIDE — An open, unoccupied space on a lot between the side lot line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said ~~LOT~~lot is located.

~~**YARD, SIDE** means an open unoccupied space on a LOT between the side LOT LINE and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said LOT is located.~~

ZONING BOARD OF ADJUSTMENT ~~means the ZONING BOARD OF ADJUSTMENT~~ — The Zoning Board of Adjustment of the City of Dover, as provided in

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~~the~~ RSA 673:3.

ARTICLE III

Districts and District Boundaries

§ 170-7. Establishment of districts. [Amended 8-22-2018 by Ord. No.

~~DISTRICTS AND DISTRICT BOUNDARIES~~

~~170-7. Establishment of Districts.~~ ~~[Amended on 3-30-83 by Ord. No. 5-83; Amended on 4-27-83 by Ord. No. 12-83; Amended on 10-26-88 by Ord. No. 18-88; Amended on 04-03-91 by Ord. No. 01-91; Amended on 09-16-92 by Ord. No. 23-92; Amended on 11-22-95 by Ord. No. 19-95; Amended on 10-18-2006 by Ord. 03-2006; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 10.10.27-13; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 08-22-2018 by Ord. No. 2018.08.08-009, Amended on 07-~~22-2020 by Ord. No. 2020.07.08-006 ~~Amended on 07; 7~~-22-2020 by Ord. No. 2020.07.08-007.~~]~~

A. Districts. The City of Dover is hereby divided into the following districts:

~~(1) Residential.~~

(1) Residential.

R-40	Rural Residential District
R-20	Low-Density Residential District
R-12	Medium-Density Residential District
RM-SU	Suburban Density Multi-Residential District
RM-U	Urban Density Multi-Residential District

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HR Heritage Residential District

~~R-40 Rural Residential District~~
~~R-20 Low-Density Residential District~~
~~R-12 Medium-Density Residential District~~
~~RM-SU~~
~~Suburban~~
~~Density~~
~~Multi-~~
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~~District~~
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~~(2)~~ (2) Nonresidential.

~~C Commercial District~~
~~CM Commercial Manufacturing IT~~
~~Innovative Technology~~

~~(3) Mixed-use.~~
~~G Gateway~~
~~H Hospital~~
~~LBW Little Bay Waterfront District O~~
~~Office District~~

~~CBD Central Business District CWD~~
~~Cochecho Waterfront District~~

~~(4) Overriding.~~

~~CD Conservation District URD~~
~~Urban Renewal District~~

~~RRD Riverfront Residential Overlay District GWP~~
~~Groundwater Protection District~~

~~HWD Hazardous Waste Landfill District RCM~~
~~Residential Commercial Mixed Use~~
~~SRD Scenic Road Overlay District~~
~~TDR Transfer of Development Rights TEL Telecommunications Facilities WPD Wetland Protection District~~

C	Commercial District
CM	Commercial Manufacturing
IT	Innovative Technology

(3) Mixed-use.

G	Gateway
H	Hospital
LBW	Little Bay Waterfront District
O	Office District
CBD	Central Business District
CWD	Cochecho Waterfront District

(4) Overriding.

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CD	Conservation District
URD	Urban Renewal District
RRD	Riverfront Residential Overlay District
GWP	Groundwater Protection District
HWD	Hazardous Waste Landfill District
RCM	Residential-Commercial Mixed-Use
SRD	Scenic Road Overlay District
TDR	Transfer of Development Rights
TEL	Telecommunications Facilities
WPD	Wetland Protection District

B. District purpose statements.

(1) Residential districts. The residential districts are intended to provide a wide range of residential units to provide the citizens of Dover with a balance of housing choices, with varying housing types, densities and costs. The goal is to preserve and create City neighborhoods that are safe and promote harmonious development.

~~C~~ Rural Residential District (R-40). The purpose of this residential district is to provide for conventional single-family neighborhoods in the more rural areas of the City. These areas have larger lot sizes (one or more acres) and the homes are most likely served by on-site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as open space developments with reduced lot sizes allowed in return for the permanent preservation of open space. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with

(a) single-family homes are permitted, including-

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churches, hospitals, elementary schools, high schools and child-care facilities.

H(b) Low-Density Residential District (R-20). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 20,000 square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on-site septic systems and wells. These districts are located near major roadways. The development of parcels with at least 15 acres can be done as open space subdivisions. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools and child-care facilities.

I(c) Medium-Density Residential District (R-12). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 12,000 square feet. The homes in this district are almost all served by municipal sewer and water. Many of the neighborhoods surrounding the elementary schools are in this district and have a sidewalk system that is conducive to children walking to school. The development of parcels with at least five acres can be done as open space subdivisions. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and child-care facilities.

J(d) Suburban Density Multi-Residential District (RM-SU). The purpose of this residential district is to provide an environment suitable for a variety of moderate-density housing types, including single-family, two-family, three- to four-family and multifamily dwellings. These districts are suburban neighborhoods located along major roadways outside of the center of the City. The homes in this district are almost all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and child-care facilities.

K(e) Urban Density Multi-Residential District (RM-U). The purpose of this residential district is to provide an environment suitable for a variety of moderate/high-density housing types, including single-family, two-family, and three- to four-family dwellings. These districts are urban neighborhoods located close to the downtown area and contain many historic homes that are built close to the sidewalks and streets. The homes in this district are all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, funeral parlors, elementary schools, high schools, and child-care facilities.

L(f) Heritage Residential District (HR).

[1] These primarily residential neighborhoods surrounding the Silver Street area exhibit a rare collection of interesting architecture. While primarily Victorian and characterized by wide porches, bay windows,

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steep roofs, and intricate and involved woodwork, there are

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~~(a)~~ noteworthy Colonial buildings as well. In both instances, their original occupants were likely community leaders, whether early tavern keepers, or later senior managers and foremen from the mill facilities that lined the Cochecho River, as well as other community professionals.

~~(b)~~ [2] The common theme through all of these designs is both the massing and the placement of these structures in a manner that is compatible with what had gone before. It is the intent that in this district, new construction, replacement construction, and new additions should continue that tradition of compatibility with the existing neighborhood.

~~E~~(2) Nonresidential districts. The nonresidential districts are intended to provide suitable areas for commercial, service, retail, office and industrial developments, to provide employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.

~~(1)~~(a) Commercial District (C). The purpose of this business district is to provide an environment that encourages efficient and attractive automobile-oriented commercial development along major highways outside of the downtown. The minimum lot size of 20,000 square feet encourages moderately sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, automobile sales, hotels, offices, banks, and theaters. Other commercial uses and multifamily dwellings are allowed by special exception.

~~(2)~~(b) Commercial/ Manufacturing District (CM). The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, warehousing, wholesaling and shipping activities that expand the economic base of the City and provide employment opportunities. This area is the location of one of the first industrial parks in the City, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller minimum lot size of 20,000 square feet also encourages business uses such as publishing, hotels, vehicle refueling/recharging stations, restaurants, car sales, offices, and personal services.

~~(3)~~(c) Innovative Technology (IT). The purpose of this district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, warehousing, wholesaling, publishing and shipping activities that expand the economic base of the City and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The newer business parks are located in this district. The minimum lot size in this district is two acres, which encourages larger assembling and manufacturing users.

(3) Mixed-use districts. The mixed-use districts are intended to provide suitable areas for a mixture of urban neighborhoods containing residential, commercial, service, retail, and office uses. The mixed-use development is intended to create a sense

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~~(3)~~ of community between the mixed uses and facilitate the economical and efficient use of land. The districts are intended to provide housing and employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high- quality design is encouraged.

~~(a)~~ Gateway (G). The purpose of this district is to mark a transition point where you move from the less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (~~multi-story~~multistory buildings, civic buildings, etc.). In Dover the primary Gateways (~~eg~~e.g., Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are

(a) generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground- floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.

(b) Hospital (H). The purpose of the Hospital District is to provide appropriate locations for hospitals and medical offices associated with a hospital. This district also encourages other health care services and various housing facilities providing levels of service for older persons. Single- and two- family residential uses are permitted along with commercial uses such as offices, banks, funeral parlors, assembly halls, and schools.

(c) Little Bay Waterfront District (LBW). The purpose of this mixed-use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum lot size encourages a mix of various-sized commercial uses, with water-related uses, such as marinas, specifically permitted. Single- and two-family homes are allowed in recognition of the historically residential use of the area. Three- or four-family dwellings are allowed only as part of a mixed-use building. Businesses that take advantage of the unique location along Little Bay are encouraged.

(d) Office District (O). The purpose of this Office District is to provide appropriate locations for a mixture of residential and office uses along higher-volume streets. The remaining large historic homes are no longer suitable for single-family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential areas on the side streets. Residential uses up to four dwelling units per structure are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, nursing homes and congregate- care facilities. The density for residential uses is about eight units per acre, and in new buildings, residential is only allowed on the second floor or higher.

(e) Central Business District (CBD). The purpose of this district is to provide the appropriate locations for context-sensitive zoning. The form-based code in this district is intended to foster a vital main street both for itself and for

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~~(e)~~ its adjacent neighborhoods through a lively mix of uses, with shop fronts, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper-story residences and offices. The district has an increased emphasis on the form and placement of structures and a decreased emphasis on the function(s) contained within them.

~~(f)~~ Cochecho Waterfront District (CWD). The purpose of this mixed-use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cochecho River. This district has very flexible dimensional requirements, with no minimum lot size, frontage or setback requirements and a density of 43 dwelling units per acre. Several water-related land uses are permitted in the district, including marinas, waterborne passenger transportation facilities and water-related education and resource centers. The architecture of the waterfront areas should encourage the development of

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rine-, history- or tourism-related land uses and activities, which take advantage of the unique characteristics of the waterfront as well as its central location and proximity to historic areas.

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(4) Overriding districts. The purpose of the overriding districts is to provide an additional layer of land use regulation or protection in certain sensitive areas of the City. The requirements of these overlay districts are in addition to the underlying zoning districts. Most of the districts are intended to protect environmentally sensitive areas. For specific purpose statements, review the text of each overriding district.[3]

§ 170-8. Zoning Map. [Amended on 12-09-2009 26-2016 by Ord. No. 2009.09.09-15; Amended on 12-26-2014 by Ord. No. 2016.10.12-014]; 9-11-2019 by Ord. No. 2019.08.28-012]

A. The location and boundaries of the Zoning Districtszoning districts are hereby established as shown on a map entitledtitled "Zoning Map of the City of Dover, New Hampshire"§," dated September 11, 2019, which accompanies and is hereby declared to be part of this Chapterchapter.

B. For the purposes of the delineation of the Central Business District (CBD)), the location and boundaries of sub-districts are hereby established as shown on a map entitled "REGULATING PLAN"** titled "Regulating Plan for the CBD Zone"," dated December 9, 2009,September 11, 2019, which accompanies and is hereby declared to be part of this Chapter.chapter.[4]

§ 170-9. Amendments to Zoning Map.

Any change in the location of boundaries of a zoning district hereafter made through the amendment of this Chapterchapter shall be noted on the Zoning Map.

3. Editor's Note: See Art. VIII, Overriding Districts.

4. Editor's Note: The Zoning Map and Regulating Plan for the CBD Zone are on file in the office of the Planning and Community Development Department, where they may be examined during regular business hours.

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§ 170-10. Interpretation of ~~District Boundaries~~district boundaries.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as a ~~STREET~~street, railroad, watercourse or other body of water shall be construed to be the center or middle thereof.

B. Boundaries indicated as following approximately or parallel to a ~~STREET~~street, railroad, watercourse or other body of water~~, it~~ shall be construed to be parallel thereto and at such distance ~~there from~~therefrom as shown on the Zoning Map.

C. Where a dimensioned boundary coincides within ~~ten (~~10~~)~~ feet or less with a ~~LOT LINE~~lot line, the boundary shall be construed to be the ~~LOT LINE~~lot line.

D. Where a boundary is indicated as intersecting the ~~centerline~~center line of a ~~STREET~~street, railroad, watercourse or other body of water, it shall be construed to intersect at right angles to said center line or, in the case of a curved center line, at right angles to the tangent of the curve at the point of intersection.

E. Where a district boundary divides one ~~(1) LOT~~lot and more than ~~fifty percent (~~50~~%)~~% of the area of such ~~LOT~~lot lies in the less restricted district, the regulations prescribed by this ~~Chapter~~chapter for the less restricted district may apply to the remainder of said ~~LOT~~lot up to a distance of not more than ~~fifty (~~50~~)~~ feet from the district boundary. In no case, however, shall such extension of the less restricted district be permitted closer than ~~one hundred~~100 feet to any street line in the more restricted district.

~~(100) feet to any STREET line in the more restricted district.~~

ARTICLE IV ~~USES; TABLES~~
Uses; Tables

§ 170-11. Use ~~Regulations~~regulations. [Amended ~~on 08-01-90 by Ord. No. 8-90; Amended on 12-09-2009 by Ord. No. 8-90; Amended on 08-~~22-2018 by Ord. No. 2018.08.08-009~~, Amended on 07~~; 7-22-2020 by Ord. No. 2020.07.08-006.~~]

Except as herein provided, no ~~BUILDING~~ building or land shall be used except for the purposes permitted in the district as described in this ~~Article~~article.

A. Uses ~~Permitted~~permitted by ~~Right~~right. A use listed in the Tables of Use and Dimensional Regulations by District is permitted as a matter of right in the district in which it is listed, subject to the rules set forth in this ~~Chapter~~chapter and other sections of the Code of the City of Dover.

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B. Uses ~~Permitted~~permitted by ~~Right, With Conditions Imposed~~right, with conditions imposed. A use listed in the Tables of Use and Dimensional Regulations by District and denoted with a numerical reference number (footnote) indicates a use that is permitted by right only when in compliance with certain imposed conditions.

~~C.~~ Uses permitted by special exception. A use listed in the "Uses Permitted by Special Exception~~. A use listed in the " section~~ ~~Uses Permitted by Special Exception~~ ~~Section~~ of the Tables of Use and Dimensional Regulations by District may be permitted as a ~~Special Exception~~special exception granted by the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment in accordance with the conditions of § 170-~~52~~59 herein and in conformance with such other rules and regulations as may apply.

C. The ~~Special Exception~~special exception designation in a given district does not constitute an authorization ~~of~~or an assurance that such use will be permitted.

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D. Uses not permitted. A use not listed in the Tables of Use and Dimensional Regulations by District shall not be permitted in the district.

E. ~~PLANNING BOARD Site Review Approval.~~Planning Board site review approval. Any development/redevelopment meeting the criteria laid out in ~~the~~§ 153-4, Applicability ~~section~~, of ~~the~~Chapter 153, Site Review Regulations, of the Code of the City of Dover shall be subject to the rules and regulations contained in said chapter.

F. Overriding district regulations. All uses are subject to the regulations of the overriding districts as listed and defined in this ~~Chapter~~chapter. (Refer to Article ~~VII~~VIII.)

§ 170-12. Applicability of Tables of Use and Dimensional Regulations by District. ~~[Amended on 12-09-2009 by Ord. No. 2009.09.09-15.][1]~~[1]

A. Uses permitted in those zoning districts identified in § 170-7 shall be as set forth in the Tables of Use and Dimensional Regulations by District.

B. The minimum regulations for ~~LOT~~lot size, ~~LOT FRONTAGE, BUILDING SETBACK~~lot frontage, building setback standards for front, side, and ~~REAR YARDS, BUILDING HEIGHTS~~rear yards, building heights, and ~~LOT COVERAGE~~lot coverage shall be as specified in the Tables of Use and Dimensional Regulations by District.

ARTICLE V ~~DIMENSIONAL REGULATIONS~~ Dimensional Regulations

§ 170-13. Availability of ~~Utilities~~utilities and ~~Services~~services. [Amended ~~on 6-10-87~~7-22-2020 by Ord. No. ~~13-87.~~2020.07.08-006]

In instances where municipal sewer and water facilities are not provided, no residential ~~STRUCTURE~~structure shall be built on a ~~LOT~~lot with less than ~~thirty thousand (~~30,000~~)~~ square feet in area. Where municipal water is available and sewer is not, the minimum ~~LOT~~lot size shall be ~~twenty thousand (~~20,000~~)~~ square feet in area. In no instance, however, shall the above requirements be more permissive than those required by the New Hampshire Department of Environmental Services, Water Division, or required elsewhere in this ~~Chapter~~chapter. Furthermore, the above requirement shall not be substituted for mandatory hookups required by other chapters of the Code of the City of Dover.

§ 170-14. Nonconforming ~~LOTS.~~lots.[6] [Amended ~~on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No. 8-90; Amended on 08-~~22-2018 by Ord. No. 2018.08.08-009~~.~~]; 10-13-2021 by Ord. No. 2021.09.08-006]

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In any district, structures which are allowed by right, but not structures that are allowed by special exception, may be erected on any nonconforming lot of record even though such lot fails to meet the requirements for area, width or frontage provided that:

~~(1)~~A. The lot has been duly recorded at the Strafford County Registry of Deeds on or before the effective date of adoption of this ~~Chapter~~chapter.

5. Editor's Note: The Tables of Use and Dimensional Regulations by District are included as attachments to this chapter. Ordinance No. 2020.07.08-007, adopted 7-22-2020, repealed the tables for the B-1, B-3, B-4, B-5, I-1, I-2, I-4 and ETP Districts and the CBD Downtown Gateway Sub-District and added tables for the C, CM, IT and G Districts.

6. Editor's Note: For nonconforming uses and structures see Art. XI.

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(2)B. Should the lot be less than five thousand (5,000) square feet and not have a minimum width of fifty (50) feet, it may be developed as long as the home constructed is no larger than one thousand (1,000) square feet in total living space.

(3)C. If the lot has a land area of at least five thousand (5,000) square feet and a minimum width of fifty (50) feet, a home constructed may be larger than one thousand (1,001) square feet in in total living space.

(4)D. In either case, the following side yard restrictions shall apply:

a.(1) A lot with a width of one hundred ten (110) feet or less and greater than seventy-five (75) feet, shall have a minimum side yard of ten (10) feet.

b.(2) A lot with a width of less than seventy-five (75) feet shall have a minimum side yard of six (6) feet.

§ 170-15. Recreation Spacespace and Separationseparation between Use Requirements.use requirements. [Amended on 08-01-90 by Ord. No. 8-90, Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]

A. For each bedroom of a multifamily [(greater than four (4) DWELLING UNITs)dwelling units) residential STRUCTUREstructure, there shall be provided at least one hundred (100) square feet of usable recreation space. Half of this required recreation space shall be provided in such a manner so as to afford active recreational opportunities for children, to include such facilities as swings, sandboxes, slides, play areas, etc. The remainder of the required recreation space shall be provided in such a manner so as to afford passive recreational opportunities for adults, such as sitting areas, outdoor cooking facilities, walkways, etc. The active and passive recreational facilities may be combined or separated as appropriate to the site and to the anticipated occupancy needs of the development.

1.(1) Efficiency apartments shall be counted on the basis of fifty (50) square feet per unit.

2.(2) A payment in lieu of providing the recreation space on site, for an identified recreation area, may be agreed to by the Planning Board.

B. The minimum distance between any main BUILDINGbuilding and any accessory BUILDINGbuilding not structurally attached to such main BUILDINGbuilding shall be not less than the HEIGHTheight of the REARrear wall of the accessory BUILDINGbuilding.

C. No part of a yard or other recreation space required for any BUILDINGbuilding for

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the purpose of complying with the provisions of this ~~Chapter~~chapter shall be included as part of a yard or other recreation space similarly required for another ~~BUILDING~~building.

~~D. Non-Residential~~Nonresidential uses requiring site plan review shall be at least ~~one hundred fifty~~

D. ~~(~~150~~)~~ feet from all existing residential ~~STRUCTURES,~~structures located within residential zones.

E. A continuous and year-round visual buffer of either vegetation or fencing shall separate ~~non-residential STRUCTURES and~~nonresidential structures or parking areas from existing residential ~~STRUCTURES~~structures located to the rear and side of any proposal.

F. All screening and setback requirements pursuant to this section shall not be binding in the IT or any mixed-use zoning district. **[Amended 7-22-2020 by Ord. No. ~~Mixed Use Zoning District.~~2020.07.08-007]**

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G. All recreation space requirements pursuant to this section shall not be binding in the CBD — General, TOD and CWD districts.

§ 170-16. Swimming Pools pools. [Amended 12-09-2009 by Ord. No. 2009.09.09-15, Amended on 07-22-2020 by Ord. No. 2020.07.08-006.]

In Districts districts allowing one (1) Family Dwellings family dwellings, two (2) Family Dwellings family dwellings, and three- to four- (3—4) Family Dwellings family dwellings, pools for swimming or bathing shall be in conformity with the following regulations:

A. Every outdoor swimming pool shall be completely surrounded by a FENCE fence or wall not less than four (4) feet in HEIGHT height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension, except for doors and gates, and if a FENCE fence is erected or maintained, the horizontal dimension shall not exceed four (4) inches. A primary dwelling or accessory BUILDING building or STRUCTURE structure may be used as part of the enclosure.

B. Gates. All gates or door openings through such enclosure shall be equipped with a self- closing and self-latching device for keeping the gates or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

C. Applicability. The requirements of this Chapter chapter shall be applicable to all new swimming pools hereafter constructed, other than indoor pools, and temporary wading pools less than twenty-two 22 inches (22") deep or eight feet (8') in diameter (whichever is more restrictive), and shall apply to all existing pools which have a

C. minimum depth of twenty-two (22) inches of water. No person in possession of land within the City, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a swimming pool having a minimum depth of twenty-two (22) inches shall fail to provide and maintain such FENCE fence or wall as herein provided. [Amended 10-13-2021 by Ord. No. 2021.09.08-006]

D. Appeals and hearings. The Board of Adjustment, after public hearing, may make modifications in individual cases, upon a showing of good cause, with respect to the HEIGHT height, nature or location of the FENCE fence, wall, gates or latches or the necessity therefore therefor, provided that the protection as sought hereunder is not reduced thereby. The Board of Adjustment may permit other protective devices or STRUCTURES structures to be used so long as the degree of protection afforded by the substitute devices or STRUCTURES structures is not less than the protection afforded by the wall, FENCE fence, gate and latch described herein.

E. State requirements. Swimming pools shall conform to all requirements of the New Hampshire Department of Health and Human Services.

F. Option to FENCE fence regulation. When not in attendance, access ladders or slide

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ladders to pool shall be removed or raised and locked or otherwise made inaccessible from the outside to small children.

§ 170-17. Removal of ~~Barriers~~barriers to ~~Access~~access. [Amended ~~on 08-14-93 by Ord. No. 17-93; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 08~~8-22-2018 by Ord. No. 2018.08.08- 009~~, Amended on 07~~; 7-22-2020 by Ord. No. 2020.07.08.~~-006.~~]]

Upon the discretion of the Building Inspector, with consultation of the Zoning Administrator, in all zoning districts a ~~STRUCTURE~~structure constructed for the express purpose of improving and/or ~~providing accessibility to an existing BUILDING for physically and/or mentally disabled individuals may be erected within the BUILDING SETBACKs (front, side and/or REAR) as specified in the Table of Dimension Regulations provided:~~

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providing accessibility to an existing building for physically and/or mentally disabled individuals may be erected within the building setbacks (front, side and/or rear) as specified in the Table of Dimension Regulations, provided that:

A. The ~~STRUCTURE~~structure cannot feasibly and practicably be constructed on the ~~LOT~~lot in compliance with the Table of Dimensional Regulations;

B. The ~~STRUCTURE~~structure must not create a hazard or detrimental impact to surrounding properties.

ARTICLE VI ~~ADDITIONAL REGULATIONS~~

~~170-18. CUSTOMARY HOME OCCUPATIONS. [Amended on 11-28-2012 by Ord. No. 2012.11.14-24, Amended on 07-22-2020 by Ord. No. 2020.07.08.006.]~~

Additional Regulations

§ 170-18. Customary home occupations.

A ~~CUSTOMARY HOME OCCUPATION~~customary home occupation is a permitted use in all ~~Residential Districts.~~ residential districts. The following conditions apply:

~~A.~~ "Home occupation" shall include not more than one ~~(1)~~ of the following uses, provided that such uses are clearly incidental and secondary to residential purposes~~;~~: dressmaker, artist, arts and crafts, writer, teacher, provided that not more than eight

A. ~~(8)~~ pupils simultaneously occupy the ~~BUILDING~~building, musician, antique dealer, hairdresser, ~~HOME BASED AGRICULTRUAL ACTIVITIES~~home-based agricultural activities, lawyer, doctor, photographer, dentist, architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.

B. No more than one ~~(1)~~ nonresident shall be employed therein.

C. The use is carried on strictly by the occupant of the ~~PRINCIPAL BUILDING~~principal building.

D. No more than ~~twenty-five percent (~~25~~%)~~% of the existing net ~~FLOOR AREA~~floor area of the principal and any ~~ACCESSORY STRUCTURE~~accessory structure not to exceed ~~six hundred (~~600~~)~~ square feet is devoted to such use.

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E. There shall be no display of goods or wares visible from the ~~STREET~~street.

F. ~~No~~There shall be no advertising on the premises other than a small ~~no illuminated SIGN~~, nonilluminated sign not to exceed two ~~(2)~~ square feet in area and carrying only the occupant's name and his occupation.

G. The ~~BUILDINGS~~buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the ~~NEIGHBORHOOD~~neighborhood because of the exterior appearance, traffic emission of odor, gas, smoke, dust, noise, electrical disturbance, light emissions, or in any other way. In a ~~MULTIFAMILY DWELLING~~multifamily dwelling, the use shall in no way become objectionable or detrimental to any residential use within the multifamily structure. **[Amended 10-13-2021 by Ord. No. ~~STRUCTURE.~~2021.09.08-006]**

~~a.~~(1) No rallying of employees for ~~offsite~~off-site work shall be conducted.

~~b.~~(2) If the home is occupied by a tradesman, craftsman or contractor, there may be incidental storage. Said storage shall be screened from abutters and the right-of-way, with either a solid fence or vegetation, and must be fully enclosed. ~~Onsite~~On-site storage of construction equipment or vehicles is not permitted.

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H. Any such BUILDINGbuilding shall include no feature of design not customary in BUILDINGSbuildings for residential use. The following uses, by nature of the investment or operation, have a potential to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, uses such as Retail, retail, clinic, landscaping, freight, trucking or shipping, painting of vehicles, trailers and boats, restaurants, caterers or bakeries, taxi service, tool or equipment rental, veterinary hospital or kennel and others of a similar nature shall not be considered as home occupations. Clinic, Landscaping, Freight, Trucking or Shipping, Painting of Vehicles, Trailers and Boats, Restaurants, Caterers, or Bakeries, Taxi Service, Tool or Equipment Rental, Veterinary hospital or KENNEL and others of a similar nature shall not be considered as home occupations.

I. A minimum of two (2) OFF-STREET PARKING SPACESoff-street parking spaces shall be provided. All driveways to be used in connection with such occupations shall conform to Chapter 153, Site Plan Review Regulations, or Chapter 157, Land Subdivision Regulations, as appropriate. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

J. Not more than one (1) commercial vehicle in connection with such home occupation shall be stored on the premises.

K. A certificate of use for the proposed home occupation is issued by the Zoning Administrator, verifying conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1st1 following the date of approval of the certificate of use and then by every January 1st1 thereafter for so long as the CUSTOMARY HOME OCCUPATIONcustomary home occupation continues. Fees shall be levied as set forth in the City of Dover Adoptedadopted Schedule of Fees, as amended annually, for CUSTOMARY HOME OCCUPATIONcustomary home occupation certificates of use and renewals.

L. The use of a ROOMroom in a dwelling or accessory BUILDINGbuilding as a home office by a resident/ occupant is a permitted use and does not require a certificate of use, provided that the use does not generate any traffic, such as (i) deliveries or pickup of supplies or materials in excess of normal residential use, or (ii) clients coming to the property.

§ 170-19. Non-Environmental environmental conditional use permit criteria.[7] [Added 8-9-2023Conditional Use Permit Criteria. [Amended on 07-22- 2020 by Ord. No. 2020.07.08.007. Amended on 08-09-2024 by Ord. No. 2023.07.12-008]

A. Purpose and Intentintent.

(1) Where a Conditional Use Permitconditional use permit is being requested for relief by use or standards as allowed by this ordinancechapter, the following criteria in SectionSubsection B shall be met.

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B. Conditional use criteria

~~(1)~~ Conditional use approval for relief from the standards herein may be granted by the ~~PLANNING BOARD~~Planning Board (RSA 674:21~~II)~~ ~~after proper public notice and public hearing provided that the proposed project complies with the following standards:~~

~~(a) That both public and private BUILDINGs and landscaping shall contribute to the physical definition of RIGHTs OF WAY as CIVIC SPACEs.~~

~~(b)~~ ~~That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.~~

~~(c)~~ ~~That the design of STREETs and BUILDINGs shall reinforce safe environments, but not at the expense of accessibility.~~

~~(d)~~ ~~That architecture and landscape design shall grow from local climate, topography, history, and BUILDING practice.~~

~~(e)~~ ~~That BUILDINGs shall provide their inhabitants with a clear sense of geography and climate through energy efficient methods via a mixture of elements including windows, floorplan, public, and private space.~~

~~(f)~~ ~~That encourage CIVIC BUILDINGs and other public gathering places be provided as locations that reinforce community identity and activity.~~

~~(g)~~ ~~That CIVIC BUILDINGs shall be distinctive and~~

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~~appropriate to a role more important than the other BUILDINGs that constitute the fabric of the city.~~

~~(h)That the preservation and renewal of historic BUILDINGs shall be facilitated. (i)That the harmonious and orderly evolution of urban areas shall be advanced by the proposed BUILDING and/or use.~~

~~(a) (j) That, if the relief is granted, the surrounding neighborhood is not negatively impacted.~~

~~(2)~~(1) ~~Conditional use approval for relief from the use standards herein may be granted by the PLANNING BOARD (RSA 674:21~~, II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

(a) That both public and private buildings and landscaping shall contribute to the physical definition of rights-of-way as civic spaces.

(b) That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.

7. **Editor's Note: Original § 170-19, Flexible uses in I-1 District, of the 2013 Code was repealed 7-22-2020 by Ord. No. 2020.07.08-007.**

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(c) That the design of streets and buildings shall reinforce safe environments, but not at the expense of accessibility.

(d) That architecture and landscape design shall grow from local climate, topography, history, and building practice.

(e) That buildings shall provide their inhabitants with a clear sense of geography and climate through energy-efficient methods via a mixture of elements including windows, floor plan, and public and private space.

(f) That encourage civic buildings and other public gathering places be provided as locations that reinforce community identity and activity.

(g) That civic buildings shall be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the City.

(h) That the preservation and renewal of historic buildings shall be facilitated.

(i) That the harmonious and orderly evolution of urban areas shall be advanced by the proposed building and/or use.

(j) That if the relief is granted, the surrounding neighborhood is not negatively impacted.

(2) Conditional use approval for relief from the use standards herein may be granted by the Planning Board (RSA 674:21, II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

(a) The requested use shall be compatible with abutting uses and the surrounding ~~NEIGHBORHOOD~~neighborhood.

(b) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

(c) The requested use will not result in objectionable noise or odor which would constitute a ~~NUISANCE~~nuisance.

(3) Conditional use approval shall be subject to a formal agreement between the ~~PLANNING BOARD~~Planning Board and the ~~APPLICANT~~applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds.

§ 170-20. Central Business District ~~Regulations.~~regulations.

A. Purpose and intent. **[Amended ~~on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 10-10.27-13; Amended on 06-22-2016 by Ord. No. 2016.06.08-010; Amended on 08-22-2018 by Ord. No. 2018.08.08-009, Amended on 07~~7-22-2020 by Ord. No. 2020.07.08.-006~~, Amended on 07~~; 7-22-2020 by Ord. No. 2020.07.08.-007~~, Amended on 09-14-2022 by Ord. No. 2022.08.10.010., Amended on 08-09-2024 by Ord. No.~~**

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~~2023-07-12-008~~]

~~A. Purpose and Intent~~

(1) The City of Dover Central Business District (CBD) follows the ~~premises~~premise of context-sensitive zoning. This context-sensitive zoning is intended to foster a vital downtown both for itself and for its adjacent ~~NEIGHBORHOODs~~neighborhoods and major roadways leading into the downtown through a lively mix of uses—, with ~~SHOPFRONTs, SIDEWALK~~shop fronts, sidewalk cafes, and other commercial uses at ~~STREET~~street level, overlooked by canopy shade trees, upper-story residences and ~~OFFICEs~~offices.

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(2) Redevelopment within the CBD shall be regulated by these context-sensitive zoning regulations, in order to achieve the ~~City's~~City's vision set forth in the 2007 update to the Land Use Chapter of the Master Plan, adopted by the ~~PLANNING BOARD~~Planning Board on November 13, 2007.

(3) These context-sensitive zoning regulations were originally developed through a citizen-based discussion process regarding the design for the improvement of all properties in the CBD. To allow further refinement consistent with individual areas, the district has been divided into sub-districts, with special requirements for each sub-district to allow for context-sensitive development along roadways and ~~NEIGHBORHOODS~~neighborhoods alike. In 2012—2013, using a similar citizen-based process, these context-sensitive zoning regulations were extended to the major roadways that lead into downtown, identified as the ~~Downtown~~ "Gateway ~~Sub-district~~District."

(4) All of the areas within the CBD share a common goal of increased emphasis on the form and placement of ~~STRUCTURES~~structures and a decreased emphasis on the function(s) contained within them. As such, this ~~Article~~section sets careful and clear controls on ~~BUILDING~~building form—, with broader parameters on ~~BUILDING~~building use—, so as to shape clear, attractive ~~PUBLIC SPACES~~public spaces (good ~~STREETS, NEIGHBORHOODS~~streets, neighborhoods and parks) with a healthy mix of uses. With proper urban form, a greater integration of ~~BUILDING~~building uses is natural and comfortable.

(5) Wherever there appears to be a conflict between the form-based code and other sections of ~~the Zoning Ordinance~~this chapter (as applied to a particular development), the requirements specifically set forth in this section shall prevail. For development standards not covered herein, the other applicable sections in the City of Dover Code shall be used as the requirement.

B. Conditional ~~Use Permit~~use permit.

(1) See ~~Section~~§ 170-19 for conditional use permit criteria. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**~~Conditional Use Permit Criteria~~

(2) Conditional use approval for relief from the use standards herein may be granted by the Planning Board (RSA 674:21, II) after proper public notice and public hearing, provided that the proposed project complies with the following standards:

(a) The requested use shall be compatible with abutting uses and the surrounding neighborhood.

(b) The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

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(c) The requested use will not result in objectionable noise or odor which would constitute a nuisance.

~~(2)~~(3) Conditional use approval shall be subject to a formal agreement between the ~~PLANNING BOARD~~Planning Board and the ~~APPLICANT~~applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds.

~~C.~~ Sub-districts

~~(1)~~C. . The ~~REGULATING PLAN~~ regulating plan for the CBD shall locate the boundaries for the following sub-districts: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

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~~(a)~~(1) General.

~~(b)~~(2) Mixed-Use.

~~(c)~~(3) Residential.

~~(d)~~(4) Transit-Oriented Development (TOD~~)~~.

D. Standards and regulations.

(1) The standards for use and dimensions to be utilized within the CBD are shown on the tables at the end of ~~the section~~this chapter. Included in each table are the following areas:

(a) District ~~Purpose~~purpose.

~~(b) LOT Occupation Regulations~~

(b) Lot occupation regulations.

(c) Diagram of ~~BUILDING HEIGHT~~building height.

(d) Diagram of ~~BUILD-TO LINES~~build-to lines.

(e) Special ~~Regulations~~regulations.

~~(f) Permitted Uses~~

(f) Permitted uses.

(2) Through the issuance of a conditional use permit, ~~BUILDING HEIGHT~~building height may be increased by one ~~(1)~~ story, which shall be ~~setback~~set back from the allowed height to create a terrace, for either: **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(a) Each fully below-grade story of parking provided on the site; or **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

(b) Additional units resulting from ~~this~~the 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.

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(3) General ~~Guiding Principles~~guiding principles for ~~BUILDING Placement~~building placement.

(a) The goal of the ~~BUILDING HEIGHT~~building height and ~~BUILD TO LINE~~build-to line standards is the creation of a healthy and vital public realm through good ~~STREET~~street space.

(b) ~~BUILDINGs~~Buildings are aligned and close to the ~~STREET~~street.

(c) The ~~STREET~~street is a coherent space, with consistent ~~BUILDING~~building forms on both sides of the ~~STREET~~street, creating a clear ~~PUBLIC SPACE~~public space and community identity.

(d) ~~BUILDINGs~~Buildings oversee the ~~STREET~~street (and ~~SQUARE~~square) with active fronts contributing to a vital and safe ~~PUBLIC SPACE~~public space.

(e) Property lines are physically defined by ~~BUILDINGs~~buildings or ~~STREET WALLs~~street walls.

(f) ~~BUILDINGs~~Buildings are designed for an urban feel and situation. Views are directed to the ~~STREET~~street and the garden/courtyard, not toward the neighbors. However, within the ~~STREET~~street, wall alcoves or small courtyards are permitted to allow for seating and public access.

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(g) Vehicle storage, garbage and mechanical equipment are kept away from the ~~STREET~~street.

(h) Within the General, and Mixed~~-~~ Use~~-sub~~, Sub-districts, new ~~non-residential~~nonresidential activities must make up at least 20 ~~percent~~% of the structure or be located on the ground floor. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 10-13- 2021 by Ord. No. 2021.09.08-006; 9-14-2022 by Ord. No. ~~GROUND FLOOR.~~2022.08.10- 010]**

~~1.~~ [1] If retail and commercial activities are located on the ~~GROUND FLOOR~~ground floor of ~~BUILDINGS~~buildings not fronting directly onto a ~~STREET~~street or municipal parking lot, the ~~HEIGHT~~height of the ~~BUILDING~~building may be increased by one ~~(1)~~ story.

~~i.~~ [a] Any additional stories shall be ~~setback~~set back to create a terrace, and approved via a ~~Conditional Use Permit~~conditional use permit.

(i) In the TOD~~,~~ residential may be located on the ~~GROUND FLOOR,~~ground floor; however, new retail and commercial activities are encouraged to be developed. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007; 10-13-2021 by Ord. No. 2021.09.08-006]**

(j) Parking (not including on-street parking) should be away from the ~~STREETS~~streets and shared by multiple owners/users.

(k) Historic character should be preserved and enhanced by context~~-~~sensitive construction.

~~E. STREETSCAPE~~

E. Streetscape.

(1) Sites within the CBD shall be developed so that ~~BUILDINGS~~buildings are placed at or near the ~~RIGHT OF WAY~~right-of-way, along the outer edge of their sites and so as to ensure the unity of those ~~RIGHT OF WAYS~~rights-of-way. Furthermore, these standards establish an environment that encourages and facilitates pedestrian activity. ~~The~~The sub-district sheets, design guidelines, and Dover Streetscape Standards will serve as a reference document for many of the elements below. **[Amended 9-11-2019 by Ord. No. 2019.08.28- 012]**

(2) General ~~Principles~~principles and ~~Intent~~intent.

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(a) The ~~STREETSCAPE~~streetscape.

~~(i)~~ [1] The ~~STREET~~street and ~~BUILDING façade~~building facade receives more attention than the rest of the ~~BUILDING~~building.

~~(ii)~~ ~~STREETSCAPE~~[2] Streetscape elements, such as pavers, benches and waste~~-~~ bins, must be consistent within a project and adjacent properties where these elements are present.

~~(iii)~~ ~~PUBLIC ART~~[3] Public art is encouraged. **[Amended 9-11-2019 by Ord. No.**

~~PUBLIC ART~~2019.08.28-012]

~~a.~~ [a] Public art shall be reviewed and endorsed by the Dover Arts Commission.

~~PUBLIC ART~~

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~~b.~~ [b] Public art is a part of our public history and heritage, part of our evolving culture, reflects and reveals our society and adds meaning to our cities. ~~PUBLIC ART~~Public art should create a chronicle of our public experiences through a variety of genres and media.

~~(b) FRONTS AND REARS~~

(b) ~~BUILDING~~Fronts and rears.

~~(i)~~ [1] Building facades are the public "face" of every ~~BUILDING~~building. Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their ~~BUILDINGS~~buildings.

~~(ii)~~ [2] The private, ~~REAR~~rear portions of the ~~LOTS~~lots allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-~~-~~private (for apartment and condominium ~~BUILDINGS~~) ~~OPEN SPACE~~buildings) open space.

~~(c) OFF-STREET PARKING~~

(c) Off-street parking.

~~(i)~~ [1] Parking provided for a project shall be screened from the ~~STREET~~street. The design of the screen shall be subject to ~~PLANNING BOARD~~Planning Board approval and shall use materials that are compatible with the surrounding character of the ~~NEIGHBORHOOD~~neighborhood and contribute to an attractive ~~STREETSCAPE~~streetscape.

~~(ii)~~ [2] Parking shall be considered accessory and shall not be the principal use of a ~~LOT~~lot.

~~(3)~~ Minimum ~~Standards~~

standards. In addition to any regulations set forth in the CBD sub-~~-~~district tables and the Dover Streetscape Standards, development shall follow the regulations outlined below.

(3) ~~Subsections (~~ Subsection E(3)(a), (b), and (c) shall only apply to new

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construction and/or renovations that will result in a 50% or more increase in the value of the property, as determined by a licensed New Hampshire appraiser.

~~(a) STREET TREES/Landscaping~~

(a) Street trees/landscaping.

[1] Each ~~STREET~~street shall have canopy shade trees (~~STREET TREES). STREET TREES~~street trees). Street trees shall be planted at an average spacing not greater than ~~twenty-five (~~25~~)~~ to ~~thirty (~~30~~)~~ feet on center (measured per ~~BLOCK-FACE~~block face). The planting ~~area's~~area's minimum dimension shall be not less than five ~~(5)~~ feet. At planting, trees shall be ~~two and a half (~~

~~(i)~~ 2.5~~)~~ to three ~~(3)~~ inches in diameter (four ~~(4)~~ feet above grade) and shall meet the American Nursery Standards for ~~HEIGHT~~height. The tree species used shall be selected from the City of ~~Dover's~~Dover's approved list of ~~STREET TREES~~street trees.

~~(ii)~~ [2] Unpaved ground area along the frontage shall be planted with appropriate ~~groundcover~~ground cover or shrubs, no bare ground or mulch-only areas permitted. Low ~~Impact Development~~ 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 a five-foot ~~(5')~~ -wide walkway. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

(b) Sidewalks. **[Amended 9-11-2019 by Ord. No.**

~~(b) SIDEWALKS~~

~~SIDEWALKS~~**2019.08.28-012]**

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(i) [1] Sidewalks shall be made of brick or concrete and shall be a minimum of five (5) feet wide, but ideally eight (8) feet wide.

(ii) [2] Existing surrounding sidewalk materials shall be reviewed in determining material used.

Street furniture. **[Amended 9-11-2019 by Ord. No.**

(c) STREET FURNITURE

(c) **2019.08.28-012]**

(i) [1] Benches—. Benches will have backs and arm rests and be accessible. See sub-district tables for spacing requirements. Benches shall be oriented to encourage social interaction, and be designed to enhance the site, not detract from it. Benches may be exchanged for street furniture (e.g., chess/checker tables) where space allows.

a. Benches may be exchanged for street furniture (eg chess/checker tables) where space allows.

(ii) [2] Waste Bins—bins. At a minimum, one (1) waste bin will be provided at each BLOCK CORNERblock corner.

(iii) [3] Bike Racks—racks. At a minimum, one (1) bike rack shall be required per non-residentialnonresidential project or residential projects with five (5) or more units.

(iv) PUBLIC ART[4] Public art. Public art should be integrated into the design and placement of STREET FURNITUREstreet furniture.

(d) Lighting.

i. [1] Materials and equipment chosen for lighting fixtures should be durable, energy—efficient, and weather well. Appropriate lighting is

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decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution.

ii. [2] At the front of the BUILDINGbuilding, exterior lights shall be mounted between six (6) feet and fourteen (14) feet above the adjacent grade.

iii. [3] Floodlights or directional lights may be used to illuminate parking garages and working (maintenance) areas but must be shielded or aimed in such a way that they do not shine into other LOTslots, or the STREETstreet. Floodlighting shall not be used to illuminate BUILDING building walls (i.e., no up-lighting), except in the TOD sub-districtSub-District.

iv. [4] Site lighting shall be of a design and HEIGHTheight so as to illuminate only the LOTlot. General site lighting shall conform with NHNew Hampshire Dark Sky Policy, as applicable by RSA 9-E:3. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

v. [5] No flashing, traveling, animated, or intermittent lighting shall be visible from the STREETstreet on the exterior of any BUILDINGbuilding, whether such lighting is of temporary or long-term duration.

(e) Mechanical Equipmentequipment.

[1] The following shall not be stored or located within any STREET,street and shall be screened from view from the STREET: Airstreet: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and

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~~(i)~~ telephone company transformers, meters or boxes, garbage cans, storage tanks, and the like may not be stored or located within any area considered a ~~FRONT YARD~~front yard under this Code.

~~(ii)~~ [2] Roof-~~-~~mounted equipment shall be screened from view from the ~~STREET~~street.

~~F.~~ Architectural ~~Standards~~

F. standards. The following standards, including those noted on sub-district sheets ~~and~~, may be utilized by the applicant. **[Amended 9-11-2019 by Ord. No. ~~APPLICANT.~~2019.08.28-012]**

(1) General ~~Principles~~principles and ~~Intent~~intent.

(a) Tradition.

~~(i)~~ [1] These standards favor ~~BUILDINGS~~buildings that are traditional in design in a broad sense. They specify an architectural language of load-~~-~~bearing walls and regional materials that help define ~~BUILDING~~building base and cornice. These standards encourage details, such as column and pier spacing, window proportions, entry level, roof or cornice configurations, storefronts, and overhangs.

~~(ii)~~ [2] The intent behind these standards is to reinforce the existing character and historic nature of ~~Dover's central business district.~~Dover's Central Business District. However, modern ~~BUILDINGS~~buildings that are sensitive to that character and their adjacent context may be permitted as well.

~~(iii)~~ [3] All ~~BUILDING~~building materials to be used shall express their specific properties. For example, stronger and heavier materials (masonry) support lighter materials (wood).

~~(b) Energy Efficiency~~efficiency and ~~Environmental Conservation~~

(b) ~~LEED (~~environmental conservation. Leadership in Energy and Environmental

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Design (LEED) standards, or an equivalent standard (or such others as may succeed them), are encouraged to be incorporated into the building design. **[Amended 7-22-2020 by Ord. No. ~~BUILDING design.~~2020.07.08-006]**

~~(c) PUBLIC SPACE~~

(c) Public space. Many of these standards apply only in conditions that enhance and define the ~~PUBLIC SPACE~~public space. These controls concentrate on the ~~PUBLIC SPACE~~/public space/ views from the ~~PUBLIC SPACE~~public space and minimize interference in the private realm. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

~~(2) BUILDING Walls (Exterior)~~

(2) ~~BUILDING~~Building walls (exterior).

(a) Building walls should reflect and complement the traditional materials and techniques of ~~Dover's~~Dover's architecture. They should express the construction techniques and structural constraints of traditional, long-lasting, ~~BUILDING~~ building materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in ~~BUILDING~~building form and the articulation of details. All ~~BUILDING~~building materials to be used shall express their specific properties. For example, heavier, more permanent materials (masonry) support lighter materials (wood~~)~~, yet architectural detail shall be present throughout the building face horizontally and/or vertically rather than just on the first ~~twenty~~20 feet ~~(20')~~ from the ground.

~~BUILDING~~

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~~(b)~~ Building materials shall be context-sensitive and shall reflect a consistency to be found within the sub-district.

(b) ~~(i)~~ Brick, stone or masonry ~~BUILDING~~building materials are expected for exterior walls.

(3) Roofs and ~~PARAPETS~~parapets.

(a) Roofs and ~~PARAPETS~~parapets should demonstrate a ~~commonsense~~common-sense recognition of the climate by utilizing appropriate pitch, drainage, and materials.

(b) ~~BUILDINGS~~Buildings without visible roof surfaces and overhanging eaves may have a cornice projecting horizontally between six ~~(6)~~inches and ~~twelve (12)~~ inches beyond the ~~BUILDING~~building walls. For ~~BUILDINGS~~buildings three stories or taller, the cornice projection shall increase an additional six ~~(6)~~inches and ~~twelve (12)~~ inches per ~~STORY~~story.

(c) Skylights and roof vents are permitted only on the roof plane opposite the primary ~~STREET~~street or when shielded from the ~~STREET~~street view by the ~~BUILDING's PARAPET~~building's parapet wall. If a glass roof form is a primary design feature of a building it shall be considered in regard to the architectural design guidelines as part of the building elevations rather than a skylight.

(d) Overly elaborate, "postmodern" and/or "high-tech" designs are discouraged, where in conflict with existing architecture. However, ornamentation which contributes to the character of the ~~BUILDING~~building is encouraged. ~~BUILDING~~Building designs need to reflect the adjacent massing. Ornamentation should be consistent with that used in the ~~NEIGHBORHOOD~~neighborhood of ~~BUILDINGS~~buildings to reinforce the fabric and richness of the community.

(e) Green roof technologies are encouraged in all districts. Use of this technology to cover ~~thirty percent (30%)~~% of the roof is required on commercial and mixed-use structures over 25,000 square feet in the CBD. Vegetative cover should be considered for flat-roofed ~~STRUCTURES~~structures. Roofs that contain gardens or plants must be maintained per the approved maintenance agreement.

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(f) Solar panels are desirable ~~citywide~~City-wide.

~~i.~~ [1] In the CBD all buildings must be solar ready.

~~ii.~~ [2] Commercial and mixed-use buildings that are 25,000 ~~sq ft~~square feet or more must incorporate solar panels.

~~iii.~~ [3] Solar panels must be presented in an aesthetically pleasing pattern.

~~(g)~~

~~(4) STREET WALLS~~

~~(a)~~(4)~~STREET WALLS~~Street walls. Street walls establish a clear edge to the ~~STREET~~street in locations where the ~~BUILDINGS~~buildings do not. The CBD requirements include masonry walls that define outdoor spaces and separate the ~~STREET~~street from the private realm (parking ~~LOTS~~lots, trash cans, gardens, and equipment). All ~~STREET WALL façades~~street wall facades shall be as carefully designed as the ~~BUILDING façade~~building facade, with the finished side out, i.e. the ~~"~~"better"~~"~~ side facing the ~~STREET~~street.

(5) Windows and ~~Doors~~doors.

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(a) Windows should be divided by multiple- vertical panes of glass. This helps the window "hold" the surface of the façadefacade, rather than appearing like a "hole" in the wall (an effect produced by a large single- horizontal sheet of glass).

(b) PRINCIPAL BUILDINGPrincipal building entrances shall be clearly visible from the primary front STREETstreet and create a safe and inviting space.

G. Incentives for Architectural Standardsarchitectural standards.

(1) Any plan that demonstrates reasonable use of the optional architectural standards defined in SectionSubsection F, may apply for the following incentive:

(a) Fast-track review

(a) . The Director of Planning and Community Development shall give preference to projects in setting the PLANNING BOARDPlanning Board agendas and in other review processes. **[Amended 7-22-2020 by Ord. No. 2020.07.08- 006]**

(2) Reasonable use shall be considered demonstration of at least six (6) of the criteria or items mentioned under SectionSubsection F. These criteria/items will be listed on a waiver application form.

H. Administration.

(1) Deviations from the requirements herein may be requested by application to the PLANNING BOARDPlanning Board for a conditional use permit (see SectionSubsection B). Administrative appeals from this Sectionsection may be directed to the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment (as outlined in § 170-52-59). Projects submitted shall follow the process outlined with Chapter 149153, Site Review Regulations.

(1) Any redevelopment of an existing STRUCTUREstructure within the CBD Downtown Gateway District or Mixed-Use sub-districtsSub-District does not require a Conditional Use Permit conditional use permit if it results in three (3) or

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fewer total residential units, or if it increases the gross floor area of nonresidential space by less than ~~two thousand five hundred (~~2,500~~)~~ square feet, and is exempt from the regulations of this ~~Section~~section, except for ~~SETBACK, BUILD TO~~setback, build- to, and use regulations. Density requirements for residential uses do not apply. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]**

(2) Any redevelopment within the CBD is exempt from ~~Wetlands Regulations~~wetlands regulations as described and administered in this ~~Chapter~~chapter.

§ 170-21. ~~**ALTERNATIVE ENERGY SYSTEM.** [Amended on 02-22-2012 by Ord. No. 2012.01.25;~~ **Alternative energy systems. [Amended** ~~on 11-28-2012 by Ord. No. 2012.11.14-24, Amended on 07~~**7-22-2020 by Ord. No. 2020.07.08**~~.007., Amended on 08-09-2024~~**-006; 7-22-2020 by Ord. No. 2023**~~2020~~**.07.**~~12-008~~**08-007]**

~~A. Authority/Purpose:~~

A. ; purpose. This ~~ALTERNATIVE ENERGY SYSTEMs~~alternative energy systems ordinance is enacted in accordance with RSA 674:62- to 674:66, and the purposes outlined in RSA 672:1-, III-a. The purpose of this ~~ordinance~~section is to accommodate ~~ALTERNATIVE ENERGY SYSTEMs~~alternative energy systems in appropriate locations, while protecting the ~~public's~~public's health, safety and welfare. In addition, this ~~ordinance~~section provides a permitting process for ~~ALTERNATIVE ENERGY SYSTEMs~~alternative energy systems to ensure compliance with the provisions of the requirements and standards established herein.

B. Procedure for ~~Review:~~review.

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~~(1)~~ Building ~~Permit: ALTERNATIVE ENERGY SYSTEMS~~permit. Alternative energy systems and ~~met TOWERS~~MET towers are an ~~ACCESSORY USE~~accessory use permitted in all zoning districts where ~~STRUCTURES~~structures of any sort are allowed. No ~~ALTERNATIVE ENERGY SYSTEM~~alternative energy system shall be erected, constructed, or installed without first receiving a ~~BUILDING~~building permit from the Building Inspector. A ~~BUILDING~~building permit shall be required for any physical ~~MODIFICATION~~modification to an existing ~~ALTERNATIVE ENERGY SYSTEM. Met~~

(1) ~~TOWERS~~alternative energy system. MET towers that receive a ~~BUILDING~~building permit shall be permitted on a temporary basis not to exceed three ~~(3)~~ years from the date the ~~BUILDING~~building permit was issued.

(2) Consumer ~~Use~~use. For the purposes of this ~~Section, Alternative~~section, alternative energy systems are intended to be incidental and subordinate to a use on the same parcel and shall supply electrical power principally for on-site consumption.

~~a.~~(a) To the extent net metering is allowed, excess power may be contributed to the grid. Should the excess power contributed exceed 125% of the power required on site for one year, the use shall be considered no longer ~~be~~ incidental and subordinate, and shall require ~~Technical Review~~technical review.

(3) Application~~:~~. Applications submitted to the Building Inspector shall contain a site plan with the following information where appropriate:

(a) Property lines and physical dimensions of the ~~APPLICANT's~~applicant's property.

(b) Location, dimensions, and types of existing major ~~STRUCTURES~~ structures on the property.

(c) Location of the proposed ~~ALTERNATIVE ENERGY SYSTEM,~~ alternative energy system, foundations, guy anchors and associated equipment.

(d) ~~TOWER~~Tower foundation blueprints or drawings.

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(e) ~~TOWER~~Tower blueprints or drawings.

(f) ~~SETBACK~~Setback requirements as outlined in this ~~ordinance~~section.

(g) The ~~RIGHT-OF-WAY~~right-of-way of any public road that is ~~CONTIGUOUS~~contiguous with the property.

(h) Any overhead utility lines.

~~(i) SMALL WIND ENERGY SYSTEM~~

(i) Small wind energy system.

~~i.~~ [1] Specifications, including manufacturer, model, rotor diameter, ~~TOWER HEIGHT, TOWER~~tower height, tower type, and nameplate generation capacity.

~~ii.~~ ~~SMALL WIND ENERGY SYSTEMS~~[2] Small wind energy systems that will be connected to the ~~POWER GRID~~power grid shall include a copy of the application for interconnection with their electric utility provider.

~~iii.~~ [3] Sound-level analysis prepared by the ~~WIND GENERATOR~~wind generator manufacturer or qualified engineer.

~~iv.~~ [4] Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the ~~NH~~New Hampshire State Building Code.

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v. [5] Evidence of compliance or non-applicabilitynonapplicability with Federal Aviation Administration requirements.

(j) Solar Panel Systemspanel systems.

i. [1] Specifications, including manufacturer, model, type, and nameplate generation capacity.

ii. [2] Solar Panelspanels that will be connected to the POWER GRIDpower grid shall include a copy of the application for interconnection with their electric utility provider.

iii. [3] Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NHNew Hampshire State Building Code, as well as applicable Electric Code.

(k) List of ABUTTERSabutters to the APPLICANT'sapplicant's property.

(4) ABUTTERAbutter and Regional Notification:regional notification. In accordance with RSA 674:66, the Building Inspector shall notify all ABUTTERSabutters and the local governing body by Verified Mailverified mail upon application for a BUILDINGbuilding permit to construct a ALTERNATIVE ENERGY SYSTEMan alternative energy system. The public will be afforded 30 days to submit comments to the Building Inspector prior to the issuance of the BUILDINGbuilding permit. The Building Inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Building Inspector shall follow the procedures set forth in RSA 36:57, IV.

C. Small Wind Energy Systems Standards:wind energy system standards.

(1) The Building Inspector shall evaluate the application for compliance with the following standards:;

(a) SETBACK:Setback. The SETBACKsetback shall be calculated by multiplying the minimum SETBACKsetback requirement number by the SYSTEM HEIGHTsystem height and measured from the center of the TOWERtower base to property line, public roads, or nearest point on the foundation of an occupied BUILDINGbuilding.

Minimum SETBACKSetback Requirements

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Occupied ~~BUILDINGs~~Buildings on	Occupied ~~BUILDINGs~~Buildings on	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

(i) ~~SMALL WIND ENERGY SYSTEMs~~[1] Small wind energy systems must meet all ~~SETBACKs~~ setbacks for principal ~~STRUCTUREs~~structures for the zoning district in which the system is located.

(ii) [2] Guy wires used to support the ~~TOWER~~tower are exempt from the ~~SMALL WIND ENERGY SYSTEM SETBACK~~small wind energy system setback requirements.

~~TOWER:~~

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~~(b)~~ Tower. The maximum ~~TOWER HEIGHT~~tower height shall be restricted to ~~thirty-five~~

(b) ~~(~~35~~)~~ feet above the tree canopy within ~~three hundred (~~300~~)~~ feet of the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system. In no situation shall the ~~TOWER HEIGHT~~tower height exceed ~~one hundred fifty (~~150~~)~~ feet.

~~(c)~~ Sound ~~Level:~~level. The ~~SMALL WIND ENERGY SYSTEM~~small wind energy system shall not exceed ~~sixty~~

(c) ~~(~~60~~)~~ decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

(d) ~~SHADOW FLICKER: SMALL WIND ENERGY SYSTEMS~~Shadow flicker. Small wind energy systems shall be sited in a manner that does not result in significant ~~SHADOW FLICKER~~shadow flicker impacts. Significant ~~SHADOW FLICKER~~shadow flicker is defined as more than ~~thirty (~~30~~)~~ hours per year on abutting occupied ~~BUILDINGS~~buildings. The ~~APPLICANT~~applicant has the burden of proving that the ~~SHADOW FLICKER~~shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential ~~SHADOW FLICKER~~shadow flicker will be addressed either through siting or mitigation measures.

(e) ~~SIGNs:~~Signs. All ~~SIGNs~~signs, including flags, streamers and decorative items, both temporary and permanent, are prohibited on the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system, except for manufacturer identification or appropriate warning ~~SIGNs~~signs.

(f) Code ~~Compliance:~~compliance. The ~~SMALL WIND ENERGY SYSTEM~~small wind energy system shall comply with all applicable sections of the New Hampshire State ~~BUILDING~~Building Code.

(g) Aviation~~:~~. The ~~SMALL WIND ENERGY SYSTEM~~small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations, including but not limited to 14 ~~C.F.R. part~~CFR Part 77, ~~subpart~~Subpart B, regarding installations close to airports, and the New Hampshire Aviation ~~regulations~~Regulations, including but not limited to RSA 422-~~b~~B and ~~RSA~~ 424.

~~(a)~~(h) Visual ~~Impacts:~~impacts. It is inherent that ~~SMALL WIND ENERGY SYSTEMs~~small wind energy systems may pose some visual impacts due to the ~~TOWER HEIGHT~~tower height needed to access wind resources.

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The purpose of this section is to reduce the visual impacts without restricting the ~~owner's~~owner's access to the optimal wind resources on the property.

~~(h)~~ [1] The ~~APPLICANT~~applicant shall demonstrate through project site planning and proposed mitigation that the ~~SMALL WIND ENERGY SYSTEM's~~small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, ~~WIND GENERATOR~~wind generator design or appearance, buffering, and screening of ground-mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.

~~(ii)~~ [2] The color of the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system shall either be the stock color from the manufacturer or painted with a ~~non-reflective~~nonreflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

~~A SMALL WIND ENERGY SYSTEM~~[3] A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If

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(iii) lighting is required, the APPLICANTapplicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the SMALL WIND ENERGY SYSTEMsmall wind energy system.

(i) Approved WIND GENERATORS:wind generators. The manufacturer and model of the WIND GENERATORwind generator to be used in the proposed SMALL WIND ENERGY SYSTEMsmall wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the stateState of New Hampshire, if available.

(j) Utility Connection:connection. If the proposed SMALL WIND ENERGY SYSTEMsmall wind energy system is to be connected to the POWER GRIDpower grid through NET METERINGnet metering, it shall adhere to RSA 362-A:9.

(k) Access:. The TOWERtower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum HEIGHTheight of eight (8) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(l) Clearing:. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the SMALL WIND ENERGY SYSTEMsmall wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

D. Solar Panel Standardspanel standards.

a.(1) Lot Coverage: solarcoverage. Solar systems do not constitute an increase to lot coverage unless the panel(s)/collector(s) and supporting structures constitute a building.

b.(2) Placement of solar systems. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**:

i.(a) The height of a roof-mounted solar array shall not be counted towards the maximum permitted height of the structure it is is affixed to of the underlying zoning district and, if on a pitched roof, matches the same pitch as the roof and is no more than tentwo inches above the roof. If the proposed rooftop solar array consists of mounted tracking panels, a Conditional Use Permitconditional use permit is required.

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~~ii.~~(b) Ground-mounted solar panels~~,~~ shall not be located in the front yard and shall meet or exceed required side and rear yard setbacks for accessory buildings.

~~iii.~~(c) Ground-~~-~~mounted units shall not exceed 20 feet ~~in height~~ or the height of the ~~principle~~principal building whichever is shorter. However, with a ~~Conditional Use Permit, Solar Trackers~~conditional use permit, solar trackers may be permitted up to the maximum building height allowed in the underlying zoning district plus five feet provided they are located to the rear of the principal building and not clearly visible from the public ~~RIGHT-OF-WAY~~right- of-way or ~~75'~~75 feet from any property line if the lot is surrounded by ~~RIGHTS-OF-WAY~~rights- of-way creating a hardship.

(d) When solar storage batteries are included as part of the solar energy system, they must be housed in a secure space or enclosure meeting the requirements of the City's building and electrical codes when in use and,-

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~~iv.~~ when no longer used, shall be disposed of in accordance with all applicable City, state and federal laws and regulations.

~~v.~~(e) The use of reflectors to enhance solar production is prohibited.

E. Abandonment~~:~~.

(1) At such time that a ~~SMALL WIND ENERGY SYSTEM~~small wind energy system is scheduled to be abandoned or discontinued, the ~~APPLICANT~~applicant will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

(2) Upon abandonment or discontinuation of use, the owner shall physically remove the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system within ~~ninety (~~90~~)~~ days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Inspector. ~~"~~"Physically remove~~"~~" shall include, but not be limited to:

(a) Removal of the ~~WIND GENERATOR~~wind generator and ~~TOWER~~tower and related above-grade ~~STRUCTURES~~structures.

(b) Restoration of the location of the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

(3) In the event that an ~~APPLICANT~~applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out~~-~~ of~~-~~ service for a continuous twelve ~~(12)~~ month period. After the ~~twelve (~~12~~)~~ months of inoperability, the Building Inspector may issue a ~~Notice~~notice of ~~Abandonment~~abandonment to the owner of the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system. The owner shall have the right to respond to the ~~Notice~~notice of ~~Abandonment~~abandonment within ~~thirty (~~30~~)~~ days from ~~Notice~~notice receipt date. After review of the information provided by the owner, the Building Inspector shall determine if the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system has been abandoned. If it is determined that the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system has not been abandoned, the Building Inspector shall withdraw the ~~Notice~~notice of ~~Abandonment~~abandonment and notify the owner of the withdrawal.

(4) If the owner fails to respond to the ~~Notice~~notice of ~~Abandonment~~abandonment or if, after review by the Building Inspector, it is determined that the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system has been abandoned or

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discontinued, the owner of the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system shall remove the ~~WIND GENERATOR~~wind generator and ~~TOWER~~tower at the ~~owner's~~owner's sole expense within ~~3~~three months of receipt of the ~~Notice~~notice of ~~Abandonment~~abandonment. If the owner fails to physically remove the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system after the ~~Notice~~notice of ~~Abandonment~~abandonment procedure, the Building Inspector may pursue legal action to have the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system removed at the ~~owner's~~owner's expense.

~~F. Violation:~~

F. . It is unlawful for any person to construct, install, or operate a ~~SMALL WIND ENERGY SYSTEM~~small wind energy system that is not in compliance with this ~~ordinance. SMALL WIND ENERGY SYSTEMs~~section. Small wind energy systems installed prior to the adoption of this ~~ordinance~~section are exempt from this ~~ordinance~~section, except when ~~MODIFICATIONs~~modifications are proposed to the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system.

~~G. Penalties:~~

G. . Any person who fails to comply with any provision of this ~~ordinance~~section or a ~~BUILDING~~building permit issued pursuant to this ~~ordinance~~section shall be subject to enforcement and penalties as allowed by RSA 676:17.

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H. Conditional use permits. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

(1) A conditional use permit may be granted by the Planning Board to waive the height limitation only if the intent of this chapter is preserved (e.g., when it can be shown that there would be no increase in adverse impact) and a written narrative is provided demonstrating that the height would:

(a) Not be detrimental to the public safety, health or welfare or injurious to other property, and will promote public interest.

(b) Demonstrate a projected and quantified solar energy production benefit for allowing the extra height.

(c) Any impacts on abutters are mitigated.

(d) Not be within 75 feet of the arterial or connector road.

(e) Not be clearly visible from the public right-of-way.

(f) Not cause glare on abutting structures or roadways.

(g) Have all power and communication lines between the solar infrastructure and the point of interconnection be buried underground or otherwise screened from view.

~~**170-22. Telecommunications Facilities. [Amended on 03-18-98 by Ord. No. 02-98; Amended on 10-20-99 by Ord. No. 13-99; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 11-28-2012 by Ord. No. 2012.11.14-24 , Amended on 07-22-2020 by Ord. No. 2020.07.08.006.]**~~

§ 170-22. Telecommunications facilities.

A. Authority. By the authority granted under RSA 674:16 and 674:21 and procedurally under the guidance of 675:1, II, this section creates an ordinance establishing a telecommunications program and amending the zoning code this chapter to add regulations pertaining to wireless communications facilities.

B. Purpose and Intent intent. This ordinance section is enacted in order to establish general guidelines for the siting of telecommunication TOWERS towers and ANTENNAS antennas and to enhance and fulfill the following goals:

(1) Preserve the authority of the City to regulate and to provide for reasonable opportunities for the siting of TELECOMMUNICATIONS FACILITIES telecommunications facilities while ensuring that telecommunications providers providers' service remains effective and efficient.

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(2) Reduce or eliminate adverse impacts such facilities may create. Adverse impacts may include, but are not limited to, impacts on aesthetics, impacts on environmentally sensitive areas, impacts to historically significant locations, impacts on flight corridors, reduction in property values, and health and safety concerns.

(3) Provide for co-location and minimal impact siting options through an assessment of technology, current locational options, future location availability, innovative siting techniques, and siting possibilities beyond the geographic boundaries of the City.

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(4) Permit the construction of new ~~TOWERS~~towers only where all other reasonable alternatives have been exhausted, and ~~to~~ encourage the owners and users of ~~TOWERS~~towers and ~~ANTENNAS~~antennas to configure them in a manner that minimizes visual impacts of said ~~STRUCTURES~~structures.

(5) Require ~~ANTENNA~~antenna co-location on existing ~~TOWER STRUCTURES~~tower structures through cooperation and agreements between providers.

(6) Provide for documentation of scheduling of recurring maintenance and safety inspections for all ~~TELECOMMUNICATIONS FACILITIES~~telecommunications facilities and appurtenances.

(7) Provide for the demolition and removal of abandoned facilities. Provide a procedure for the City to remove abandoned ~~TOWERS~~towers to provide for the health and safety of citizens.

(8) Provide for the removal or upgrade of technologically outmoded facilities.

C. Location. ~~TELECOMMUNICATIONS FACILITIES~~ Telecommunications facilities shall be allowed in accordance with the following:

(1) On parcels situated in the City of Dover known as:

~~General Location~~	~~Map-LOT Number~~
~~Finch Lane~~	~~K 35A~~
~~Middle Road~~	~~M 57~~
~~Blackwater Road~~	~~A 29~~
	~~A 1~~
~~Parsons Lane~~	~~A 36~~
~~Venture Drive~~	~~D 7~~
	~~D 5A~~
~~Glen Hill Road~~	~~C 2012~~
	~~C 7~~
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~~Tolend Road C-27~~

~~French Cross Road F-14~~

General Location	Map-Lot Number
Finch Lane	K-35A
Middle Road	M-57
Blackwater Road	A-29
	A-1
Parsons Lane	A-36
Venture Drive	D-7
	D-5A
Glen Hill Road	C-2012
	C-7
	C-8
	C-20
	C-19
	C-22
Tolend Road	C-27
French Cross Road	F-14

(2) In other areas within the City of Dover only as a co-location on existing ~~TOWERs, ANTENNAs~~towers, antennas, and ~~ALTERNATIVE TOWER STRUCTURES~~alternative tower structures.

~~D. TELECOMMUNICATIONS FACILITIES Procedural Requirements.~~

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D. Telecommunications facilities procedural requirements.

(1) Location or replacement of ~~TELECOMMUNICATIONS FACILITIES~~telecommunications facilities on existing ~~TOWERs, ANTENNAs~~towers, antennas or alternative tower structures. **[Amended 7-22-2020 by Ord. No. ~~ALTERNATIVE TOWER STRUCTURES.~~2020.07.08-006]**

~~(a)~~ The location or replacement of ~~TELECOMMUNICATIONS FACILITIES~~telecommunications facilities on existing ~~TOWERs, ANTENNAs~~towers, antennas or ~~ALTERNATIVE TOWER~~

(a) ~~STRUCTURES~~alternative tower structures may be approved by the Planning and Community Development Department provided the following information is submitted in an application:

~~(1)~~ [1] A scaled plan detailing the exact size and location of the telecommunication ~~devise~~device, including a scaled elevation view.

~~(2)~~ [2] Submission of proof that the telecommunication device is needed to service City of Dover residents.

~~(3)~~ [3] Proof that the device meets all other technical requirements of this ~~ordinance~~section.

(b) Any application denied by the Planning and Community Development Department may be appealed to the ~~PLANNING BOARD~~Planning Board.

~~(2)~~ Proposed construction of ~~New TELECOMMUNICATIONS FACILITIES.~~

(2) new telecommunications facilities. An application for construction of any new ~~TELECOMMUNICATIONS FACILITIES~~telecommunications facilities shall be approved by the ~~PLANNING BOARD~~Planning Board. Public hearing requirements as outlined in the Site Review Regulations shall apply. The following application requirements shall be provided:

(a) A scaled plan in accordance with Site Review Regulations shall be submitted, including the following additional information~~:~~; a scaled elevation view, topography, radio frequency coverage, ~~TOWER HEIGHT~~tower height requirements, ~~SETBACKs~~setbacks, drives, parking, fencing, landscaping, adjacent land uses (up to ~~two hundred (~~200~~)~~ feet away), and any other information deemed necessary by the Director of Planning and Community Development. **[Amended 7-22- 2020 by Ord. No. 2020.07.08-006]**

(b) Written proof that the proposed use/facility complies with FCC regulations on radio frequency (RFD) exposure guidelines, and FAA regulations on

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~~TOWER~~tower lighting requirements, shall be submitted.

(c) The ~~APPLICANT~~applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (~~NEAP~~)NEPA)[8] further referenced in applicable FCC rules. If an ~~Environmental Assessment~~environmental assessment (EA) or an ~~Environmental Impact Statement~~environmental impact statement (IS) is required under the FCC rules and ~~NEAP~~NEPA, submission of the EA or IS to the ~~PLANNING BOARD~~Planning Board prior to the beginning of the federal thirty ~~(30)~~ -day comment period, and the ~~City's~~City's site review process, shall become part of the application requirements.

(d) Each ~~APPLICANT~~applicant for an ~~ANTENNA~~antenna and/or ~~TOWER~~tower shall provide to the ~~PLANNING BOARD~~Planning Board an inventory of its existing ~~TOWERs~~towers that are within the jurisdiction of~~-~~

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8. Editor's Note: See 42 U.S.C. § 4321 et seq.

~~(d)~~ the City and those within two ~~(2)~~ miles of the border thereof, including specific information about the location, ~~HEIGHT,~~height, and design of each ~~TOWER~~tower, as well as economic and technological feasibility for co-location on the inventoried ~~TOWERs~~towers. The ~~PLANNING BOARD~~Planning Board may share such information with other ~~APPLICANTs~~applicants applying for approvals or special exception permits under this ~~ordinance~~section or other organizations seeking to locate ~~ANTENNAs~~antennas within the jurisdiction of the governing authority~~.~~; provided, however, that the ~~PLANNING BOARD~~Planning Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

The ~~APPLICANT~~applicant shall submit written evidence demonstrating that no existing ~~STRUCTURE~~structure can accommodate the ~~APPLICANT's~~applicant's proposed ~~ANTENNA~~antenna. This evidence shall consist of one or more of the following:

~~(i)~~ ~~—~~[1] Adequate evidence that no existing ~~TOWERs~~towers or ~~STRUCTUREs~~structures are located within the geographic area required to meet the ~~APPLICANT's~~applicant's engineering requirements, provided that a description of the geographic area required is also submitted.

~~(ii)~~ ~~—~~[2] Adequate evidence that existing ~~TOWERs~~towers are not of sufficient ~~HEIGHT~~height to meet the ~~APPLICANT's~~applicant's engineering requirements, and why.

~~(iii)~~ ~~—~~[3] Adequate evidence that the existing ~~TOWERs~~towers or ~~STRUCTUREs~~structures do not have sufficient structural strength to support ~~APPLICANT's~~the applicant's proposed ~~ANTENNA~~antenna and related equipment.

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~~(iv)~~ ~~POWER CODE~~ roposed ~~ANTENNA~~antenna would cause electromagnetic interference with the ~~ANTENNA~~antenna on the existing ~~TOWERs~~towers or ~~STRUCTUREs~~structures, or the ~~ANTENNA~~antenna on the existing ~~TOWERs~~towers or ~~STRUCTUREs~~structures would cause interference with the ~~APPLICANT's~~applicant's proposed ~~ANTENNA~~antenna.

~~(v)~~ [5] Adequate evidence that fees, costs, or contractual provisions required by the owner in order to share the existing ~~TOWER~~tower or ~~STRUCTURE~~structure are unreasonable. Costs exceeding new ~~TOWER~~tower development are presumed to be unreasonable.

~~(vi)~~ [6] Adequate evidence that the ~~APPLICANT~~applicant can demonstrate other limiting factors that render existing ~~TOWERs~~towers and ~~STRUCTUREs~~structures unsuitable.

[4] Adequate evidence that ~~APPLICANT~~ applicant's

(e) The ~~APPLICANT~~applicant proposing to build a new ~~TOWER~~tower shall submit an agreement with the City that allows for the maximum allowance of co-location upon the new ~~STRUCTURE~~structure. Such statement shall become a ~~Condition~~condition to any ~~Approval~~approval. This statement shall, at a minimum, require the ~~APPLICANT~~applicant to supply available co-location for reasonable fees and costs to other telecommunication providers. All agreements shall outline a procedure requiring all disputes on terms and conditions of co-location be submitted to a recognized commercial arbitration board for ~~their~~its review. The arbitration ~~board's~~board's decision shall become final and binding. Failure to provide such an agreement is evidence of the ~~APPLICANT's~~applicant's unwillingness to cooperate with the orderly and well-planned development of the ~~(~~City~~)~~ and grounds for a ~~Denial~~denial.

(f) The ~~APPLICANT~~applicant shall submit the engineering information detailing the size and coverage required for the facility location. ~~The PLANNING BOARD may have this information reviewed by a consultant for verification of any claims made by the APPLICANT regarding technological limitations and feasibility for Alternative locations. Cost for this review shall be borne by the APPLICANT in accordance with RSA 676:4(g).~~The Planning Board may

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have this information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations. Cost for this review shall be borne by the applicant in accordance with RSA 676:4, I(g).

(g) Each APPLICANTapplicant for a TOWERtower, monopole, or Alternative STRUCTUREalternative structure shall submit a design certified by a competent engineer that the STRUCTUREstructure has been engineered to accommodate the maximum number and type of all compatible telecommunication media ANTENNAEantennas, but in no event shall the APPLICANTapplicant provide fewer than three additional co-locations from three additional providers. This provision may be modified based on visual or aesthetic impacts.

E. Performance Standards.

E. standards. The uses listed in this section are deemed to be permitted uses and, at the discretion of the PLANNING BOARDPlanning Board, may require further review under this Chapterchapter in accordance with Chapter 149153, Site Review Regulations, and all other applicable ordinances and regulations of the City of Dover.

(1) Principal or secondary use. **[Amended 7-22-2020 by Ord. No. Secondary Use.2020.07.08-006]**

(a) Subject to this ordinancesection, an APPLICANTapplicant who obtains site review approval to site under this ordinancesection as a secondary and permitted use may construct TELECOMMUNICATIONS FACILITIES telecommunications facilities in addition to the existing principal use. ANTENNAsAntennas and TOWERStowers may be considered either principal or secondary uses. A different existing use or an existing STRUCTUREstructure shall not preclude the installation of an ANTENNAantenna or TOWERtower on such LOTlot.

(b) For purposes of determining whether siting of an ANTENNAantenna or TOWERtower complies with zoning district development regulations, including but not limited to area, SETBACK, LOT COVERAGE, FRONTAGEsetback, lot coverage, frontage, and other dimensional requirements, the dimensions of the entire LOTlot shall control, even though the ANTENNAsantennas or TOWERStowers may be located on leased parcels within such LOTs. TOWERslots. Towers that are constructed and ANTENNAsantennas that are installed in accordance with the provisions of this ordinance,section shall not be deemed the expansion of a non-conformingnonconforming use or STRUCTUREstructure. Further, said facilities shall not be considered an ACCESSORY USEaccessory use.

(2) Height requirements. **[Amended 7-22-2020 by Ord. No. HEIGHT**

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~~Requirements.~~

(2) **2020.07.08-006]**

(a) New ~~TOWER Construction one hundred eighty (~~tower construction: 180~~)~~ feet maximum.

(b) Co-location on ~~Existing TOWER~~existing tower and ~~ANTENNAs~~ antennas: current ~~HEIGHT~~height plus ~~fifteen percent (~~15%~~)~~% (not to exceed ~~two hundred (~~200~~)~~ feet~~)~~).

(c) Co-location on ~~ALTERNATIVE TOWER STRUCTUREs~~ alternative tower structures: current ~~HEIGHT~~height plus ~~twelve (~~12~~)~~ feet.

(d) The ~~HEIGHT~~height requirements and limitations outlined above shall preempt all other ~~HEIGHT~~height regulations as required by ~~the~~ this chapter~~City of Dover Zoning Ordinance,~~ and shall apply only to ~~TELECOMMUNICATIONS FACILITIES.~~telecommunications facilities. A ~~Conditional Use Permit~~conditional use permit may be granted by the ~~PLANNING BOARD~~Planning Board to waive the ~~HEIGHT~~height limitations only if the intent of this ~~Chapter~~chapter is preserved (e.g.~~.~~, when it can be shown that there would be no-

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~~(d)~~ increase in adverse impact) and the increased ~~HEIGHT~~ height would provide a greater opportunity for co-location, provided that:

~~(1)~~ [1] The granting of the permit will not be detrimental to the public safety, health or welfare or injurious to other property~~,~~ and will promote the public interest.

~~(2)~~ [2] A written narrative is provided, identifying a particular hardship or special circumstance that warrants granting the permit. Factors to be considered, but not limited to, in determining a hardship or special circumstance shall include:

~~(a) topography~~[a] Topography and other site features.

~~(b) availability~~[b] Availability of ~~Alternative~~alternative site locations.

~~(c) property~~[c] Property location as relates to required coverage area

~~(d) size~~. [d] Size/magnitude of project and availability of co-location.

~~(3)~~ [3] Necessary federal approvals and/or recommendations have been received.

~~SETBACKS~~

(3) Setbacks and ~~Separation~~separation. The following ~~SETBACKS~~setbacks and separation requirements shall apply only to ~~TELECOMMUNICATIONS FACILITIES,~~ telecommunications facilities and shall supersede all other such standards found elsewhere in this ~~Chapter~~chapter or other applicable City ~~Ordinances~~ordinances and ~~Regulations.~~regulations:

(a) ~~TOWERS~~Towers shall be set back a distance equal to ~~one hundred percent (~~100~~%)~~% of the ~~HEIGHT~~height of the ~~TOWER~~tower from any boundary line~~,~~ or other principal use ~~STRUCTURE~~structure located on the property the ~~TOWER~~tower is sited upon. This provision may be waived by the ~~PLANNING BOARD~~Planning Board, provided the intent of this ~~Chapter~~chapter remains intact.

(b) ~~TOWER~~Tower guys~~,~~ and all other accessory facilities shall conform ~~with~~to the minimum ~~SETBACK~~setback requirement of the zoning district in which said facilities and appurtenances are located.

(4) Security ~~Fencing. TOWERS~~fencing. Towers shall be enclosed by appropriate security fencing not less than six ~~(6)~~ feet in ~~HEIGHT,~~height and shall be equipped

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with an appropriate anti- climbing device.

(5) Landscaping.

(a) ~~TOWERs~~Towers shall be landscaped with a buffer of suitable vegetation that effectively screens the view of the ~~TOWER~~tower compound from abutting residential property. The minimum standard buffer shall consist of a landscaped strip ~~ten (~~10~~)~~ feet wide outside the perimeter of the ~~TOWER~~tower compound. Existing (natural) vegetation is preferred.

(b) The requirement for landscaped screening may be reduced or waived entirely by the ~~PLANNING BOARD~~Planning Board in locations where the visual impact of the ~~TOWER~~tower compound to abutting residential uses is deemed to be minimal.

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(c) Existing mature tree growth and natural land forms present on the site shall be preserved to the maximum extent possible. Natural growth on the site may be deemed a sufficient buffer on large, remote, wooded lots.

(6) Aesthetics and lighting. The guidelines in this subsection shall govern the location of all towers and the installation of all antennas. However, the Planning Board may waive those requirements, via conditional use permit, only if it determines that the goals of this chapter are served thereby.

(a) Towers shall either maintain a galvanized steel finish, subject to any applicable standards of the FAA, or be painted a neutral color, so as to reduce visual obtrusiveness.

(b) At a tower site, the design of buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and previously developed environment. These buildings and facilities shall also be subject to all other requirements of Chapter 153, Site Review Regulations.

(c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(d) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

(e) Towers shall not contain any permanent or temporary signs, writing, symbols, or any graphic representation of any kind.

(7) Federal requirements. All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this

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~~Chapter~~chapter shall bring such ~~TOWERS~~towers and ~~ANTENNAS~~antennas into compliance with such revised standards and regulations within six ~~(6)~~ months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring ~~TOWERS~~towers and ~~ANTENNAS~~antennas into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with ~~this Chapter 170-22.~~Subsection I, of the ~~TOWER~~tower or ~~ANTENNA~~antenna, as abandoned, at the ~~owner's~~owner's expense through the execution of the posted security.

(8) ~~BUILDING Codes—Safety Standards.~~Building codes; safety standards. To ensure the structural integrity of ~~TOWERS~~towers and ~~ANTENNAS~~antennas, the owner of a ~~TOWER~~tower shall ensure that it is maintained in compliance with standards contained in applicable local ~~BUILDING~~building codes and the applicable standards for ~~TOWERS~~towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a ~~TOWER~~

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~~(8)~~ tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the ~~TOWER~~tower, the owner shall have ~~thirty (~~30~~)~~ days to bring such ~~TOWER~~tower into compliance with such standards. If the owner fails to bring such ~~TOWER~~tower into compliance within ~~thirty (~~30~~)~~ days, such action shall constitute an abandonment and grounds for the removal, in accordance with ~~this Chapter 170-22.~~Subsection I, of the ~~TOWER~~tower or ~~ANTENNA~~antenna, as abandoned, at the ~~owners~~owner's expense through execution of the posted security.

(9) Certification of safety standards and continued need. The owner of a ~~TOWER~~tower or ~~ANTENNA~~antenna shall provide an annual certification to the Planning and Community Development Department verifying compliance with ~~BUILDING~~building codes and safety standards. The certification shall also verify that the ~~STRUCTURE~~structure is still needed for the operation of the ~~owners'~~owner's network. Said certification shall be submitted to the Planning and Community Development Department prior to December ~~31st~~31 of each year. Any owner who has failed to submit an annual certification shall be notified of the violation. A thirty ~~(30)~~ day extension for submission of a certification may be approved at the discretion of the Planning and Community Development Department. After notification of a violation by the Planning and Community Development Department, subsequent failure to submit an annual certification shall constitute abandonment and be grounds for removal in accordance with ~~170~~Subsection I. **[Amended 7-22-2020 by Ord. No. ~~D~~-2020.07.08-006]**

F. Exemptions.

(1) City ~~Use. ANTENNAS~~use. Antennas or ~~TOWERS~~towers owned, performing City functions, or otherwise controlled by the City shall be exempt from the requirements of this ~~TELECOMMUNICATIONS FACILITY Ordinance.~~section. This exemption shall only be available if a license or lease authorizing such ~~ANTENNA~~antenna or ~~TOWER~~tower has been approved by the City Council, and the City Council elects, subject to ~~RSA's~~the New Hampshire Revised Statutes Annotated, to seek said exemption.

(2) Amateur ~~Radio~~radio. This section shall not govern any ~~TOWER,~~tower or the installation of any ~~ANTENNA~~antenna that is owned and operated by a federally-licensed amateur radio station operator and the ~~TOWER~~tower or ~~ANTENNA~~antenna is used for the exclusive purpose of amateur radio operations. This application adopts the provisions and limitations as referenced in RSA 674:16, IV.

(3) ~~Citizen Band Radios.~~Citizens band radios. This section shall not govern the installation of any ~~ANTENNA~~antenna that is used for the exclusive purpose of facilitating the use of a ~~Citizen Band Radio~~citizens band radio, except any

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~~TOWERS~~towers in this ~~section~~subsection shall be limited to ~~seventy (~~70~~)~~ feet in ~~HEIGHT~~height.

(4) Receive-~~Only ANTENNAs.~~only antennas. This section shall not govern any ~~TOWER,~~tower or the installation of any ~~ANTENNA~~antenna that is used exclusively for receive-only ~~ANTENNAs~~antennas, except any ~~TOWERS~~towers in this ~~section~~subsection shall be limited to ~~seventy (~~70~~)~~ feet in ~~HEIGHT~~height.

(5) Essential ~~Services~~services and ~~Public Utilities.~~public utilities. Henceforth, from the date of adoption of this ~~ordinance, TELECOMMUNICATIONS FACILITIES~~section, telecommunications facilities shall not be considered as infrastructure, essential services, or public utilities, as defined or used elsewhere in the ~~City's~~City's ordinances and regulations. Siting for telecommunications facilities shall be considered a use of land and is addressed by this section.

~~Siting for TELECOMMUNICATIONS FACILITIES shall be considered a use of land, and is addressed by this ordinance.~~

~~C.~~ Restrictions for ~~Siting~~ siting on Garrison Hill

G. . Notwithstanding the provisions outlined in Subsection C, the siting of additional ~~TOWERS,~~ towers or monopoles~~,~~ or use of ~~Alternative STRUCTURES~~ alternative

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structures shall be prohibited on Garrison Hill in the City of Dover. Placement of new ANTENNAEantenna media on the existing TOWERStowers on Garrison Hill shall be allowed only after obtaining a Conditional Use Permitconditional use permit from the PLANNING BOARD.Planning Board. However, the replacement and/or repair of existing ANTENNAEantenna media on TOWERStowers on Garrison Hill is allowed by the Building Inspector, provided that there is no increase in the size or visual impact of the ANTENNAEantennas. Performance standards to ensure that vistas, view sheds and view corridors are protected shall include the following elements:

(1) The APPLICANTapplicant has demonstrated that the appearance, form or shape, color, and size of any ANTENNAantenna media to be attached to preexisting TOWERStowers or monopole STRUCTURESstructures is concealed or camouflaged or otherwise is harmonious with the immediately surrounding environment at Garrison Hill;.

(2) Any equipment shelters supporting such additional ANTENNAantenna shall be designed consistent with one of the following design standards:

(a) Equipment shelter shall be located in underground vaults; or

(b) Equipment shelter shall be designed consistent with Northernnorthern New England architectural styles and materials, with a roof pitch of at least ten and a half (10 1/2) and wood clapboard, red brick or shingle siding; or

(c) Equipment shelters shall be camouflaged behind an effective, year-round landscaped buffer, equal to the HEIGHTheight of the proposed BUILDINGbuilding, and/or wooden FENCE. PLANNING BOARDfence. The Planning Board shall determine the style of fencing and/ or landscaped buffer that is compatible with the NEIGHBORHOODneighborhood.

(3) Any ANTENNAantenna located on an existing STRUCTUREstructure shall be concealed, to the extent technologically and commercially practicable, behind existing architectural features to limit the visibility of the ANTENNAantenna from public ways.

H. Bonding and Securitysecurity and Insurance.insurance. **[Amended 7-22-2020 by Ord. No. 2020.07.08- 006]**

(1) Recognizing the extremely hazardous situation presented by abandoned and unmonitored TOWERStowers, the PLANNING BOARDPlanning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the TOWERtower is abandoned and the

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~~TOWER~~tower owner is incapable and unwilling to remove the ~~TOWER~~tower in accordance with Subsection I~~)~~ below.

(2) Bonding and surety shall be consistent with the provisions in ~~the~~ Chapter ~~155,~~157, Land Subdivision ~~of Land~~Regulations. Furthermore, the ~~PLANNING BOARD~~Planning Board shall require the submission of proof of adequate insurance covering accident or damage.

~~I.~~ Removal of ~~Abandoned ANTENNAS~~abandoned antennas and ~~Towers.~~

towers. Any ~~ANTENNA~~antenna or ~~TOWER~~tower that is not operated for a continuous period of ~~twelve~~

I. ~~(~~12~~)~~ months, or is no longer needed for the operation of the network, shall be considered abandoned and hazardous to the public health and safety. The owner shall remove the abandoned ~~STRUCTURE~~structure within ~~ninety (~~90~~)~~ days of receipt of a declaration of abandonment from the Zoning Administrator notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing noticed per City regulations, with notice to ~~ABUTTERS~~abutters and the last known owner/operator of the ~~TOWER~~tower. If the abandoned ~~TOWER~~tower is not removed within ~~ninety (~~90~~)~~ days, the ~~City may execute the security and have the TOWER removed. If there are two or more users of a single TOWER, this provision shall not become effective until all users cease using the TOWER.~~

~~170-23. IMPACT FEE Ordinance. [Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 06-~~

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City may execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

§ 170-23. Impact fees. [Amended 6-22-2016 by Ord. No. 2016.06.08-010~~; Amended on 08-22-2018 by Ord. No. 2018.08.08-009, Amended on 07-22-2020 by Ord. No. 2020.07.08.006.~~]

A. Purpose~~:~~. This ~~ordinance~~ section is enacted pursuant to RSA 674:16 and 674:21~~,~~ and in order to: **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(1) Assist in the implementation of the Master Plan and Capital Improvements Program~~;~~.

(2) Provide adequate public capital facilities necessitated by ~~NEW DEVELOPMENT;~~new development.

(3) Assess an equitable share of the cost of public capital facilities to ~~NEW DEVELOPMENT~~new development.

B. Authority.

(1) ~~IMPACT FEEs~~Impact fees may be assessed to ~~NEW DEVELOPMENT~~new development to compensate the City of Dover and the School District for the proportional share of capital facilities generated by ~~NEW DEVELOPMENT~~new development in the City of Dover. Any person who seeks approval for ~~NEW DEVELOPMENT~~new development may be required to pay an ~~IMPACT FEE~~impact fee in the manner set forth herein.

(2) The ~~PLANNING BOARD~~Planning Board may, as a condition of approval of any subdivision, site plan, or change of use, and when consistent with applicable Board regulations, require an ~~APPLICANT~~applicant to pay an exaction for off-site improvements necessitated by the development.

(3) Nothing in this section shall be construed to limit the existing authority of the ~~PLANNING BOARD~~Planning Board to disapprove proposed development which is scattered or premature, or which would require an excessive expenditure of public funds, or which would otherwise violate applicable ordinances and regulations. Nothing in this section shall be construed to limit the ~~PLANNING BOARD's~~Planning Board's authority to require off-site work to be performed by the ~~APPLICANT~~applicant in lieu of paying an exaction for ~~OFF-SITE IMPROVEMENTS~~off-site improvements, or the ~~board's~~Board's authority to

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impose other types of conditions of approval. Nothing in this section shall be construed to affect types of fees governed by other statutes, ordinances or regulations.

~~C. ASSESSMENT Methodology~~

C. Assessment methodology.

(1) Proportionality~~:~~. The amount of the ~~IMPACT FEE~~impact fee shall be calculated by the ~~PLANNING BOARD~~Planning Board to be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. The ~~PLANNING BOARD~~Planning Board may prepare, adopt, or amend studies or reports that are consistent with the above standards~~,~~ and which define a methodology for ~~IMPACT FEE ASSESSMENT~~impact fee assessment for public capital facilities and ~~IMPACT FEE ASSESSMENT~~impact fee assessment schedules ~~therefore~~therefor.

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(2) Existing Deficiencies:deficiencies. Upgrading of existing facilities and STRUCTURESstructures, the need for which is not created by NEW DEVELOPMENTnew development, shall not be paid for by IMPACT FEESimpact fees.

(3) In the case of NEW DEVELOPMENTnew development created by conversion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee assessed for the new use as compared to the highest impact fee that was or would have been assessed for the previous use in existence on or after the effective date of this Ordinance.chapter. **[Added 8-22-2018 by Ord. No. 2018.08.08-009]**

D. Administration.

(1) Accounting:. In accord with RSA 673:16, II, and RSA 674:21, V(c), IMPACT FEESimpact fees shall be accounted for separately, shall be segregated from the City'sCity's general fund, may be spent upon order of the City Council, and shall be used solely for the capital improvements for which it wasthey were collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fee was collected to meet. In the event that bonds or similar debt instruments have been or will be issued by the City of Dover or the Dover School District for the funding of capital improvements that are the subject of IMPACT FEE ASSESSMENT, IMPACT FEESimpact fee assessment, impact fees from the appropriate related capital facility, IMPACT FEEimpact fee accounts may be applied to pay debt service on such bonds or similar debt instruments.

(2) ASSESSMENTAssessment and COLLECTION:collection.

(a) Where subdivision or site plan approval is required for NEW DEVELOPMENT, IMPACT FEESnew development, impact fees shall be assessed at the time of PLANNING BOARDPlanning Board approval of a subdivision PLATplat or site plan. The amount of such ASSESSMENTassessment shall be applicable to subsequent BUILDINGbuilding construction within the approved subdivision or site plan for a period of four

(a) (4)five years from the date of PLANNING BOARDPlanning Board approval. Once this four (4) five-year period has expired, remaining construction for which no BUILDINGbuilding permit has been obtained shall be subject to

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the adopted fee schedule in force at the time the ~~BUILDING~~building permit application is made. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

~~(b)~~ With the exception of those ~~PLATS~~plats and site plans meeting the conditions in

(b) ~~A~~ Subsection D(2)(a), above, and when no other ~~PLANNING BOARD~~Planning Board approval is required, or has been made prior to the adoption or amendment of ~~the IMPACT FEE ordinance, IMPACT FEEs~~this section, impact fees shall be assessed upon the issuance of a ~~BUILDING~~building permit. In such cases, the ~~IMPACT FEE~~impact fee schedule in force at the time of the ~~BUILDING~~building permit application shall apply.

(c) ~~IMPACT FEEs~~Impact fees will be collected prior to or at the time of issuance of a ~~Certificate~~certificate of ~~Occupancy~~occupancy, unless the ~~PLANNING BOARD~~Planning Board establishes an alternate~~,~~, mutually acceptable schedule of payment of ~~IMPACT FEEs~~impact fees imposed on an ~~ASSESSED PROPERTY.~~assessed property. If an alternate schedule of payment is established, the ~~PLANNING BOARD~~Planning Board may require security, in the form of a cash bond, letter of credit, or performance bond, so as to guarantee future payment of ~~IMPACT FEEs~~impact fees. In no case will an ~~IMPACT FEE~~impact fee payment be allowed to be made after the issuance of a ~~CERTIFICATE OF OCCUPANCY.~~certificate of occupancy. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

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(3) Security. In the interim between ASSESSMENTassessment and COLLECTIONcollection, the Building Inspector may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed IMPACT FEESimpact fees.

(4) Refund of Fees Paid:fees paid. The current owner of record of property for which an IMPACT FEEimpact fee has been paid shall be entitled to a refund of that fee, plus accrued interest, under the following circumstances:

(a) When either the full or partial portion of the IMPACT FEEimpact fee, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six (6) years from the date of the full and final payment of the fee; or

(b) When the City of Dover, or, in the case of school IMPACT FEESimpact fees, the Dover School District, has failed, within the period of six (6) years from the date of the full and final payment of such fee, to appropriate theirits proportionate non- IMPACT FEEimpact-fee share of related capital improvement costs.

E. Appeals.

(1) A party aggrieved by a decision made by the Building Inspector regarding the ASSESSMENTassessment or COLLECTIONcollection of IMPACT FEESimpact fees authorized by this Sectionsection may appeal such decision to the PLANNING BOARDPlanning Board.

(2) In accord with RSA 676:5, III, appeals of the decision of the PLANNING BOARDPlanning Board in administering this ordinancesection may be made to Superior Court as provided in RSA 676:5, III, and RSA 677:15.

F. Waivers

F. . The PLANNING BOARDPlanning Board may grant full or partial waivers of IMPACT FEESimpact fees where the PLANNING BOARDPlanning Board finds that one (1) or more of the following criteria are met with respect to the particular public capital facilities for which IMPACT FEES impact fees are normally assessed: **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-006]**

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(1) The ~~PLANNING BOARD~~Planning Board may agree to waive all or part of an ~~IMPACT FEE ASSESSMENT~~impact fee assessment and accept in lieu of a cash payment~~,~~ a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of ~~IMPACT FEEs~~impact fees under this provision that would involve a contribution of real property or the construction of capital facilities~~;~~, the ~~PLANNING BOARD~~Planning Board shall submit a copy of the waiver request to the City Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind~~,~~ and may not be credited to other categories of ~~IMPACT FEE ASSESSMENT~~.impact fee assessment. The ~~APPLICANT~~applicant shall pay all costs incurred by the City for the review of such proposal, including consultant and counsel fees.

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~~ACCESSORY DWELLING UNITS.~~

§ 170-24. Accessory dwelling units. [Amended ~~on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 06~~6-22-2016 by Ord. No. 2016.06.08-010~~.~~]

Where permitted, an ~~ACCESSORY DWELLING UNIT~~accessory dwelling unit shall comply with the following:

A. A maximum of one ~~(1) ACCESSORY DWELLING UNIT~~accessory dwelling unit (ADU) per property is permitted. In residential districts other than the R-40, more than one ADU may be allowed provided the second unit meets HUD Fair Market Rent rates for Dover, published annually by the New Hampshire Housing Finance Authority. An ADU shall not be permitted on property where more than one ~~DWELLING UNIT~~dwelling unit currently exists. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

B. Exterior ~~ALTERATIONS~~alterations, enlargements, or extensions of the ~~SINGLE FAMILY DWELLING~~single-family dwelling or detached ~~ACCESSORY STRUCTURE~~accessory structure are permitted in order to accommodate the ~~ACCESSORY DWELLING UNIT.~~accessory dwelling unit. However, no such change is permitted which would ~~ALTER~~alter the appearance of the ~~SINGLE FAMILY DWELLING~~single-family dwelling to look like a duplex or any other ~~multi-family STRUCTURE~~multifamily structure (i.e., the house should not look like it was designed to occupy more than one family). The construction of any ~~access ways~~accessways into the house and/or detached garage which are required for access to the ~~ACCESSORY DWELLING UNIT~~accessory dwelling unit shall be located to the side or ~~REAR~~rear of the ~~BUILDING~~building whenever possible.

C. An ADU shall have an area of no less than ~~three hundred (~~300~~)~~ square feet and no greater than ~~eight hundred (~~800~~)~~ square feet. If located in a detached ~~ACCESSORY STRUCTURE~~accessory structure, the ~~ACCESSORY DWELLING UNIT shall~~accessory dwelling unit may be located ~~entirely~~ on either floor of the ~~STRUCTURE.~~structure. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

D. A minimum of one dedicated ~~OFF-STREET PARKING~~off-street parking space shall

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be provided for the ADU.

~~E.~~ The ~~SINGLE FAMILY DWELLING~~single-family dwelling (and detached ~~ACCESSORY STRUCURE,~~

E. accessory structure, when applicable) and ~~LOT~~lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the ~~SINGLE FAMILY DWELLING.~~single-family dwelling. In order to ensure compliance with this requirement, the property owners at the time the ADU is established shall be required to execute a restrictive covenant running in favor of the City, which shall be recorded in the Strafford County Registry of Deeds, and a copy of which shall be provided to the Planning and Community Development Department and the City Assessor prior to the issuance of a ~~CERTIFICATE OF OCCUPANCY~~certificate of occupancy.

F. The property owner must occupy one of the two ~~DWELLING UNITs.~~dwelling units. Electric, water and sewer utilities shall be metered on a single bill.

G. Where municipal sewer service is not provided, the septic system shall meet ~~NH~~New Hampshire Department of Environmental Services, Water Division, requirements for the combined system demand for total occupancy of the premises. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

H. A certificate of use issued by the Zoning Administrator is required to verify conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January ~~1~~1st following the date of approval of the certificate of use and then by every January ~~1~~1st thereafter for so long as the ~~ACCESSORY DWELLING UNIT~~accessory dwelling unit continues. Fees shall be levied as set forth in the City of Dover Fee Schedule, as amended annually, for ~~ACCESSORY DWELLING UNIT~~accessory dwelling unit certificates of use and renewals.

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ARTICLE V FLOODPLAIN DEVELOPMENTVII

170-25. Floodplain Development

[Amended 8-19General Provisions. [Added on 08-12-2015 by Ord. No. 2015.07.22-017, Amended on 07-]

§ 170-25. General provisions. [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 9-11-2019 by Ord. No. 2019.08.28-012; 7-22-2020 by Ord. No. 2020.07.08-006.]

A. Authority. These rules and regulations are adopted by the City of Dover pursuant of the authority granted by RSA 674:16.

B. Conflict and Severabilityseverability. If any provision of this Sectionarticle differs or appears to conflict with any other provision of the Zoning Ordinancethis chapter or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling. Should any provision of this Sectionarticle be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Sectionsection as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

C. Purpose. [Amended on 04-20-05 by Ord. No. 13-2005] Certain areas of the City of Dover are subject to periodic FLOODINGflooding, causing serious damage to properties within these areas. Relief is available in the form of FLOODflood insurance as authorized by the National Flood Insurance Act of 1968.[a] Therefore, the City of Dover has chosen to become a participating community in the National Flood Insurance Program and

C. agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L.PL 90-488, as amended) as detailed in this Sectionarticle. The City of Dover recognizes the need to minimize the potential loss of life and property during periods of FLOODINGflooding by regulating the alteration and/or the DEVELOPMENTdevelopment of those AREAS OF SPECIAL FLOOD HAZARDareas of special flood hazard identified by FEMA. The following regulations shall apply to all lands designated as AREAS OF SPECIAL FLOOD HAZARDareas of special flood hazard by FEMA in its "Flood Insurance Study for the County of Strafford, N.H."New Hampshire, dated September 30, 2015, together with the following associated FLOOD INSURANCE RATE MAPFlood Insurance Rate Map panel numbers for the City of Dover: 33017CO218E, 33017CO302E, 33017CO305E, 33017CO310E, 33017CO320E, 33017CO330E, 33017CO340E, and 33017CO0405E, dated September 30, 2015, which are declared to be a part of this chapter and are hereby incorporated by reference. The Flood Insurance Study is on file at the Department of Planning and Community Development.

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~~33017CO0405E, dated September 30, 2015, which are declared to be a part of Chapter 170 and are hereby incorporated by reference. The FLOOD INSURANCE STUDY is on file at the Department of Planning and Community Development.~~

~~D. Definitions. [Amended on 4-18-90 by Ord. No. 3-90]~~

D. As used in this ~~Section~~section, the following terms mean:

AREA OF SHALLOW FLOODING ~~means a~~ A designated AO ~~zone~~Zone on the FIRM with a one- percent ~~(1%)~~ or greater annual possibility of ~~FLOODING~~flooding to an average depth of one ~~(1)~~ to three ~~(3)~~ feet where a clearly defined channel does not exist, where the path of ~~FLOODING~~flooding is unpredictable and where velocity flow may be evident. Such ~~FLOODING~~flooding is characterized by ponding or sheet- flow.

AREA OF SPECIAL FLOOD HAZARD ~~means the~~ The land in the ~~FLOODPLAIN~~floodplain within the City of Dover subject to a one- percent ~~(1%)~~ or greater annual possibility of ~~FLOODING~~flooding in any given year. The area is designated on the FIRM as Zones A, AO, and AE. ~~[Amended on 04-20-2005 by Ord. No. 13-2005]~~

9. Editor's Note: See 42 U.S.C. § 4001 et seq.

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BASE FLOOD ~~means the FLOOD~~ — The flood having a one-~~-~~percent ~~(1%)~~ chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION ~~means the WATER SURFACE ELEVATION~~ — The water surface elevation having

a one-~~-~~percent ~~(1%)~~ chance of being equaled or exceeded in any given year~~,~~ as defined on ~~flood insurance rate map (FIRM) currently in effect and~~ the Flood Insurance Rate Map (FIRM) currently in effect and the Flood Insurance Study (FIS) report. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

BASEMENT ~~means any~~ — Any area of a ~~BUILDING~~building having its floor subgrade on all sides.

BUILDING ~~means "STRUCTURE"~~ — "Structure" as defined in this subsection.

~~Critical facilities means facilities~~CRITICAL FACILITIES — Facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, and water supply and waste treatment facilities. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

DEVELOPMENT ~~means any~~ — Any man-made change to improved or unimproved real estate, including but not limited to ~~BUILDINGS~~buildings or other ~~STRUCTURES~~structures, mining, dredging, filling, grading, paving, ~~EXCAVATION~~excavation or drilling operations or storage of equipment or materials.

FEMA ~~means~~ — Federal Emergency Management Agency.

FLOOD or FLOODING ~~means a~~ — A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) ~~means an~~ — An official map incorporated within ~~Chapter 170~~this chapter on which FEMA has delineated both the ~~AREAs OF SPECIAL FLOOD HAZARD~~areas of special flood hazard and the risk premium zones that are applicable to the City of Dover.

FLOOD INSURANCE STUDY (FIS) ~~means an~~ — An examination, evaluation and determination of ~~FLOOD~~flood hazards and, if appropriate, corresponding ~~WATER SURFACE ELEVATIONS~~water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or ~~FLOOD~~-flood-related erosion hazards.

FLOODPLAIN ~~means any~~ — Any land area which is susceptible to being inundated by water from any source. (See definition of ~~FLOODING.~~)"flooding.")

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~~FLOOD PROOFING~~FLOODPROOFING or ~~FLOOD PROOFED means any~~FLOODPROOFED — Any combination of structural and ~~non-structural~~nonstructural additions, changes, or adjustments to ~~STRUCTUREs~~structures which reduce or eliminate ~~FLOOD~~flood damage to real estate or improved real property, water and sanitation facilities, ~~STRUCTUREs~~structures and their contents.

~~Freeboard means an~~FREEBOARD — An additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

HIGHEST ADJACENT GRADE ~~means the~~ — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a ~~STRUCTURE~~structure.

HISTORIC STRUCTURE ~~means any STRUCTURE~~ — Any structure that is listed individually in the National Register of Historic Places (maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for~

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individual listing on the National Register; certified or preliminarily determined by the Secretary as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or individually listed on a local inventory of historic places,

provided the local historic preservation program has been certified by either the appropriate state or federal program.

LOWEST FLOOR ~~means the LOWEST FLOOR~~ — The lowest floor of the lowest enclosed area (including ~~BASEMENT~~basement). An unfinished or ~~FLOOD-~~flood-resistant enclosure, usable solely for parking of vehicles, ~~BUILDING~~building access or storage in an area other than a ~~BASEMENT~~basement area is not considered a ~~BUILDING's LOWEST FLOOR~~building's lowest floor, provided that such an enclosure is not built so as to render the ~~STRUCTURE~~structure in ~~VIOLATION~~violation of the applicable ~~non-elevation~~nonelevation design requirements set forth herein. ~~[Amended on 4-18-90 by Ord. No. 3-90]~~

MANUFACTURED HOME ~~means a STRUCTURE~~ — A structure, transportable in one ~~(1)~~ or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

~~MANUFACTURED HOME~~ "Manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site greater than ~~one hundred eighty (~~180~~)~~ days. This includes ~~MANUFACTURED HOMEs~~manufactured homes located in a ~~MANUFACTURED HOME PARK~~manufactured home park or ~~MANUFACTURED HOME SUBDIVISION~~manufactured home subdivision.

MANUFACTURED HOME PARK or MANUFACTURED ~~PARK~~ HOME SUBDIVISION ~~means a~~ —

A parcel or ~~CONTIGUOUS~~contiguous parcels of land divided into two ~~(2)~~ or more ~~MANUFACTURED HOME LOTs~~manufactured home lots for rent or sale.

MEAN SEA LEVEL ~~means the~~ — The National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which ~~BASE FLOOD ELEVATIONs~~base flood elevations shown on a community's ~~FLOOD INSURANCE RATE MAP~~Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION ~~means STRUCTUREs~~ — Structures for which the ~~START OF CONSTRUCTION~~start of construction commenced on or after April 9, 1980, and includes any subsequent improvements to such ~~STRUCTUREs~~structures.

RECREATIONAL VEHICLE ~~means a~~ — A vehicle which is built on a single chassis; ~~four hundred (~~400~~)~~ square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling, but as temporary living quarters

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for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY ~~means the~~ — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the ~~BASE FLOOD~~base flood without increasing the ~~WATER SURFACE ELEVATION~~water surface elevation more than a designated height.

RIVERINE ~~means relating~~ — Relating to, formed by, or resembling a river, including tributaries, stream, brook, etc.

START OF CONSTRUCTION ~~means the~~ — The date the ~~BUILDING~~building permit was issued, provided the actual ~~START OF CONSTRUCTION~~start of construction, repair, reconstruction, placement, or other improvement was within ~~one hundred eighty (~~180~~)~~ days of the permit date.

~~START OF CONSTRUCTION~~ "Start of construction" includes ~~SUBSTANTIAL IMPROVEMENTs.~~substantial improvements. The actual start means either the first placement of permanent construction of a ~~STRUCTURE~~structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of ~~EXCAVATION;~~excavation or the placement of ~~MANUFACTURED HOME~~manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the-

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installation of ~~STREETS~~streets and/or walkways; nor does it include ~~EXCAVATION~~excavation for a ~~BASEMENT~~basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory ~~BUILDINGS~~buildings, such as garages or sheds not occupied as ~~DWELLING UNITS~~dwelling units or part of the main ~~STRUCTURE. [Added 4-18-90 by Ord. No. 3-90]~~structure.

STRUCTURE ~~means a~~ — A walled and roofed ~~BUILDING~~building, including a gas or liquid storage tank that is principally above ground, as well as a ~~MANUFACTURED HOME~~manufactured home.

SUBSTANTIAL DAMAGE ~~means damage~~ — Damage of any origin sustained by a ~~STRUCTURE~~structure whereby the cost of restoring the ~~STRUCTURE~~structure to ~~it's~~its before ~~-~~damaged condition would equal or exceed ~~fifty percent (~~50%~~)~~% of the market value of the ~~STRUCTURE~~structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT or SUBSTANTIALLY IMPROVED ~~means~~ — Any reconstruction, rehabilitation, or other improvement to a ~~STRUCTURE~~structure, taking place during a five~~-~~year period, in which the cumulative cost equals or exceeds 50 ~~percent~~% of market value of the ~~STRUCTURE~~structure before the ~~"~~start of construction", of the improvement. The period of accumulation begins when the first improvement of the structure is permitted subsequent to September 1, 2021. This term includes ~~STRUCTURES~~structures that have incurred ~~SUBSTANTIAL DAMAGE~~substantial damage, regardless of actual repair work performed. The term does not, however, include either: **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~A.~~(1) Any project for improvement of a ~~STRUCTURE~~structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the Building Official, and which are the minimum necessary to assure safe living conditions; or

~~B.~~(2) Any alteration of a ~~STRUCTURE~~structure listed on the National Register of Historic Places or a ~~State Inventory~~state inventory of ~~Historic Places~~historic places, provided that the alteration will not preclude the ~~STRUCTURE's~~structure's continued designation as ~~a HISTORIC STRUCTURE~~an historic structure.

~~Unsuitable development area means the~~UNSUITABLE DEVELOPMENT AREA — The area of a site that includes wetlands, water bodies, slopes exceeding a grade of 20% and totaling more than 2,000 square feet of contiguous area, land used for septic systems, floodways, and floodway fringe within the 100-year floodplain as shown on the latest FEMA maps accepted by the City, and public utility easements. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

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VIOLATION ~~means the~~ The failure of a ~~STRUCTURE~~structure or other ~~DEVELOPMENT~~development to be fully compliant with this ~~Section~~section. A ~~STRUCTURE~~structure or other ~~DEVELOPMENT~~development without an elevation certificate, other certifications, or other evidence of compliance required herein is presumed to be in ~~VIOLATION~~violation until such time as that documentation is provided.

WATER SURFACE ELEVATION ~~means the~~ The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, ~~(~~or other datum, where specified~~)~~, of ~~FLOODS~~floods of various magnitudes and frequencies in the ~~FLOODPLAINS~~floodplains.

~~E. DEVELOPMENT Review. [Amended on 10-14-2009 by Ord. No. 2009.09.23-21]~~

E. Development review.

(1) All proposed ~~DEVELOPMENT~~development in any ~~AREA OF SPECIAL FLOOD HAZARD~~area of special flood hazard shall require a permit. Prior to the issuance of a ~~BUILDING~~building permit by the Building Official, whether for ~~NEW CONSTRUCTION (MANUFACTURED HOMES~~new construction (manufactured homes included) or the ~~SUBSTANTIAL IMPROVEMENT~~substantial improvement thereon, the Department of Planning and Community Development-

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~~(1)~~ shall determine whether said project site is located in an ~~AREA OF SPECIAL FLOOD HAZARD~~area of special flood hazard. If said project site is so located, wholly or in part, in an ~~AREA OF SPECIAL FLOOD HAZARD~~area of special flood hazard, then compliance with the rules and regulations contained herein shall be required.

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(2) Prior to the granting of subdivision approval, the Zoning Administrator shall determine whether the property is located within an ~~AREA OF SPECIAL FLOOD HAZARD~~area of special flood hazard, and, if so situated, compliance with the rules and regulations contained herein shall be required.

(3) Prior to the granting of site review approval, the Zoning Administrator shall determine whether said site is located within an ~~AREA OF SPECIAL FLOOD HAZARD~~area of special flood hazard, and, if so situated, compliance with the rules and regulations contained herein shall be required.

(4) Duties and responsibilities of the Zoning Administrator concerning development review shall include, but are not limited to: **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) Ensure compliance with the rules and regulations contained herein.

(b) Ensure prior to any alteration or relocation of a watercourse that the required submittal and notification requirements in this ~~Ordinance~~section are met.

(c) Ensure the administrative and enforcement procedures detailed in RSA 676 are followed for any violations of this ~~Ordinance~~section.

~~(5)~~ For all development in an ~~areas~~area of special flood area that proposes to improve an existing structure, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, repairs of damage from any origin (such as, but not limited to, flood, fire, wind or snow) and any other improvement of or work on such structure, including within its existing footprint, the Zoning Administrator shall consult with the Building Official who shall determine if the proposed work constitutes substantial improvement or repair of substantial damage as defined herein. This determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "~~"~~substantial improvement~~.~~

(5) ." If the applicant disagrees with the Building ~~Official's~~Official's substantial improvement or repair of substantial damage determination, it may appeal said determination to the Zoning Board of Adjustment per § 170-~~52 D.~~ 59D. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

~~F.~~ Required ~~Data.~~

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F. data. Applications for ~~DEVELOPMENT~~development shall include the following:

(1) Plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed ~~STRUCTURES~~structures; fill, storage of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required where appropriate:

(a) A certified FEMA ~~Elevation Certificate~~elevation certificate with as-built elevation data in relation to ~~MEAN SEA LEVEL,~~mean sea level of the ~~LOWEST FLOOR~~lowest floor, including ~~BASEMENT~~basement, and including whether or not such ~~STRUCTURES~~structures contain a ~~BASEMENT~~basement.

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(b) Elevation, in relation to ~~MEAN SEA LEVEL~~mean sea level, to which any ~~STRUCTURE~~structure has been ~~FLOOD-PROOFED~~floodproofed.

(c) Certification by a registered engineer or architect that the ~~FLOOD-PROOFING~~floodproofing methods for any nonresidential ~~STRUCTURE~~structure meet the ~~FLOOD-PROOFING~~floodproofing criteria in ~~subsection L~~Subsection K(2).

(2) Permit review. The Department of Planning and Community Development shall:

(a) Review all ~~DEVELOPMENT~~development permits to determine that the requirements of this ~~Section~~section have been satisfied.

(b) Review all ~~DEVELOPMENT~~development permits to determine that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act ~~Amendments of 1972, 33~~, Amendments of 1972, 33 U.S.C. § 1334. It shall be the responsibility of the applicant to certify these assurances to the Department of Planning and Community Development.

~~U.S.C. 1334. It shall be the responsibility of the APPLICANT to certify these assurances to the Department of Planning and Community Development.~~

(c) The Department of Planning and Community Development shall review all ~~DEVELOPMENT~~development permits to determine if the proposed ~~DEVELOPMENT~~development adversely affects the ~~FLOOD~~flood-carrying capacity of the ~~AREAs OF SPECIAL FLOOD HAZARD~~areas of special flood hazard. For purposes of this ~~Section~~section, "adversely affects" means that the cumulative effect of the proposed ~~DEVELOPMENT~~development, when combined with all other existing and anticipated ~~DEVELOPMENT~~development, will not increase the ~~BASE FLOOD ELEVATION~~base flood elevation more than one ~~(1)~~ foot at any point within the City of Dover.

G. Information to be ~~Obtained and Maintained. [Amended on 04-20-2005 by Ord. No. 13-2005]~~obtained and maintained.

(1) The Department of Planning and Community Development shall maintain and record for public inspection the certification of ~~FLOOD-PROOFING~~floodproofing required in Subsection K(2) and a certified FEMA

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~~Elevation Certificate~~elevation certificate with the as-built elevation, in relation to ~~MEAN SEA LEVEL~~mean sea level, of the ~~LOWEST FLOOR~~lowest floor, including the ~~BASEMENT~~basement, of all new or ~~SUBSTANTIALLY IMPROVED STRUCTURESs~~substantially improved structures and shall include whether or not such ~~STRUCTURESs~~structures contain a ~~BASEMENT~~basement and, if the ~~STRUCTURE~~structure has been ~~FLOOD PROOFED~~floodproofed, the as-built elevation, in relation to ~~MEAN SEA LEVEL~~mean sea level, to which the ~~STRUCTURE~~structure was ~~FLOOD PROOFED.~~floodproofed. This information must be furnished by the ~~APPLICANT~~applicant.

(2) In ~~AREAs~~areas of ~~SPECIAL FLOOD HAZARD~~special flood hazard, the Department of Planning and Community Development shall determine the ~~BASE FLOOD ELEVATION~~base flood elevation in the following order of precedence according to the data available:

(a) In Zone AE, refer to the elevation data provided in the ~~community's FLOOD INSURANCE STUDY~~community's Flood Insurance Study and accompanying FIRM. ~~[Amended 04-20-2005 by Ord. No. 13-2005]~~

(b) In Zone A, the Building Official shall obtain, review and reasonably utilize any ~~BASE FLOOD ELEVATION~~base flood elevation data available from any federal, state or other source, including data submitted for ~~DEVELOPMENT~~development proposals (i.e., subdivisions, site review plans, etc.) to the community.

(c) In Zone A, where the ~~BASE FLOOD ELEVATION~~base flood elevation is not available, the ~~BASE FLOOD ELEVATION~~base flood elevation shall be at least two ~~(2)~~ feet above the ~~HIGHEST ADJACENT GRADE~~highest adjacent grade.

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(d) In Zone AO, the BASE FLOOD ELEVATION base flood elevation is determined by adding the elevation of the HIGHEST ADJACENT GRADE highest adjacent grade to the depth number specified on the FIRM or, if no depth number is specified on the FIRM, at least two (2) feet.

(3) The Department of Planning and Community Development shall maintain for public inspection all records pertaining to the provisions of this Section article.

H. Alteration of Watercourses watercourses.

(1) In RIVERINE riverine situations, prior to the alteration or relocation of a watercourse, the APPLICANT applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the PLANNING BOARD Planning Board in the form of a Conditional Use Permit conditional use permit application, in addition to the copies required by RSA 482-A:3. Further, the APPLICANT applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Department of Planning and Community Development, including notice of all scheduled hearings before the Wetlands Bureau, and notice of scheduled hearings before the Planning Board for Conditional Use Permits conditional use permits as required by Section § 170-27, Conservation District & Section 170-27.1, Wetland Protection District., and

§ 170-28, Wetland Protection District.

(2) The APPLICANT applicant shall submit to the PLANNING BOARD Planning Board, in the form of a Conditional Use Permit conditional use permit application, certification provided by a professional engineer assuring that the FLOOD flood-carrying capacity of an ALTERed altered or relocated watercourse can and will be maintained.

I. Interpretation of Boundaries boundaries.

(1) The Department of Planning and Community Development shall make interpretations, where needed, as to the exact location of the boundaries of the AREA OF SPECIAL FLOOD HAZARD area of special flood hazard in a construction proposal; for example, where there appears to be a conflict between a mapped boundary and actual field conditions. To assist in this determination, the APPLICANT applicant may be required to submit an accurate site plan showing FLOODING flooding relationships, including elevations.

(2) To determine accurately if a STRUCTURE structure is located in an AREA OF SPECIAL FLOOD HAZARD area of special flood hazard, the owner or

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~~APPLICANT~~applicant may hire a licensed land surveyor or certified engineer to measure the distance from a physical feature on the FIRM to the ~~STRUCTURE's~~structure's location.

(3) The ~~STRUCTURE~~structure is considered borderline if it is located within ~~one hundred (~~100~~)~~ feet of a boundary. A certified engineer shall compare the ~~BASE FLOOD ELEVATION~~base flood elevation and the lowest ground elevation at the borderline ~~STRUCTURE's~~structure's location to determine if the ~~STRUCTURE~~structure is in or out of the ~~AREA OF SPECIAL FLOOD HAZARD.~~area of special flood hazard. If the engineer certifies the ~~STRUCTURE~~structure as out of the ~~AREA OF SPECIAL FLOOD HAZARD~~area of special flood hazard, but the Planning and Community Development Department or Community Services ~~Departments have~~Department has historic or other data that confirms the property is prone to ~~FLOODING~~flooding, the ~~Department of~~ Planning and Community Development Department may request a ~~Letter~~letter of ~~Map Amendment~~map amendment (LOMA) from FEMA.

~~J. General Standards.~~

J. standards. In all ~~AREAs OF SPECIAL FLOOD HAZARD,~~areas of special flood hazard, the following standards are required:

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§ 170-25 § 170-25

(1) Anchoring.

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~~(a)~~ All ~~NEW CONSTRUCTION~~new construction and ~~SUBSTANTIAL IMPROVEMENTS~~

(a) substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the ~~STRUCTURE~~structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

~~(b)~~ All ~~MANUFACTURED HOMEs~~manufactured homes to be placed or ~~SUBSTANTIALLY IMPROVED~~substantially improved within ~~AREAs OF SPECIAL FLOOD HAZARD~~areas of special flood hazard shall be elevated on a permanent foundation, such that the ~~LOWEST FLOOR~~lowest floor of the ~~MANUFACTURED HOME~~manufactured home is at least two ~~(2)~~ feet above the ~~BASE~~

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(b) ~~FLOOD ELEVATION~~base flood elevation, and shall be securely anchored to resist flotation, collapse or lateral movement by providing over-the-top or frame ties to ground anchors. Specific requirements shall be that:

~~(1)~~ [1] Over-the-top ties shall be provided at each of the four ~~(4)~~ corners of the ~~MANUFACTURED HOME~~manufactured home, with two ~~(2)~~ additional ties per side at intermediate locations, with ~~MANUFACTURED HOMEs~~manufactured homes less than ~~fifty~~ ~~(~~50~~)~~ feet long requiring one ~~(1)~~ additional tie per side, or~~;~~

~~Frame~~ frame ties shall be provided at each corner of the home, with five ~~(5)~~ additional ties per side at intermediate points, with ~~MANUFACTURED HOMEs~~manufactured homes less than ~~fifty (~~50~~)~~ feet long requiring four ~~(4)~~ additional ties per side.

~~(2)~~ [2] All components of the anchoring system shall be capable of carrying a force of ~~four thousand eight hundred (~~4,800~~)~~ pounds.

~~(3)~~ [3] Any additions to the ~~MANUFACTURED HOME~~manufactured home shall be similarly anchored.

(2) Construction materials and methods.

~~(a)~~ All ~~NEW CONSTRUCTION~~new construction and ~~SUBSTANTIAL IMPROVEMENTs~~

(a) substantial improvements shall be constructed with materials resistant to ~~FLOOD~~flood damage.

~~(b)~~ All ~~NEW CONSTRUCTION~~new construction and ~~SUBSTANTIAL IMPROVEMENTs~~

(b) substantial improvements shall be constructed using methods and practices that minimize ~~FLOOD~~flood damage.

~~(c)~~ All ~~NEW CONSTRUCTION~~new construction and ~~SUBSTANTIAL IMPROVEMENTs~~

(c) substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are elevated at least ~~2~~two feet above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of ~~FLOODING.~~flooding. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(3) Utilities and ~~Storage~~storage. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~(a)~~ The ~~APPLICANT~~applicant shall provide the Department of Planning

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and Community Development with assurance that all new and replacement

(a) water supply systems, including on-site systems, shall be designed to minimize or eliminate infiltration of ~~FLOOD waters~~floodwaters into the system.

(b) The ~~APPLICANT~~applicant shall provide the Department of Planning and Community Development with assurance that new and replacement sanitary sewerage systems, including on-site systems, shall be designed to minimize or ~~eliminate infiltration of FLOOD waters into the systems and discharge from the systems into the FLOOD waters.~~

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eliminate infiltration of floodwaters into the systems and discharge from the systems into the floodwaters.

(c) The APPLICANTapplicant shall provide the Department of Planning and Community Development with assurance that on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during FLOODINGflooding.

(d) The storage of hazardous materials is prohibited.

(4) Subdivision proposals.

(a) All subdivision proposals shall be consistent with the need to minimize FLOODflood damage.

(b) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize FLOODflood damage.

(c) All subdivision proposals shall include adequate drainage paths to guide FLOOD watersfloodwaters around and away from the proposed STRUCTUREsstructures and to reduce exposure to FLOODflood damage.

(d) BASE FLOOD ELEVATIONBase flood elevation data shall be provided for subdivision proposals and other proposed DEVELOPMENTdevelopment which contains at least fifty (50) LOTslots or five (5) acres, whichever is less.

(5) Specific provisions on unsuitable development areas which includesinclude floodplains are referenced in and consistent with Dover Code Chapter 157, Land Subdivision Regulations ((§§ 157-21, 157-22, and 157-60)), and the Dover Zoning Chapter 170, Zoning (§§ 170-6, 170-27.2, (e) 29, and 170-28.2).32). **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

K. Specific Standards.

standards. In all AREAs OF SPECIAL FLOOD HAZARDareas of special flood hazard where BASE FLOOD

K. ELEVATIONbase flood elevation data has been established per Subsection G.((2), the following provisions are required:

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(1) Residential construction, ~~NEW CONSTRUCTION~~new construction and ~~SUBSTANTIAL IMPROVEMENT~~substantial improvement of any residential ~~STRUCTURE~~structure shall have the ~~LOWEST FLOOR~~lowest floor, including the ~~BASEMENT~~basement, elevated to at least two ~~(2)~~ feet above ~~BASE FLOOD ELEVATION~~base flood elevation.

~~(2)~~ All ~~NEW CONSTRUCTION~~new construction or ~~SUBSTANTIAL IMPROVEMENTs of~~

(2) substantial improvements of nonresidential ~~STRUCTUREs~~ structures shall have the ~~LOWEST FLOOR~~lowest floor, including ~~BASEMENT~~basement, elevated to at least two ~~(2)~~ feet above the ~~BASE FLOOD ELEVATION;~~base flood elevation or, together with attendant utility and sanitary facilities, shall:

(a) Be ~~FLOOD PROOFED~~floodproofed so that below the ~~BASE FLOOD ELEVATION~~base flood elevation the ~~STRUCTURE~~structure is watertight at least two ~~(2)~~ feet above the ~~BASE FLOOD ELEVATION~~base flood elevation with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

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(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Sectionsection.

(3) MANUFACTURED HOMEs

(3) MANUFACTURED HOMEsManufactured homes.

(a) Manufactured homes shall be anchored in accordance with Subsection J.((1)(b). **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(b) For new MANUFACTURED HOME PARKmanufactured home parks and MANUFACTURED HOME SUBDIVISIONSmanufactured home subdivisions; for expansions to existing MANUFACTURED HOME PARKsmanufactured home parks and MANUFACTURED HOME

(b) SUBDIVISIONSmanufactured home subdivisions; for existing MANUFACTURED HOME PARKSmanufactured home parks and MANUFACTURED HOME SUBDIVISIONSmanufactured home subdivisions where the repair, reconstruction or improvement of the STREETSstreets, utilities and pads equals or exceeds fifty percent (50%)% of the value of the STREETSstreets, utilities and pads before the repair, reconstruction or improvement has commenced; and for MANUFACTURED HOMEsmanufactured homes not placed in a MANUFACTURED PARK manufactured park or MANUFACTURED HOME SUBDIVISIONmanufactured home subdivision:

(i) [1] Stands or LOTslots are elevated on compacted fill or on pilings so that the LOWEST FLOORlowest floor of the MANUFACTURED HOMEmanufactured home will be at least two (2) feet above the BASE FLOODbase flood level.

(ii) [2] Adequate surface drainage and access for a hauler are provided.

(iii) [3] In the instance of elevation on pilings, LOTslots are large enough to permit steps; piling foundations are placed in stable soil no more than ten (10) feet apart and reinforcement is provided for pilings more than six (6) feet above the ground level.

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(c) ~~RECREATIONAL VEHICLES~~Recreational vehicles placed on sites within areas of special flood hazard shall either: **[Amended ~~on 04-20-2005~~10-13-2021 by Ord. No. ~~13-2005~~2021.09.08-006]**

~~(i)~~ [1] Be on the site for fewer than ~~one hundred eighty (~~180~~)~~ days;

~~(ii)~~ [2] Be fully licensed and ready for highway use; or

~~(iii)~~ [3] Meet all standards of Subsection E.~~((~~1.~~)~~. (2) and (3) and the elevation and anchoring requirements for ~~MANUFACTURED HOMES~~manufactured homes in ~~Subsections~~Subsection K.~~((~~3)(a) and ~~K.(3)((~~b).

~~(4)~~ For all ~~NEW CONSTRUCTION~~new construction and ~~SUBSTANTIAL IMPROVEMENTS,~~

(4) substantial improvements, fully enclosed areas below the ~~LOWEST FLOOR~~lowest floor that are subject to ~~FLOODING~~flooding are permitted, provided that the enclosed areas meet the following requirements:

(a) The enclosed area is unfinished or ~~FLOOD~~ flood-resistant, usable solely for parking of vehicles, ~~BUILDING~~building access or storage.

(b) The area is not a ~~BASEMENT~~basement.

(c) The area shall be designed to automatically equalize hydrostatic ~~FLOOD~~flood forces on exterior walls by allowing for the entry and exit of ~~FLOOD waters~~floodwaters. Designs for meeting this requirement must either be certified by a professional engineer or architect or must meet or exceed the following minimum criteria:

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~~(i)~~ [1] A minimum of two ~~(2)~~ openings having a total net area of not less than one ~~(1)~~ square inch for every square foot of enclosed area subject to ~~FLOODING~~flooding shall be provided.

~~(ii)~~ [2] The bottom of all openings shall be no higher than one ~~(1)~~ foot above grade.

~~(iii)~~ [3] Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of ~~FLOOD-waters~~floodwaters.

(5) Proposed ~~STRUCTURES~~structures to be located on ~~SLOPES~~slopes within Zone AO shall include adequate drainage paths to guide ~~FLOOD-waters~~floodwaters around and away from the proposed ~~STRUCTURES~~structures.

(6) Accessory structures. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) New construction and substantial improvement of any accessory structures with finished or habitable space shall follow the same requirements as the principal structure as specified in ~~Sections~~Subsections J and K.

(b) Any new construction and substantial improvement of any accessory structures without finished or habitable space shall not be used for the storage of hazardous materials.

(c) It is recommended that any new construction and substantial improvement of any accessory structures without finished or habitable space meet the following standards:

~~(i)~~ [1] The structure is not located in the floodway;

~~(ii)~~ [2] The structure is wet ~~flood-proofed~~floodproofed and designed to allow for the automatic entry and exit of ~~flood-water~~floodwater as detailed in ~~Section~~Subsection K-(4)(c);

~~(iii)~~ [3] When possible, the structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than the primary structure; and

~~(iv)~~ [4] Service facilities such as electrical, mechanical and heating equipment shall be elevated or dry ~~flood-proofed~~floodproofed to or above the base flood elevation.

(7) All new residential structures or residential developments and all new ~~non-residential~~nonresidential structures and ~~non-residential~~nonresidential developments shall have all driveways and/or all road access or streets constructed

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with the driving surface at or above base flood elevation to ensure safe ingress and egress during a 100-year flood. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(8) Critical facilities. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) All new critical facilities are prohibited within areas of special flood hazard.

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(b) Critical facilities that are to be replaced, substantially improved or meet the definition of "substantial damage", shall be constructed so that the lowest floor, including basement, shall be elevated or dry~~-flood proofed~~ floodproofed at least two~~-(2)~~ feet above the areas of special flood hazard. A critical facility shall have at least one access road connected to land outside the areas of special flood hazard and is capable of accommodating emergency services vehicles. The top of the access road shall be no lower than six inches below the base flood elevation of the area of special flood hazard.

~~L. REGULATORY FLOODWAYS.~~

L. Regulatory floodways. Located within ~~AREAs OF SPECIAL FLOOD HAZARD~~areas of special flood hazard established in Subsections C and I are areas designated as ~~REGULATORY FLOODWAYS.~~regulatory floodways. Since the ~~REGULATORY FLOODWAY~~regulatory floodway is an extremely hazardous area due to the velocity of ~~FLOOD waters~~floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

~~(1)~~ Along watercourses that have a designated ~~REGULATORY FLOODWAY~~regulatory floodway, no encroachments, including fill, ~~NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS~~new construction, substantial improvements or other

(1) ~~DEVELOPMENT~~ development, are allowed within the designated ~~REGULATORY FLOODWAY~~regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in ~~FLOOD~~flood levels within the community during the ~~BASE FLOOD~~base flood discharge. In Zone A, the Department of Planning and Community Development shall obtain, review and reasonably utilize any ~~REGULATORY FLOODWAY~~regulatory floodway data available from a federal, state or other source as criteria for requiring that ~~DEVELOPMENT~~development meet the ~~REGULATORY FLOODWAY~~regulatory floodway requirements of this ~~Subsection~~subsection.

(2) Along watercourses that have not had a ~~REGULATORY FLOODWAY~~regulatory floodway designated, ~~on NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS~~no new construction, substantial improvements or other ~~DEVELOPMENT~~development (including fill), shall be permitted within Zone AE, unless it is demonstrated that the cumulative effect of the proposed ~~DEVELOPMENT~~development, when combined with all other existing and anticipated ~~DEVELOPMENT~~development, will not increase the ~~WATER SURFACE ELEVATION~~water surface elevation of the ~~BASE FLOOD~~base flood more than one ~~(1)~~ foot at any point within the community. ~~[Amended on 04-20-2005 by Ord. No. 13-2005]~~

(3) If Subsection L(1) is satisfied, all ~~NEW CONSTRUCTION~~new construction and ~~SUBSTANTIAL IMPROVEMENTS~~substantial improvements shall comply with all applicable ~~FLOOD~~flood hazard reduction provisions set forth herein.

M. Variances and ~~Appeals~~appeals.

(1) Any order, requirement, decision or determination of any official of the Department of Planning and Community Development made under this ~~Section~~section may be appealed to the ~~ZONING BOARD~~Zoning Board of ~~ADJUSTMENT~~Adjustment as set forth in RSA 676:5.

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(2) If the ~~APPLICANT~~applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the ~~APPLICANT~~applicant shall have the burden of showing, in addition to the usual variance standards under ~~NH~~New Hampshire statute, that:

(a) ~~That the~~The variance will not result in increased ~~FLOOD~~flood heights, additional threats to public safety, or extraordinary public expense.

(b) ~~That if~~If the requested variance is for activity within a designated ~~REGULATORY FLOODWAY~~regulatory floodway, no increase in ~~FLOOD~~flood levels during the ~~BASE FLOOD~~base flood discharge will result.

~~That the~~

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(c) The variance is the minimum necessary, considering the ~~FLOOD~~flood hazard, to afford relief.

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(3) The ~~ZONING BOARD~~Zoning Board of ~~ADJUSTMENT~~Adjustment shall notify the ~~APPLICANT~~applicant in writing that~~: (i)~~ the issuance of a variance to construct below the ~~BASE FLOOD~~base flood level will result in increased premium rates for ~~FLOOD~~flood insurance up to amounts as high as ~~twenty-five ($25.00) dollars~~$25 for ~~one hundred ($~~ ~~(3)~~ $100~~.00) dollars~~ of insurance coverage, and ~~(ii)~~ such construction below the base level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

(4) The Department of Planning and Community Development shall:

(a) Maintain a record of all variance actions, including ~~their~~the justification for their issuance~~;~~, and~~;~~

(b) Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

ARTICLE VIII

~~OVERRIDING DISTRICTS~~

Overriding Districts

§ 170-26. Additional ~~Regulations~~regulations.

All overriding districts shall be superimposed upon other zoning districts established in this ~~Chapter~~chapter. The regulations stipulated by the overriding districts shall be in addition to the regulations of the underlying zoning districts and other applicable ~~city~~City ordinances.

§ 170-27. Conservation District. [Amended ~~on 5-13-87 by Ord. No. 11-87; Amended on 9-14-88 by Ord. No. 15-88; Amended on 08-01-90 by Ord. No. 8-90; Amended on 02-17-99 by Ord. No. 25-98; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 06~~6-22-2016 by Ord. No. 2016.06.08-010~~; Amended on 08-22-2018 by Ord. No. 2018.08.08-009, Amended on 07-22-2020 by Ord. No. 2020.07.08.006., Amended on~~ ~~08-09-2024 by Ord. No. 2023.07.12-008~~]

A. Purpose. In the interest of environmental quality, public health, resource conservation and the general welfare of the public, the regulations of this district are designed to guide development activities in areas with extended periods of high-water table, with susceptibility to flooding and with unique or fragile geologic, ecological or nature features as follows:

(1) To prevent the development of ~~STRUCTURES~~structures and land uses on naturally occurring wetlands and flood-prone areas which would contribute to pollution of surface ~~and ground~~ water and groundwater by sewage or other contaminants.

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(2) To prevent the destruction of natural wetlands or aquifer areas which provide ~~critical functions and values including but not limited to:~~ flood protection, ~~habitat for wildlife dependent on wetlands, enhance water quality (nutrient trapping/retention/transformation and sediment trapping), protect ecological integrity,~~ recharge of groundwater supply and augmentation of stream flow during dry periods.

(3) To prevent unnecessary or excessive expenses to the ~~city~~City to provide and maintain essential services and utilities which arise because of inharmonious use of wetlands and other environmentally sensitive areas.

(4) To encourage those uses that can be most appropriately and safely located in wetland and other environmentally sensitive areas.

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(5) To preserve existing natural drainage systems and the vegetation and wildlife habitats therein.

(6) To preserve wetlands and other environmentally sensitive areas for other ecological reasons, inter alia, those cited in RSA 483-B.

(7) To preserve and enhance those aesthetic values associated with waterways and the natural shoreline.

(8) To protect public health and safety by minimizing hazards, including soil erosion, storm waterstormwater runoff, SLOPEslope instability risks, and environmental degradation, associated with development on steep and/or unstable SLOPEsslopes.

B. Location. The Conservation District is hereby determined to consist of the following:

(1) Those areas within a minimum of one hundred (100) feet of the reference line (as defined in RSA 483-B:4, XVII) of any water body, river, stream, swamp or marsh subject to tidal action and those areas within a minimum of one hundred (100) feet of the reference line (as defined in RSA 483-B:4, XVII) of any freshwater river or natural pond.

(2) Those areas within a minimum of fifty (50) feet of the reference line (as defined in RSA 483-B:4, XVII) of any stream, brook or other freshwater body.

(3) Those areas owned by and situated in the City of Dover and known as LOTS:lots Map 28, LOTLot 32; Map D, LOTLot 1; Map C, LOTSLots 5, 7 and 12; Map H, LOTSLots 58 and 63; Map 40, Lots 10A, 13, and 17; Map F, Lots 14 and 42; Map A, Lot 29A-1; and Map 37, Lot 40.

and 63; Map 40, LOTS 10A, 13, and 17; Map F, LOTS 14 and 42; Map A, LOT
29A-1; and Map 37, LOT 40.

(4) Those areas with SLOPEsslopes in excess of twenty percent (20%), (% [e.g., four (4) feet vertical in twenty (20) footfeet horizontal distance) and totaling more than two thousand (2,000) square feet of CONTIGUOUScontiguous area.

C. Conditional Use Permitsuse permits. Conditional Use Permitsuse permits may be granted by the PLANNING BOARDPlanning Board for the following uses within the Conservation District:

(1) STREETsStreets, roads and other access-waysaccessways and utility rights-of-

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way, communications equipment, and easements, including power lines and ~~pipe lines~~pipelines, if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands or other environmentally sensitive areas, where it is physically impossible to locate such ways over land not so zoned. Economic advantage alone shall not be deemed a sufficient reason for such a routing.

(2) The undertaking of a use not otherwise permitted in the Conservation District, which may include the erection of a ~~STRUCTURE~~structure, dredging, filling, draining or otherwise ~~ALTERING~~altering the surface configuration of the land, provided that:

~~(a)~~ The ~~APPLICANT~~applicant shall demonstrate that the proposed use is essential to the productive use of land not in the district~~;~~ and is located and constructed to

(a) minimize any detrimental impact of such use upon the surface waters or other environmentally sensitive areas, where it is physically impossible to locate such use on land not in the district~~;~~, and economic advantage alone shall not be deemed a sufficient reason for such proposed use.

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(b) A soil erosion and sedimentation control plan is submitted and followed to verify the planned avoidance of sediment pollutant runoff to bodies of water. This plan will address the following (if applicable), but should not be limited to:

~~(i) stabilization~~[1] Stabilization of exposed soils and soil stockpiles;

~~(ii) protection~~ [2] Protection of steep ~~SLOPEs~~slopes from erosion;

~~(iii) construction~~[3] Construction site waste management;

~~(iv) inspection~~[4] Inspection and maintenance of runoff control measures (BMPs);

~~(v) minimization~~ [5] Minimization of land clearing;

~~(vi) stabilization~~[6] Stabilization of ~~drainage ways;~~

~~(vii) installation~~drainageways; [7] Installation of perimeter controls;

~~(viii) installation~~[8] Installation of sediment trapping devices; and

~~(ix) storm~~ [9] Storm drain inlet protection.

(c) Necessary state and federal approvals have been applied for. Said permits shall be received prior to the issuance of the ~~Conditional Use Permit~~conditional use permit by the Planning and Community Development Department. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(d) A written review by the Conservation Commission of the environmental effects of the proposed use upon the area in question has been submitted. The ~~Commission's~~Commission's review shall address the following, but is not limited to:

~~(i) attempted~~[1] Attempted avoidance of the impact;

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(ii) ~~minimization~~ [2] Minimization of the impact;

(iii) ~~planned~~[3] Planned mitigation of the effects of the impact; and

(iv) ~~efficacy~~[4] Efficacy of the soil erosion and sedimentation control plan.

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~~D.~~ Procedures for subdivision. No subdivision of land shall be permitted which would create a ~~LOT~~lot or parcel or leave as a remainder a ~~LOT~~lot or parcel which does not have,

D. outside the Conservation District, an area equal to the minimum ~~LOT~~lot size required for the underlying zoning district ~~if~~, unless such a ~~LOT~~lot or parcel is to be permanently dedicated to ~~OPEN SPACE~~open space or natural uses and is to be dedicated to a public or private agency having as a purpose the holding of such land in a natural state in perpetuity. The lot area outside of the Conservation District may be ~~non-contiguous.~~noncontiguous. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

E. Other provisions. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(1) Reference is hereby made to RSA 483-B, the Comprehensive Shoreland Protection Act, which evidences a state concern over preservation of such lands. It is intended that the provisions of that statute shall apply, and that in all cases, the more restrictive law should apply.

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(2) In all cases where the Conservation District is superimposed over another zoning district in the ~~city~~City, that district whose regulations are the more restrictive shall apply.

(3) The Conservation District adopted herein is hereby designated as ~~OPEN SPACE~~open space under RSA 79-A, and all relevant provisions of RSA 79-A relating to current use ~~ASSESSMENT~~assessment of such property shall apply.

(4) The provisions of RSA 483-B:9, V(a~~)~~, shall apply to the portions of the ~~"~~Conservation District~~"~~ as described in ~~Subsections~~Subsection B-(1) and ~~B-~~(2~~),~~ that are within ~~fifty-(~~50~~)~~ feet of the reference line (as defined in RSA 483-B:4, XVII~~)~~. Limitations include restrictions on chemical and fertilizer use, preservation of rocks and stumps and their root systems, and restrictions on removal of ground cover, trees and saplings.

(5) The provisions of RSA 483-B:9, V(b~~)~~, shall apply to the portion of the ~~"~~Conservation District~~"~~ as described in Subsection B-(1~~).~~ that is between ~~fifty-(~~50~~)~~ and ~~one-hundred-(~~100~~)~~ feet of the reference line (as defined in RSA 483-B:4, XVII). Limitations include restrictions on the amount of vegetation that can be removed within the area.

(6) Upon the discretion of the Building Inspector, a ~~STRUCTURE~~structure may be erected within the Conservation District as described in Subsection B(1) up to but never closer than ~~seventy-five-(~~75~~)~~ feet ~~of~~to the reference line (as defined in RSA 483–B:4, XVII), provided that:

(a) The ~~LOT~~lot existed within the Conservation District, as recorded in the Strafford County Registry of Deeds, prior to the effective date of this subsection.

(b) The ~~STRUCTURE~~structure cannot feasibly be constructed on a portion or portions of the ~~LOT~~lot which are outside the ~~one-hundred~~100-foot ~~(100)-SETBACK~~setback of the Conservation District.

(7) Customary ~~ACCESSORY STRUCTURES~~accessory structures shall be allowed within the Conservation District as described in Subsection B(1) but in no case closer than ~~seventy-five-(~~75~~)~~ feet to the reference line (as defined in RSA 483-B:4, XVII).

(8) Projects which have been officially accepted by the ~~PLANNING BOARD~~Planning Board prior to the October 10, 1986, amendment posting date shall be exempt of all revisions herein.

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(9) The ~~PLANNING BOARD~~Planning Board may assess the ~~APPLICANT~~applicant reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.

(10) The ~~city~~City shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

F. The provisions of the Conservation District adopted herein shall not be binding on Cochecho waterfront ~~LOTs~~lots located in Urban Exemption Area, as approved by the ~~NH~~New Hampshire Department of Environmental Services Commissioner on August 4, 2008, per File #No. 2008-2000372. (See map on file in the Planning and Community Development Department~~).~~) **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

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~~G.~~ Boat ~~Docks.~~

~~(1)~~G. docks. A boat dock may be allowed on a residential ~~LOT~~lot, provided that the following provisions are met: **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) The dock is for recreational and ~~ACCESSORY USE~~accessory use only.

(2) One ~~(1)~~ dock is allowed per ~~LOT~~lot.

(3) The beneficiary of an easement or right-of-way, recorded at the Strafford County Registry of Deeds prior to the October 10, 1986, amendment posting date for the purpose of providing water access to ~~non-waterfront LOTs~~nonwaterfront lots, shall be entitled to one ~~(1)~~ boat dock within the prescribed easement or right-of-way.

(4) All applicable state and federal approvals have been received.

(5) A dock may be provided a maximum space for two ~~(2)~~ slips. Joint use ~~of~~of private docks by adjoining waterfront residents, not to exceed two ~~(2)~~ slips per ~~LOT~~lot, shall be encouraged when appropriate.

~~170-27.1. Wetland Protection District.~~ ~~[Amended on 9-14-88 by Ord. No. 15-88; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15, Amended on 07-22-2020 by Ord. No. 2020.07.08.006., Amended on 08-09-2024 by Ord. No. 2023.07.12-008]~~ § 170-28. Wetland Protection District.

A. Authority. By the authority granted under RSA 674:16 and 674:17, this section is designed to protect the wetland areas and surface waters within the City of Dover from certain activities, the impact of which results in the alteration or destruction of wetland areas.

~~from certain activities, the impact of which results in the ALTERATIONS or destruction of wetland areas.~~

B. Purpose and intent. It is intended that this section shall:

(1) Prevent the development of ~~STRUCTURES~~structures and land uses on wetlands, which will contribute to pollution of surface ~~and ground~~ water and groundwater by ~~sewerage~~sewage, toxic substances or sedimentation.

(2) Prevent the destruction of, or significant changes to, wetlands which provide critical functions and values including but not limited to: flood protection, habitat for wildlife dependent on wetlands, enhance water quality (nutrient trapping/retention/transformation and sediment trapping), protect ecological integrity, recharge the groundwater supply and augment stream flow during dry periods and filtration of water flowing into ponds and streams. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(3) Avoid and minimize impacts to wetlands and wetland buffers to the maximum extent practicable and, when impacts are unavoidable, minimize impacts to the greatest extent practicable. **[Added 10-13-2021 by Ord. No. 2021.09.08.006]**

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(4) Protect unique and unusual natural areas and rare, threatened, and endangered species.

(5) Protect wildlife habitats, maintain ecological balances and enhance ecological values such as those cited in RSA 482-A:1.

(6) Protect potential water supplies and existing aquifers (water-bearing stratum) and aquifer recharge areas.

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(7) Prevent unnecessary or excessive expense to the ~~city~~City for the purpose of providing and/or maintaining essential services and utilities, which might be required as a result of misuse or abuse of wetlands.

(8) Encourage those low-intensity uses that can be harmoniously, appropriately and safely located in wetlands.

(9) Preserve and enhance the aesthetic values associated with wetlands in the City of Dover.

(10) Avoid the high costs of constructing heavy ~~STRUCTURES~~structures and prevent damage to ~~STRUCTURES~~structures and abutting properties caused by inappropriate development in wetland areas.

~~C.~~ C. District boundaries. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 10-13-2021 by Ord. No. 2021.09.08-006]**

(1) The Wetlands Protection District is hereby determined to be all areas of wetlands. A ~~"Wetland"~~"wetland" means an area that is inundated or saturated by surface water or ~~ground water~~groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(2) "Hydrophytic (water-loving) vegetation" is defined as those plants identified in the ~~"~~2018 Wetland Plant List Northeast Region~~"~~ of the United States Fish and Wildlife Service. The more common names associated with these vegetative communities are "bogs," "swamps," "marshes~~,"~~" (saltwater and freshwater) and "tidal wetlands."

D. Procedural requirements.

~~D.~~E. ~~Procedural requirements.~~

(1) Presence of Wetland Protection District on site.

~~(a)~~ Where field investigation indicate that a Wetland Protection District is present on a proposed development site, those wetlands shall be delineated on the basis of hydrophytic vegetation.

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hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1~~,~~ (January~~,~~ 1987~~)~~), or successor document. The hydric soils component of wetlands delineations shall be determined in accordance with the manual Field Indicators for Identifying Hydric Soils in New England (Version 4, May 2017, published by the New England Interstate Water Pollution Control Commission) or successor document. Pursuant to RSA 310-A:75 through 310-A:~~-~~87, a ~~Certified Wetland Scientist~~certified wetland scientist shall conduct this delineation.

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(a) A ~~Certified Wetland Scientist~~certified wetland scientist is defined as; ~~"~~"a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310–A:84, II- a and II-b, is qualified to delineate wetland boundaries and prepare wetland maps; to classify wetlands; to prepare wetland function and value assessments; to design wetland mitigation; to implement wetland mitigation; to monitor wetlands functions and values; and to prepare associated reports, all in accordance with standards for identification of~~-~~

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wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified by the ~~board."~~Board" (RSA 310-A:76~~)~~). If necessary, a botanist shall be used in conjunction with the wetlands scientist to identify wetland vegetation where required. The botanist shall have equivalent and practical experience to that of the wetlands scientist. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012; 7-22-2020 by Ord. No. 2020.07.08-006; 10-13-2021 by Ord. No. 2021.09.08-006]**

(b) Applications for a ~~BUILDING~~building permit, subdivision and site plan approval shall locate and depict on the survey/subdivision ~~PLAT~~plat/site plan all Wetland Protection Districts on the subject parcel. Any ~~APPLICANT~~applicant seeking said approval(s) will be responsible for providing this information before the appropriate approval or permit can be granted.

(c) The entire length of the upland limit of the wetland shall be marked at regular intervals with pink ~~,~~ and ~~,~~ black ~~,~~ striped construction tape prior to, and maintained for the full duration of, any construction-related activities. The ~~APPLICANT~~applicant may also be required to place and maintain wooden stakes and/or construction tape at appropriate intervals along the wetlands buffer boundary to provide sufficient visual evidence of the buffer boundary during construction, if development is proposed within ~~twenty~~20 feet of the wetlands buffer. The ~~APPLICANT~~applicant may be required to affix some form of marker or tag acceptable to the City to permanently delineate the wetlands buffer boundary at appropriate intervals, as determined by the Conservation Commission and ~~PLANNING BOARD~~Planning Board, for the purpose of notifying future landowners of the presence of the wetlands buffer. The presence of wetlands on residential properties created as part of a major subdivision shall be documented in the ~~parcel's~~parcel's deed.

(2) The Planning and Community Development Department shall notify the Conservation Commission of all projects and construction proposed in wetland districts for the purpose of allowing the Commission to make recommendations prior to approval. Consistent with RSA 482-A:11, III, the Conservation Commission shall have up to 40 days to make recommendations relative to a standard wetlands impact application and up to 21 days to make recommendations relative to an expedited permit per RSA 482-A:11, III(b)(1). The Conservation Commission, in acting on an application for a conditional use permit in the Wetlands Protection District, may attach conditions to its recommendations including but not limited to recommendations for more extensive buffers, additional plantings in areas to be ~~re-vegetated~~revegetated, performance guarantees, impact mitigation measures, and a reduction in proposed impervious surfaces. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 10-13-2021 by Ord. No. 2021.09.08-006]**

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(3) In the event that the accuracy of the boundaries submitted by the ~~APPLICANT~~applicant is suspect, the ~~PLANNING BOARD~~Planning Board may call upon the services of a certified ~~wetland~~wetlands scientist and/or botanist to reexamine said area and report the findings to the ~~PLANNING BOARD~~Planning Board for a boundary determination. The ~~APPLICANT~~applicant shall pay the cost of said services.

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~~(4)~~ The Building Inspector shall not issue a ~~BUILDING~~building permit for construction and the ~~PLANNING BOARD~~Planning Board shall not approve a site plan or subdivision ~~PLAT~~

(4) plat unless such construction activity or proposal conforms to the provisions of this ~~Chapter~~chapter.

(5) Standards established herein shall constitute the rules of overlay zones and shall be superimposed over other zoning districts or portions thereof. The provisions herein shall apply in addition to all other applicable ordinances and regulations. In the event of a conflict between any provision herein and any other regulation, the more- restrictive requirement shall control.

(6) The ~~city~~City shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

~~E.~~ Permitted uses.

E. ~~Permitted Uses.~~ Any use otherwise permitted by this ~~Chapter~~chapter, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under ~~Section~~Subsection E ~~(1)~~ must first receive conditional use approval, as provided for in ~~Section~~Subsection F, before any ~~BUILDING~~building permit or subdivision/site plan can be approved. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) Crossing of a Wetland Protection District as provided for in ~~Section~~Subsection F(1).

(2) The construction or reconstruction of ~~FENCES~~fences, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:

~~a.~~(a) Said ~~STRUCTURES~~structures are constructed on posts or pilings so as to permit unobstructed flow of water and are designed in compliance with the New Hampshire Wetlands ~~Board~~ Code of Administrative Rules (Env-Wt 300, 500 and 600). **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~b.~~(b) The natural contour of the wetland is preserved.

~~c.~~(c) All other applicable provisions of the ~~city's Zoning Ordinance~~this chapter have been met.

F. Conditional use approval.

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(1) Conditional use approval may be granted by the ~~PLANNING BOARD~~Planning Board (RSA 674:~~21II~~21, II) after proper public notice and public hearing, for construction within the Wetland Protection District or buffer. Said construction may include, but is not limited to, a road or other accessway, utility right-of-way, communication lines, power lines and pipelines, ~~STRUCTURES~~structures, and parking ~~LOTs~~lots, provided that the proposed construction complies with the following standards:

(a) Practicable ~~*Alternative:*~~alternative. There is no practicable alternative that would have a less adverse impact on the area. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(b) Avoidance~~:~~. The potential impacts have been avoided to the maximum extent practicable. The ~~APPLICANT~~applicant will demonstrate by plan and example that the proposed construction represents the least impacting alternative.

(c) Minimization~~:~~. Any unavoidable impacts have been minimized. No reasonable ~~Alternative~~alternative to the proposed construction exists which does not impact a wetland or which has less detrimental impact on a wetland.~~-~~

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~~(c)~~ Design, construction and maintenance methods will be prepared by a registered engineer to minimize detrimental impacts to the wetlands and will include restoration of the site as nearly as possible to its original grade.

(d) Mitigation~~:~~. If the ~~APPLICANT~~applicant is required by ~~State~~state rules to prepare a compensatory mitigation plan, the ~~APPLICANT~~applicant shall provide the Conservation Commission and ~~PLANNING BOARD~~Planning Board with one copy each of said plan for their review.

(e) Approval for the wetlands impact has been received from the ~~NHDES~~New Hampshire Department of Environmental Services Wetlands Bureau pursuant to Section G-(3~~)~~.) below.

(f) To assess and summarize the ~~wetlands'~~wetlands' functions and values as denoted in the NH Method and ~~Section~~§ 170-~~27.1(B)(~~28B(2). **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

(2) The burden of proof that the conditions specified in Subsection F-(1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the conditional use approval, except as herein provided.

(3) The conditional use approval shall apply only to the project specified at the time of approval and shall not be transferable to a different project.

(4) If deemed necessary by the ~~PLANNING BOARD~~Planning Board, prior to the granting of a conditional use approval, the ~~APPLICANT~~applicant shall agree to submit a performance security to ensure that all operations are carried out in accordance with an approved design. This security shall be submitted in an amount sufficient to complete all specified work and repair damage to any wetland area in which no work has been authorized. The security shall be submitted in an amount, with surety and conditions, satisfactory to the ~~PLANNING BOARD~~Planning Board. The security shall be submitted and approved prior to issuance of any permit authorizing construction.

(5) The ~~PLANNING BOARD~~Planning Board may assess the ~~APPLICANT~~applicant reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.

(6) A narrative shall be provided indicating criteria of Subsection F(1)(a-) to (f) above have been met. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

G. Specific provisions.

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(1) Wetland buffers.

~~(1)~~ Buffers~~.~~

(a) ~~*Buffers Established*~~ established. Buffers are hereby established around and encircling all wetlands other than those that were created as legally permitted sedimentation/detention basins or roadside drainage ditches. The minimum width of the wetland buffers shall be ~~fifty (~~50~~)~~ feet horizontal distance as measured outward from the perimeter edge of the wetland. Wherever a permit to fill a wetland has been issued by either the New Hampshire Department of Environmental Services (NHDES) or the ~~U.S.~~United States Army Corps of Engineers (USACOE), the perimeter of the wetland shall be deemed to be the new edge between the fill as placed in accordance with~~-~~

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~~(a)~~the permit and the remaining wetland. If there is no remaining wetland, there is no buffer. All other wetland edges shall be determined in accordance with ~~Section~~Subsection D-(1) above. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

~~(b)~~ Natural ~~*Conditions*~~conditions to be ~~*Maintained*~~maintained within ~~*Buffers*~~buffers. Where wetland buffer disturbance is allowed pursuant to a state or federal permit, or a conditional use permit, restoration of the disturbed area is required. "Restoration" is defined as filling of ruts or excavated area with similar soils while maintaining original grade. Applications for a City of Dover ~~BUILDING~~building permit that ~~includes~~include a temporary disturbance of wetlands buffers, pursuant to ~~Section~~Subsection G

(b) (1) ~~( )(e) (iv))~~[4] below, shall include a ~~"Wetlands Buffer Encroachment~~wetlands buffer encroachment and ~~Restoration Plan."~~restoration plan. Said plan shall be submitted, reviewed and approved by Building Inspector, in consultation with City staff, prior to the disturbance. Replanting to restore buffers shall be with native ~~non-invasive~~, noninvasive species specified in the ~~"Wetlands Buffer Encroachment~~wetlands buffer encroachment and ~~Restoration Plan".~~restoration plan. Implementation of the plan shall include the clear delineation of the boundaries of wetland buffers in the field using construction tape or other clear marking ~~devise~~device. Mowing to maintain an existing lawn or field within a wetland buffer area is allowed without a permit, as specified in ~~Section~~Subsection G-(1)(e~~).~~) below, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.

(c) Certain ~~*Uses Prohibited*~~ uses prohibited in ~~*Buffers*~~buffers. The following uses and activities are prohibited within a wetland buffer:

~~(i)~~ [1] The establishment or expansion of salt storage, ~~JUNKYARDs~~junkyards, resource recovery facilities, transfer stations, landfills, or solid or hazardous waste facilities~~;~~.

~~(ii)~~ [2] The ~~BULK~~bulk storage of chemicals, petroleum products, or toxic and hazardous materials~~;~~.

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~~(iii)~~ [3] The dumping or disposal of snow and ice collected from roadways and parking ~~LOTs;~~lots.

(d) Uses ~~*Allowed Only With a Conditional Use Permit.*~~allowed only with a conditional use permit. The following uses and activities are allowed within a wetland buffer only if a conditional use permit is obtained in accordance with ~~Section~~Subsection F above:

~~(i)~~ [1] All uses not specifically prohibited in ~~Section~~Subsection G-(1)~~(~~)(c) above, or specifically exempted in ~~Section~~Subsection G-(1)~~(~~)(e) below.

~~(ii)~~ [2] The erection or construction of a ~~BUILDING~~building or ~~STRUCTURE,~~structure, excluding ~~FENCEs~~fences, that ~~meet~~meets the requirements of § 170-~~33~~51, or the construction of parking ~~LOTs~~lots or loading areas.

~~(iii)~~ [3] Timber harvesting, except as conducted in accordance with the terms and provisions of RSA 227-J, Timber Harvesting.

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~~(iv)~~ [4] The removal of stumps and roots (grubbing), the recontouring or grading of the land, or the placement of impervious surfaces or creation of ~~storm water~~stormwater detention ponds.

~~(v)~~ [5] The installation of water, sewer, or buried electrical or telecommunications cables.

~~(vi)~~ [6] The installation of water~~-~~ supply wells.

(e) Uses ~~*Allowed Without*~~ allowed without a ~~*Conditional Use Permit.*~~ conditional use permit. The following uses and activities are allowed within a wetland buffer with the noted conditions:

~~(i)~~ [1] Activities within wetlands jurisdictional areas that are allowed without a State of New Hampshire ~~Dredge~~dredge and ~~Fill Permit~~fill permit, in accordance with New Hampshire Department of Environmental Services (NHDES) Rules Env-Wt 308.01(a) and 308.02—, repair of an existing legal ~~STRUCTURE;~~structure, or successor rules. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~(ii)~~ [2] The removal of vegetation in accordance with NHDES Rules Env-Wt ~~303.05(b~~309.02(a), or successor rules, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~(iii)~~ [3] The installation of monitoring or test wells or geotechnical borings completed in accordance with NHDES Rules Env-Wt 309.02(i) or successor rules. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~(iv)~~ [4] Temporary disturbance of the wetland buffer to facilitate construction activities completed under a valid City of Dover ~~BUILDING~~building permit, provided the temporary disturbance is restored in accordance with ~~Section~~Subsection G-(1)~~(~~)(b) above.

(2) No septic tank or leach field may be constructed or enlarged closer than ~~seventy-five (~~75~~)~~ feet to any Wetland Protection District. In new subdivisions approved subsequent to adoption of this section, there must be sufficient ~~LOT~~lot size to place a house, a state-approved septic system, where applicable, and a state-approved well, where applicable, without locating them in a wetland. This provision can be waived if a conditional use approval is obtained from the ~~PLANNING BOARD~~Planning Board.

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(3) A state dredge and fill application shall be submitted for any proposed change to a wetland (RSA 482-A).

H. Filled lands and preexisting uses.

(1) Lands which may have been wetlands but were filled under properly issued federal, state and local permits granted prior to the adoption of this section will be judged according to the soils and flora existing at the time the application for ~~BUILDING~~building permit or subdivision is made.

(2) ~~STRUCTURES~~Structures and uses existing at the time of the adoption of this section that do not comply with the rules stated herein shall be regulated in accordance with §§ 170- ~~40~~52 and 170-~~41~~53 of this ~~Chapter~~chapter.

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I. Exemption for one- and two-family residential STRUCTURESstructures, existing LOTslots, impoundments and maintenance dredging.

(1) Notwithstanding other provisions of this Chapterchapter, the construction of additions and/or extensions to one- and two-family dwellings shall be permitted within the Wetlands Protection District or buffer, provided that:

(a) The dwelling(s) lawfully existed prior to the effective date of this section;.

(b) The proposed construction conforms to all other applicable ordinances and regulations of the City of Dover; and any required State of New Hampshire Dredgedredge and Fill Permitfill permit is obtained.

(c) The design and construction of the proposed use will be done in a manner which minimizes the impacts on the affected wetland, including storage of EXCAVATIONexcavation and construction material outside the wetland and installation of siltation FENCEfence and/or hay bales to contain erosion of the construction site.

(2) Notwithstanding other provisions of the ordinancethis section, a new one- or two-family dwelling shall be permitted in the Wetlands Protection District or buffer, on an existing LOTlot, provided that all of the following conditions are found to exist:

(a) The LOTlot for which an approval/permit is sought was an official LOTlot of record, as recorded in the Strafford County Registry of Deeds, prior to the date on which this amendment was posted and published in the cityCity.

(b) The STRUCTUREstructure for which the approval/permit is sought cannot be feasibly built on a portion or portions of the LOT,lot which are outside the Wetlands Protection District.

(c) Due to the provisions of the Wetlands Protection District, no reasonable and economically viable use of the LOTlot can be made without the exemption.

(d) The design and construction of the proposed STRUCTUREstructure will, to the extent practical, be consistent with the purpose and intent of this ordinancesection.

(e) The proposed STRUCTUREstructure will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the

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contamination of groundwater or other reason.

(f) The design and construction of the proposed ~~STRUCTURE~~structure will be done in a manner which minimizes the impacts on the affected wetland, including storage of ~~EXCAVATION~~excavation and construction material outside the wetland and installation of siltation ~~FENCE~~fence and/or hay bales to contain erosion of the construction site.

(3) Maintenance dredging for navigational purposes (where a dredge spoil site has been approved by the ~~PLANNING BOARD) are~~Planning Board) is exempt from the regulations stated herein. Notwithstanding, copies of permits where required by the New Hampshire Department of Environmental Services and the United States Army ~~Corp.~~Corps of Engineers shall be submitted to the ~~PLANNING BOARD~~Planning Board prior to construction.

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(4) The burden of proof that the conditions specified in Subsection I-(1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the approval/permit.

~~J.~~ ~~Separability~~J. Severability. Should any provision of this section be declared invalid by a final court decision, the same shall not affect the validity of this section as a whole or part thereof, other than the part declared to be invalid.

~~170-27.2. TRANSFER OF DEVELOPMENT RIGHTS. [Amended on 10-31-90 by Ord. No. 16-90; Amended on 01-22-2003 by Ord.35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 08-22-2018 by Ord. No. 2018.08.08-009, Amended on 07-22-2020 by Ord. No. 2020.07.08.007., Amended on 08-09-2024 by Ord. No. 2023.07.12-008]~~

§ 170-29. Transfer of development rights.

A. Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring ~~DEVELOPMENT RIGHTS~~development rights (TDR) within said districts.

~~B.~~ Purpose and ~~Intent~~intent. Within the City of Dover, there are certain lands that possess significant conservation features, including but not limited to unsuitable development areas, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic ~~viewsheds~~view sheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover, furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition.

B. Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission ~~who are~~which is active in protecting and preserving ~~OPEN SPACE.~~open space. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

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C. Applicability. Upon request by an ~~APPLICANT~~applicant for development approval and at the discretion of the ~~PLANNING BOARD~~Planning Board, the provisions of this ~~subsection~~section may apply to the district(s) defined in ~~this subsection E~~Subsection D below.

~~D. Districts Defined.~~

D. Districts defined. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 9-11-2019 by Ord. No. 2019.08.28-012]**

(1) The Industrial TDR ~~DISTRICT~~District is hereby determined to be any IT or CM ~~zoning district~~Zoning District as shown on the Zoning Map for the City of Dover, New Hampshire, adopted ~~December 9, 2009.~~September 11, 2019. The ~~SENDING AREA~~"sending area" is defined to be ~~OPEN SPACE~~open space and related ~~SETBACKs~~ setbacks as defined by the City of Dover Wetland Protection District, ~~Chapter (1)~~§ 170-~~27.1~~28, which are located in any IT or CM ~~zoning district.~~Zoning District. The ~~RECEIVING AREA~~"receiving area" is defined to be all remaining land in be any IT or ~~CM zoning district.~~ CM Zoning District. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(2) The Residential TDR ~~DISTRICT~~District is hereby determined to be ~~Residential~~ residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire, adopted ~~December 9, 2009.~~September 11, 2019. The ~~SENDING AREA~~"sending area" is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R- 20 residential zoning districts. The ~~RECEIVING AREA~~"receiving area" is defined to be all non–R-40 or -R-20 zoning districts east of the Spaulding Turnpike which allow residential development.

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~~a.~~(a) If the units created are purchased, the receiving area may be any zoning district that allows residential development.

E. Procedural requirements.

~~E. Procedural Requirements.~~

(1) At the discretion of the ~~PLANNING BOARD~~Planning Board, an ~~APPLICANT~~applicant for development approval within the ~~RECEIVING AREA~~receiving area of the defined Industrial TDR ~~DISTRICT~~district may apply the performance standards specified in Subsection F below in return for the acquisition of land or ~~DEVELOPMENT RIGHTS~~development rights from the ~~SENDING AREA~~sending area within the same TDR ~~DISTRICT~~district. The performance standards for the Residential TDR ~~DISTRICT~~district are outlined in Subsection G below.

(2) A certified boundary survey of the associated land in the ~~SENDING AREA~~sending area shall be submitted as a supplement to the site plan or subdivision plan for development within the ~~RECEIVING AREA.~~receiving area. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(3) The owner of the subject ~~OPEN SPACE~~open space within the ~~SENDING AREA~~sending area of the TDR ~~DISTRICT~~district shall ~~SIGN~~sign all application materials as a co-~~APPLICANT~~applicant of the development application. For residential application, proof of an agreement to sell ~~DEVELOPMENT RIGHTS~~development rights must be provided by the Conservation Commission.

(4) A sketch plan estimating layout of the development site and identifying the ~~OPEN SPACE~~open space associated with the plan ~~shall~~may be submitted to the ~~PLANNING BOARD~~Planning Board for review at a regularly scheduled meeting. The ~~PLANNING BOARD~~Planning Board, within ~~thirty (~~30~~)~~ days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections ~~G~~F and ~~H~~G below. Waivers shall be reviewed using the same criteria ~~of~~ as are used for ~~Site Plan Waivers~~site plan waivers. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section. **[Amended 8-22- 2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-007; 8-9- 2023 by Ord. No. 2023.07.12-008]**

~~a.~~ The determination of whether a proposed TDR project requires a sketch plan review shall be made by the Director of Planning and Community Development based on initial discussions with the applicant. The determination, made in writing, shall be made prior to the submittal of

(a) any plans and shall specify the Director's reasoning, including a review of known conditions, including: traffic, existing layout/topography, environmental. This determination shall be included in the staff report to the Board. If the applicant does not agree with the Director's determination, they may appeal the decision to the Board at its next meeting.

~~b.~~(b) If the sketch plan requires an environmental ~~Conditional Use~~

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~~Permit~~conditional use permit to develop homes, the applicant must appear before the Conservation Commission for review and endorsement prior to the Planning ~~Board's~~Board's review.

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(5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated ~~OPEN SPACE~~open space within the ~~SENDING AREA~~sending area. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and-

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~~(5)~~ access crossings in accordance with ~~subsection I~~Subsection H below. The designation of the land protection agency to hold the easement shall be approved by the ~~PLANNING BOARD~~Planning Board.

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F. Industrial ~~Performance Standards~~performance standards.

(1) Land within a ~~SENDING AREA~~sending area, when surveyed, approved by the ~~PLANNING BOARD~~Planning Board and preserved by easement or covenant as specified in Subsection E, above, may be counted for the ~~OPEN SPACE~~open space requirement for a development site in a ~~RECEIVING AREA.~~receiving area. The amount of land preserved in a ~~SENDING AREA~~sending area shall equal or exceed the ~~OPEN SPACE~~open space requirement for the development site, but in no case be less than one ~~(1)~~ acre. Notwithstanding, development sites within the IT and CM ~~zoning districts~~Zoning Districts shall maintain ~~OPEN SPACE~~open space or landscaped area on at least ~~ten percent (~~10~~%)~~% of the site. The design of the development site shall locate the ~~OPEN SPACE~~open space or landscaped area to maximize the aesthetic value of the site. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(2) The minimum ~~LOT~~lot size requirement may be waived by the ~~PLANNING BOARD~~Planning Board for land subjected to the ~~TRANSFER OF DEVELOPMENT RIGHTS~~transfer of development rights.

(3) The minimum ~~FRONTAGE~~frontage requirement may be waived by the ~~PLANNING BOARD~~Planning Board for land subjected to the ~~TRANSFER OF DEVELOPMENT RIGHTS~~transfer of development rights, provided that paved access to all developed areas suitable for emergency vehicles is approved by the ~~PLANNING BOARD~~Planning Board.

~~(4) SETBACKS~~Setbacks for parking, paved areas, and ~~BUILDINGS~~buildings may be waived by the ~~PLANNING BOARD,~~Planning Board and be consistent with the intent to promote intensive

(4) development of suitable development sites. Notwithstanding, ~~BUILDINGS~~buildings shall be at least ~~one hundred fifty (~~150~~)~~ feet from residential ~~STRUCTURES~~structures that exist on the date of enactment of the IT and CM Zoning ~~districts~~Districts, and ~~seventy five (~~75~~)~~ feet from the ~~LOT LINE~~lot line of a disagreeing residential ~~ABUTTER.~~abutter. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(5) The developer shall record covenants that address architectural considerations for ~~STRUCTURES, SIGNAGE~~structures, signage and lighting that are designed to promote the highest possible aesthetic quality of the development site.

(6) A landscaping plan shall be submitted with a development application that depicts landscaping or ~~OPEN SPACE~~open space around the perimeter of the site, near the proposed ~~BUILDINGS~~buildings, and within the parking ~~LOT~~lot that promotes the highest possible aesthetic quality of the development.

G. Residential ~~Performance Standards.~~performance standards. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(1) Annually, the City shall update a document identifying the cumulative net acre spent to preserve ~~OPEN SPACE~~open space within the City of Dover. This

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list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission. This cost shall become the value at which ~~DEVELOPMENT RIGHTS~~development rights may be purchased.

(2) Proceeds from the purchase of ~~DEVELOPMENT RIGHTS,~~development rights shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.

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~~(3)~~ A residential ~~TRANSFER OF DEVELOPMENT RIGHTS APPLICANT~~ transfer of development rights applicant may

(3) pursue one of the following methods for ~~TRANSFERING DEVELOPMENT RIGHTS~~transferring development rights.

(a) Single ~~Family Detached~~ family detached method.

~~i.~~ [1] An applicant shall develop a baseline yield for the lot to be developed~~,~~ through the following formula: **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~1.~~ [a] The square footage of the parent lot minus unsuitable ~~development~~ areas is the base lot size.

~~2.~~ [b] The base lot size is then reduced by ~~fifteen (~~15~~) percent~~% to account for roadway~~,~~; this creates the net area.

~~3.~~ [c] The net area is then multiplied by a factor determined by the amount of ~~wetlands~~unsuitable development area over the parent lot. This is the developable area.

Percentage of Parcel ~~that is unsuitable development~~	**Factor**
0% to < 10%	0.85
10% to < 20%	0.8
20% to < 30%	0.75
30%	0.7

~~0<10%~~	~~0.85~~
~~10<20%~~	~~0.8~~
~~20<30%~~	~~0.75~~
~~30%<~~	~~.7~~

~~4.~~ [d] The developable area is ~~the~~then divided by the minimum lot size, and the whole number value is the base number, with no rounding.

~~a.~~ [i] This base number is not required to be restricted by the requirements in ~~subsection iii,~~Subsection G(3)(a)[3], unless the formula defined in ~~item ii 1.~~Subsection G[2][a]

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is utilized. **[Amended 7-22- 2020 by Ord. No. 2020.07.08-007]**

~~5.~~ [e] The development plan shall be laid out in a design that meets the requirements for block length and ~~cu~~ cul-de-sac length. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

~~ii.~~ [2] The transfer shall equate to one of the following calculations: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

~~1.~~ [a] For construction of units no larger than ~~six hundred (~~600~~)~~ square feet of total living area, including the base calculated units, there shall be no density limit. The monthly cost of said units shall conform to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, and there shall be no TDR fee collected for said unit(s).

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2. [b] For construction of units no larger than one thousand (1,000) square feet of total living area, two (2) units per DEVELOPMENT RIGHT development right purchased shall be allowed.

3. [c] For construction of units no larger than fourteen hundred (1,400) square feet of total living area, one (1) unit unit per DEVELOPMENT RIGHT development right purchased shall be allowed. The unit count shall be the whole number value and not rounded up.

[i] Total living area shall mean the size of the home (in square feet) based upon the exterior dimensions, excluding unconditioned spaces.

iii. [3] The units created through the transfer must be: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

1. [a] Limited to the square footage originally constructed.

iv. [4] A note shall be placed on the approved plan and any Building Permit building permit shall note the adherence to this section of the Code.

v. [5] A note shall be placed in the property/unit deed citing the restrictions listed above.

vi. [6] The plan shall be considered a subdivision application. Prior to submission, a determination by the Director of Planning and Community Development shall be made whether to follow the minor or major subdivision regulations. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

(b) Single-Family, Two-family, three-family, two-family, three-family, and 4 four or more method. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(i) [1] The transfer may be through the purchase of development rights, as described in Subsection G(1), or through the protection of land via a permanent conservation easement as per section Subsection E(5).

a. [a] In mixed-use or multi-family multifamily zones, the base density shall be derived from the underlying zoning, and not through a formula.

b. [b] If the additional unit(s) resulting from TDR are is restricted so that the rent of said units unit(s) conforms to the HUD Fair

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ampshire ~~Housing~~ Finance Authority, there shall be no fee collected for said unit(s).

~~(ii)~~ [2] The transfer shall equate to one ~~(1)~~ unit per acre preserved, or purchased. If the end result is a village—themed residential/nonresidential project, whereby 35% of the square footage being created is ~~non-residential~~nonresidential, the transfer shall equate to one ~~(1)~~ unit per 2,500 square feet preserved or purchased.

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(iii) [3] Any development approved by the Planning Board after July 1, 2020, which will create a manufacturing or assembly facility over 40,000 square feet, may create and transfer one (1) unit per 2,000 square feet of building approved, above the 40,000 square foot base. The transfer shall not be completed prior to the issuance of the Certificate certificate of Occupancy occupancy for the additional space. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

a. [a] If the units are to be placed upon the same lot, the layout must be shown on the site plan for the development.

(iv) [4] The plan shall be treated as a site plan application, unless otherwise determined by the Director of Planning and Community Development, prior to final submission.

(4) Regardless of the method utilized, the minimum LOT lot size requirement may be waived by the PLANNING BOARD Planning Board for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS transfer of development rights.

(5) Regardless of the method utilized, the setbacks shall be: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

MINIMUM BUILDING SETBACKS FOR SUBDIVISION

Abutting A STREET a	Abutting A a Side LOT	Abutting A a Rear lot
20 feet	10 feet	30 feet

20 feet	10 feet	30 feet

(6) Regardless of the method utilized, the minimum FRONTAGE frontage requirement may be waived by the PLANNING BOARD Planning Board, to no less than forty 40 feet (40'). Paved access to all developed areas shall be suitable for emergency vehicles. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

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(7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty ~~(30)~~ -foot no cut, no disturb buffer. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(8) Regardless of the method utilized, any other provision in this ~~Chapter~~chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the ~~TRANSFER OF DEVELOPMENT RIGHTS~~transfer of development rights so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007; 8-9-2023 by Ord. No. 2023.07.12-008]**

(a) Is consistent with the Master Plan.

(b) Is ~~not incompatible~~compatible with the land uses on neighboring ~~LOTs~~ ~~(eg~~lots (e.g., a multifamily building fits in ~~with~~within a single-family neighborhood~~)~~). The applicant shall provide in their narrative an explanation of their neighborhood analysis.

(c) Is created on property served by public water and sanitary sewer.

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(d) Any relief sought should not be caused by the additional density.[10]

§ 170-2830. Urban Renewal District.

The regulatory provisions contained in the so-called "Land Use Provisions and Building Requirements" for the Downtown Dover Urban Renewal Project No. 1 shall apply to the project area, as approved by the Dover City Council.

§ 170-28.131. Riverfront Residential Overlay District. [Amended on 02-17-99 by Ord. No. 25-98.]

A. Purpose. The purpose of this section is to promote the public health, safety and general welfare by protecting the shorelands which are valuable and fragile natural resources essential to maintain the integrity of public waters. By adopting this section, the City is striving to avoid uncoordinated, unplanned and piecemeal development of shorelands which could significantly impact public waters.

B. Location of Districtdistrict. The Riverfront Residential Overlay District is an overlay district that includes all land located within two hundred and fifty (250) feet of the reference line (as defined by RSA 483-B:4—, XVII) of any tidal water body or tidal river in a Single Family Residential Districtsingle-family residential district (R-12, R-20, and R-40).

C. Minimum LOT Size Requirement.lot size requirement. The minimum LOTlot size for a LOTlot within the Riverfront Residential Overlay District shall be three times the minimum LOT lot size required by Section C. § 170-12—, Applicability of Table of Dimensional Regulations by District, for the underlying zoning district, but land classified as wetlands can be included for up to fifty percent (50%)% of the minimum LOTlot area required in this district.

D. Minimum Shoreland FRONTAGE Requirement.shoreland frontage requirement. Any new LOTlot created within the district shall provide a minimum of one hundred fifty (150) feet of river shoreland FRONTAGEfrontage per DWELLING UNITdwelling unit for LOTslots dependent on septic systems and a minimum of one hundred (100) feet of river shoreland FRONTAGEfrontage per DWELLING UNITdwelling unit for LOTslots served by municipal sewer.

E. Existing LOTslots. Existing LOTslots of record are exempt from the provisions of this Chaptersection. Only LOTslots subdivided after the posting of this Chaptersection shall be subject to its provisions.

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F. Other ~~Provisions~~provisions. Reference is hereby made to RSA 483-B, the Comprehensive Shoreland Protection Act, the provisions of which apply. It is intended that the more restrictive law shall apply. In all cases where the Riverfront Residential Overlay District is overlain over other local zoning districts, the more restrictive regulations shall apply.

§ 170-~~28.2~~32. Residential-Commercial Mixed-Use (RCM) Overlay District. [Amended ~~on 01~~7-22-~~2003 by Ord.35-02; Amended on 05-17-2006 by Ord. No. 03-06; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 09-13-2013 by Ord. No. 2013.08.14-12, Amended on 07-22-~~2020 by Ord. No. 2020.07.08-006~~, Amended on 07~~; 7-22-2020 by Ord. No. 2020.07.08-007~~, Amended on 08-09-2024 by Ord. No.~~]~~ ~~2023.07.12-008]~~

A. Purpose and ~~Intent~~intent.

10. Editor's Note: Original § 170-27.2H of the 2013 Code, Conditional uses, which immediately followed this subsection, was repealed 8-22-2018 by Ord. No. 2018.08.08-009.

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(1) The Residential-Commercial Mixed-Use Overlay District is designed as an overlay district that allows a mixture of residential use and commercial uses on one parcel. In order for a developer to utilize these regulations, the PLANNING BOARD Planning Board shall have granted a Conditional Useconditional use permit. The district includes options which enable and encourage greater flexibility in the design of residential housing for older persons with commercial projects. The overlay permits development of large tracts of land on a Development Plandevelopment plan basis which allows flexibility in internal road design, with reduced dwelling LOTlot sizes and modified dimensional requirements.

(2) The mixed residential and commercial uses are intended to be complementary ofto one another and to create a sense of community between the mixed uses. Housing and commercial uses can be developed to provide appropriate use of land, facilitate the economical and efficient provision of public services, promote OPEN SPACEopen space conservation, protect the natural and scenic attributes of the land, and expand opportunities for the development of housing outside the traditional residential developments.

B. Conditional Use Permituse permit.

(1) Conditional use approval may be granted by the PLANNING BOARDPlanning Board (RSA 674:21, II) after proper public notice and public hearing, provided that the proposed project complies with the following standards:

(a) The APPLICANTapplicant demonstrates that the development complies with the design guidelines that are outlined in Chapter 149-14.2,§ 153-16 of the Site Review Regulations. These guidelines encourage a context-sensitive development, which encourages components that act as one project and not as two adjacent projects.

(b) The APPLICANTapplicant demonstrates that the development poses no detrimental effects on surrounding properties. Potential areas of impact that need to be analyzed include, but are not limited to, vehicular traffic, noise, property value, visual blight, natural resources degradation, light pollution, and offensive emissions such as dust, odor, or smoke.

(c) The APPLICANTapplicant shall submit a Fiscal Impact Analysisfiscal impact analysis as defined in Chapter 155.22.C § 157-21C(1)(b) of the Land Subdivision of LandRegulations. The Analysisanalysis shall demonstrate that the project is at least a cost-neutral project for the City at present and ten10 years from the occupation.

(2) Conditional use approval shall be subject to a formal agreement between the

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~~PLANNING BOARD~~Planning Board and the ~~APPLICANT~~applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds.

~~C.~~ Location

C. . The Residential-Commercial Mixed- Use Overlay District shall include any parcel located within the CM, IT or R-40 ~~zone,~~Zone which is greater than 20 acres, and served by public water and sanitary sewer. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006; amended 8-9-2023 by Ord. No. 2023.07.12-008]**

D. Permitted ~~Uses~~uses. The following uses are permitted:

(1) Principal ~~Uses~~uses.

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(a) Housing:

[1] S I N G L E - F A M I L Y D W E L L I N G

Including

[1] Single-family dwelling, including the use of MANUFACTURED HOUSING

[2] manufactured housing. [2] Two-family dwelling.

[3] [3] Three- to Four-four-family dwelling. [4]MULTI-FAMILY DWELLING

Multifamily dwelling.

[5]MANUFACTURED HOUSING PARKS Manufactured housing parks (permitted outright without a special exception)).

(b) Public and private utilities.

(c) Non-ResidentialNonresidential uses as allowed as follows:

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~~DOVER CODE~~

~~[1]~~[1] Any use allowed in the underlying zone

~~[2]~~ . [2] Barber or ~~Beauty Shop~~beauty shop.

~~[3]~~ [3] Bank.

~~[4]~~ [4] Eating/~~Drinking Establishments~~drinking establishments (no ~~Drive thru Service)~~drive-through service).

[5] Bed-and-breakfast.

~~[5] BED AND BREAKFAST~~

~~[6] OFFICE~~

[6] Office.

~~[7]~~ [7] Retail store.

~~[8]~~ [8] Theater.

~~[9] ADULT DAY CARE~~

~~NURSING HOMEs~~[9] Adult day care.

~~[10]~~ [10] Nursing homes at a density of one bedroom per ~~seventy-five-hundred (~~7,500~~)~~ square feet of land.

~~[11]~~ ~~CONGREGATE CARE FACILITIES~~[11] Congregate care facilities at a density of one unit per ~~seventy-five-hundred (~~7,500~~)~~ square feet of land.

~~[12]~~ [12] Other uses compatible with housing may be approved via ~~Conditional Use~~conditional use, using the criteria in § 170-~~20-B~~20B(2).

~~[13]~~ ~~Non-residential~~[13] Nonresidential uses in existence at the adoption of this ~~ordinance~~section on adjacent parcels shall be allowed to expand within the development if conceptually shown on the approved plan.

~~(2) ACCESSORY USEs~~

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(2) Accessory uses.

(a) Recreational facilities.

~~(b) "~~Community ~~BUILDING~~

(b) ~~Defined~~building," defined as ~~"A BUILDING~~a building used as a place of meeting, recreation or social activity typically for use by the residents of a particular development~~".~~.

(c) Maintenance ~~BUILDINGS~~buildings.

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(d) Rental and sales ~~OFFICES~~offices.

E. Procedural ~~Concepts~~concepts.

~~(1)~~ The developer shall prepare a ~~Development Plan~~development plan, which locates the proposed types of ~~non-residential~~nonresidential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership~~,~~ but shall be treated as one development and shall be bound by the approval granted for the entire ~~Development Plan.~~development plan. If approval is granted, individual ~~LOTs~~lots must be developed as part of the larger ~~Development Plan~~development plan and phasing outlined below, and not separately. The ~~Development Plan~~development plan must identify the percentage of the ~~non-residential~~nonresidential uses, residential uses and ~~OPEN SPACE. Non-residential~~ open space. Nonresidential and/or mixed~~-~~use uses must comprise at least ~~fifty-five percent (~~55~~%)~~% of the total proposed ~~FLOOR AREA~~floor area for the development; residential uses must not exceed ~~forty-five percent (~~45~~%)~~% of the total proposed ~~FLOOR AREA~~floor area for the development. Nonresidential uses within projects located in

(1) the CM ~~district~~District must be 90% manufacturing and assembly in nature. A ~~BUILDING~~building shall be considered "~~"~~mixed~~-~~use~~","~~ provided that at least 50% of the ~~FLOOR AREA~~floor area of the first floor is reserved as commercial space and provided that such commercial space is located roughly in the front half of the ~~BUILDING~~building and extends the length of the ~~BUILDING façade.~~building facade. Residential ~~ACCESSORY USES~~accessory uses (e.g. mechanical, storage, laundry, etc.) are permitted to be located within the back half of the first floor of any mixed~~-use BUILDING.~~-use building. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(2) A minimum of ~~twenty percent (~~20~~%)~~% of the area of the original tract shall be reserved as ~~OPEN SPACE~~open space and identified as such on the ~~Development Plan.~~development plan. Fifty percent ~~(50%)~~ of the required ~~OPEN SPACE~~open space (as defined in ~~Chapter 155~~§ 157-60) must be usable uplands and reasonably accessible to all property owners or lessees in the project. Any ~~OPEN SPACE~~open space provided above ~~twenty percent (~~20~~%)~~% may be mixed unsuitable ~~development~~ areas and upland. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

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(3) Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in ~~Chapter 155~~§ 157-60~~, Subdivision of Land~~) applied to the ~~Development LOT~~development lot and not individually to the ~~Internal Dwelling LOTs~~internal dwelling lots.

~~(4)~~ For residential development that includes single-family homes ~~over1~~over 1,001 square feet of total living area, ~~,~~or three ~~(3)~~ to four ~~(4)~~ family, density shall be based upon calculating one

(4) ~~(1)~~ unit per ~~forty thousand (~~40,000~~)~~ square feet of ~~CONTIGUOUS~~contiguous upland, and using ~~one hundred fifty (~~150~~)~~ feet of ~~FRONTAGE~~frontage on a public roadway. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(5) For single-family residential homes 1,000 or less square feet of total living area, development, two-family dwellings, or ~~MULTI-FAMILY DWELLINGS~~multifamily dwellings, density shall be based upon calculating one unit per ~~ten thousand (~~10,000~~)~~ square feet of ~~CONTIGUOUS~~contiguous upland, and using ~~one hundred (~~100~~)~~ feet of ~~FRONTAGE~~frontage on a public ~~a~~ roadway. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~a.~~(a) If units 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, there shall be no density for said unit(s).

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(6) The ~~Development Plan~~development plan may be phased for a term of five ~~(5)~~ years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with ~~Section 170-~~Subsection A. For the purposes of this section, development shall include:

~~28.2.A. For the purposes of this section, development shall include:~~

~~(a) construction of STRUCTUREs;~~

(a) ~~environmental~~Construction of structures;

(b) Environmental remediation;

(c) ~~site~~Site preparation or demolition;

(d) ~~roadway~~Roadway, utility or recreation and common area design and construction; and

(e) ~~bonding~~Bonding or other security for site development.

(7) The phasing plan shall provide that no more than ~~fifty percent (~~50~~%)~~% of the residential development may be occupied prior to completion of between ~~twenty-five percent (~~25~~%)~~% and ~~fifty percent (~~50~~%)~~% of the ~~non-residential STRUCTUREs~~nonresidential structures, as negotiated between the ~~PLANNING BOARD~~Planning Board and the ~~Developer~~developer, and included in the ~~Conditional Use Approval~~conditional use approval.

(8) Provided that the developer is making reasonable efforts to develop the site, the ~~PLANNING BOARD~~Planning Board may extend the initial five ~~(5)~~ -year phasing period, provided a request for extension is submitted before the expiration of the initial five ~~(5)~~ -year phasing term.

(9) Residential ~~Development Plan Guidelines~~development plan guidelines.

(a) The developer shall be permitted to allocate permitted density among ~~Internal Dwelling LOTs~~internal dwelling lots in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the ~~Development LOT~~development lot or ~~Legal LOT~~legal lot, unless the additional density is derived from ~~the Transfer of Development Rights Ordinance. Layouts may include individual LOTs or a cluster of units without LOT LINEs.~~ § 170-29, Transfer of development rights. Layouts may include individual lots or a cluster of units without lot lines.

(b) Dwelling layouts shall be so designed that parking is screened from external roadways by garages, ~~BUILDING~~building locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external ~~STREETs~~streets shall be preserved as much as possible.

(c) Where possible, it is desirable and encouraged to mix residential and ~~non-~~

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~~residential~~nonresidential uses. This may be achieved through situating the ~~BUILDINGS~~buildings close to each other, or though allowing ~~STRUCTURES~~structures to house residential~~—~~, preferably on the second or above floor, with ~~non-residential~~nonresidential on the first floor. Creativity and flexibility is encouraged, and the development plan may offer another option for mixing uses.

(d) All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include ~~STRUCTURES~~structures with peaked roofs~~,~~ and architectural shingles. The guidelines for this development are included in Chapter ~~149, Section 14.2,~~ 153, Site Review Regulations~~.~~ § 153-16.

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(e) All MANUFACTURED HOMESmanufactured homes shall adhere to the standards outlined in Chapter 126, MANUFACTURED HOME PARKS101, Manufactured Home Parks, with the exception of Sections 126§§ 101-3, 126101-4, 126101-5, 126101-6, and 126-7.H101-7F, which shall be controlled by the provisions hereof and unless noted below. Where there is a difference in the requirements between this Overlay Districtoverlay district and the provisions of Chapter 126, "MANUFACTURED HOME PARKS",101, Manufactured Home Parks, the provisions of the Overlay Districtoverlay district shall apply.

(10) Nonresidential Development Plan Guidelinesdevelopment plan guidelines.

(a) The general character of the nonresidential STRUCTURESstructures within the development LOTlot is intended to be a pedestrian-friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, façadefacade treatment, and SIGNAGEsignage.

(b) The guidelines for this development are included in Chapter 149, section 14.2, 153, Site Review Regulations, § 153-16.

F. Standards and Regulationsregulations.

(1) Internal Roads

(1) roads. As part of the approval of the Conditional Useconditional use permit, the PLANNING BOARDPlanning Board shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below, roadways shall conform to the STREETstreet design criteria laid out in the Code:.

(a) Minimum Internal R.O.Winternal right-of-way.

[1] [1] Maximum residential: 35 feet.

[2] [2] Maximum non-residential: nonresidential: 50 feet.

(b) Minimum Pavement Widthpavement width.

[1] [1] Minimum residential: 20 feet.

[2] [2] Minimum non-residential: nonresidential: 28 feet.

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~~[3]~~ [3] Minimum ~~SIDEWALK~~sidewalk pavement width: ~~5~~ five feet.

~~[4]~~ [4] Minimum bike/Segway~~/golfcart~~®/golf cart path width: ~~5~~ five feet.

(c) Minimum ~~Tangent Length~~tangent length at ~~Intersections =~~ intersections: 75 feet.

(d) Maximum ~~STREET~~street angle at ~~Intersections =~~intersections: 60 ~~degrees~~°.

(e) Minimum ~~centerline~~center-line radius ~~=~~ : 100 feet.

(f) Minimum ~~Tangent Length~~tangent length between reverse curves ~~=~~ : 50 feet.

(2) Dimensional ~~Requirements~~requirements.

~~(a) Non-residential/Mixed-Use BUILDINGs~~

(a) Nonresidential/mixed-use buildings.

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[1] Minimum ~~STRUCTURE SETBACK~~structure setback from external ~~LOT LINE~~lot line: 50 feet. Expanding existing ~~non-residential~~nonresidential uses are not held to this ~~SETBACK~~setback.

~~[1]~~ [2] Minimum ~~STRUCTURE SETBACK~~structure setback from external ~~ROW:~~ right-of-way: 50 feet

~~[2]~~ [3] Maximum ~~non-residential BUILDING HEIGHT:~~ nonresidential building height: 55 feet.

~~[3]~~ [4] For all other dimensional requirements for ~~non-residential STRUCTURES~~nonresidential structures and parking ~~SETBACKS~~setbacks refer to the underlying zone.

(b) Residential ~~Dwellings:~~dwellings.

[1] [1] Minimum ~~STRUCTURE~~ structure and parking ~~SETBACK~~ setback from external ~~LOT LINE:~~ lot line: 50 feet.

~~[1]~~ [2] Minimum ~~STRUCTURE~~structure and parking ~~SETBACK~~setback from external row: 100 feet. [3] Maximum residential building height: 35 feet.

~~from external ROW: 100 feet~~

~~[3] Maximum residential BUILDING HEIGHT: 35 feet~~

~~[4] Minimum FRONTAGE on internal road: 40 feet~~

~~[5] Minimum SETBACKs:~~

~~a. FRONT YARD SETBACKs: 20 feet~~

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~~b. Distance between BUILDINGS:~~ ~~24 feet~~

[4] Minimum frontage on [illegible] road: 40 feet.

[5] Minimum setbacks:

[a] Front yard setbacks: 20 feet.

[b] Distance between buildings: 24 feet.

(c) There shall be no minimum lot size or frontage for internal lots created.

(3) Parking.

(a) All ~~DWELLING UNITS~~dwelling units shall require two independently accessible ~~PARKING SPACES~~parking spaces per unit, except that the ~~CONGREGATE CARE~~congregate-care and ~~NURSING HOME~~nursing-home requirements shall be as otherwise defined by ~~the Zoning Chapter. Non-residential~~this chapter. Nonresidential uses shall comply with parking requirements defined by ~~the Zoning Chapter~~this chapter.

(b) Overnight parking shall not be permitted on internal roadways.

(c) Parking shall be utilized and available to all components of the ~~Development Plan~~development plan, through the recording of access and parking easements.

§ 170-~~28.3~~33. Groundwater ~~Protection.~~ ~~[Amended on 6-12-85 by Ord. No. 7-85; Amended on 1-30-88 by Ord. No. 24-88; Amended on 02-17-99 by Ord. No. 25-98; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15, Amended on 07-22-2020 by Ord. No. 2020.07.08.006.]~~ protection.

A. Purpose. The purpose of this ~~Section~~section is to promote the public health, safety and general welfare by protecting and preserving the quality of existing and future groundwater supplies from adverse or detrimental land use, development or activities.

B. Location. These regulations shall apply to all lands within the ~~Primary~~primary and ~~Secondary Groundwater Protection Zones.~~secondary groundwater protection zones. The boundaries of the ~~Primary~~primary and ~~Secondary Groundwater Protection Zones~~secondary groundwater protection zones are depicted on maps ~~entitled~~titled "Groundwater Protection Zones," dated October 6, 1998. These maps shall be on file at the Planning and Community Development Department and the City Clerk's ~~Office.~~office. **[Amended 7-22- 2020 by Ord. No. 2020.07.08-006]**

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C. Applicability.

(1) All land use activities and development conducted within the ~~Primary~~primary or ~~Secondary Groundwater Protection Zones~~secondary groundwater protection zones shall be regulated by the standards established herein.

(2) The standards established herein shall constitute the rules of an overlay zone and shall be superimposed over other zoning districts or portions thereof. The provisions herein shall apply in addition to all other applicable ordinances and regulations. In the event of a conflict between any provision herein and any other ordinance or regulation, the more restrictive requirement shall control.

(3) Pursuant to New Hampshire ~~Code of Administration~~Administrative Rules Part Env-Wq 401, land use activities within a ~~four-hundred~~400-foot radius of a municipal well, the ~~Primary Groundwater Protection Zone~~primary groundwater protection zone, shall be subjected to more restrictive standards than the balance of the ~~Groundwater Protection Zones.~~groundwater protection zones. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(4) Any ~~NONCONFORMING USE~~nonconforming use may continue, and may be maintained and repaired, unless such use is determined to be an imminent hazard to public health and safety by the City Council or the Health Officer.

D. Standards and regulations.

(1) The following land uses are allowed in the ~~Primary Groundwater Protection Zones.~~primary groundwater protection zones. All other land uses are prohibited~~:~~.

(a) Construction, operation, and maintenance of wells, dams and water conservation apparatus.

(b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.

(c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not used or stored within said zone.

(d) Maintenance and repair of any existing ~~STRUCTURE~~structure, provided that there is no increase in the area of impermeable surfaces.

(2) The following land uses are expressly prohibited from the ~~Secondary~~

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~~Groundwater Protection Zones~~secondary groundwater protection zones:

(a) Disposal or storage of solid waste that contains leachable toxic substances, except for temporary storage awaiting removal, provided that it is stored in a manner that avoids leaching and runoff.

(b) Disposal or storage of liquid waste, except for normal sanitary waste disposal from a domestic septic system approved in compliance with New Hampshire Department of Environmental Services (NHDES) Regulations, which may require a groundwater discharge permit under RSA 485-A:13. Land application of wastewater residuals (sewage sludge) subject to regulation under NHDES Rules Env-Wq 800- to 811 is prohibited.

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(c) All on-site handling, disposal, storage or recycling of solid or liquid waste and hazardous or toxic materials, as defined in RSA ~~174A~~147-A, except for the temporary storage of such materials when they are incidental to or ~~byproducts~~by-products of a manufacturing process. Such materials are to be stored and removed in accordance with Chapter ~~149~~153, Site Review Regulations, and other applicable state and federal regulations.

(d) ~~JUNKYARD~~ Junkyard or salvage yard.

(e) Motor vehicle service or repair shops, except as a customary ~~ACCESSORY USE~~accessory use designed to provide routine service to the vehicles operated by the principal use.

(f) Storage of petroleum or related products, exempting such products when they are a part of Subsection D.~~((2)~~(c) or (e) above and exempting normal heating oil. Notwithstanding, the facilities for storing and handling such products shall be designed to avoid groundwater contamination and shall be proposed for review and approval prior to construction.

(g) Storage of road salt and other deicers, except in a shelter constructed to avoid leaching and runoff for use on-site.

(h) The dumping of snow containing road salt or other deicers brought in from outside the ~~Groundwater Protection Zone~~groundwater protection zone.

(i) Industrial uses that discharge contaminated wastewater on-site.

(j) Animal feedlots.

(k) Commercial storage of manure, fertilizers, herbicides, pesticides or other leachables, except for the temporary storage of such material when it is incidental to the principal use and stored in a manner that avoids leaching and runoff.

(l) The use of wood piling treated with creosote or other preservative.

(3) The following land uses are allowed in the ~~Secondary Groundwater Protection Zones~~secondary groundwater protection zones only if the ~~PLANNING BOARD~~Planning Board approves a ~~Conditional Use Permit~~conditional use permit for the specific use per ~~Chapter 170-28.~~Subsection E.~~((~~4):

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(a) General service and repair shops, including, but not limited to~~:~~, furniture stripping, painting, and refinishing; photographic processing; printing; appliance and small engine repair; boat repair, service and refinishing; and refrigeration, heating, ventilating and air-conditioning shops.

(b) Metalworking shops, including, but not limited to~~:~~, machine shops; metal plating shops; heat-treating shops; smelting shops; and jewelry-making shops.

(c) Manufacturing facilities, including, but not limited to~~:~~, electronics and chemical manufacturing, processing, and ~~RECLAMATION~~reclamation; paper, leather, plastic, fiberglass, rubber, silicon and glass making; pharmaceutical-

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~~(c)~~production; pesticide manufacturing; and chemical preservation of wood and wood products.

(d) Laboratories and professional medical ~~OFFICES~~offices, including, but not limited to~~:~~, medical, dental, and veterinary ~~OFFICES~~offices; and research and analytical laboratories.

(e) Cleaning services, including, but not limited to~~:~~, dry cleaner; laundromats; beauty salons; and car washes.

(4) The following land uses are allowed in the ~~Secondary Groundwater Protection Zones~~secondary groundwater protection zones:

(a) Construction, operation and maintenance of wells, dams, and water conservation apparatus.

(b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.

(c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not commercially stored within said zone.

(d) All land ~~use~~uses permitted in the applicable underlying zoning district, provided that they are not expressly prohibited in Subsection D.~~(~~(2) or (3) above.

~~(5)~~ In soils that are excessively drained, well-drained, moderately well-drained or somewhat poorly drained, as defined by a site specific soil survey completed in accordance with the standards of the Society of Soil Scientists of Northern New England, the development shall not make impervious to water more than ~~twenty percent (20%)~~% of the area of said soils except as provided for below. Any development in the ~~Secondary Groundwater Protection Zone~~secondary groundwater protection zone that proposes a total impervious surface greater than ~~twenty percent (20%)~~% shall only be permitted if the ~~PLANNING BOARD~~Planning Board grants a ~~Conditional Use Permit,~~conditional use permit per ~~Chapter 170-28.~~Subsection E

(4) In reviewing a ~~Conditional Use Permit~~conditional use permit application filed under this provision, the ~~PLANNING BOARD~~Planning Board shall require that the proposed development plan incorporates a stormwater drainage plan, approved by the ~~PLANNING BOARD~~Planning Board and prepared by a professional engineer certified to practice in the State of New Hampshire. The plan shall provide for the retention and percolation within the ~~Secondary~~

(5) ~~Groundwater Protection Zone~~secondary groundwater protection zone of all

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development-generated stormwater runoff from a ten ~~(10)~~ year storm. Furthermore, the stormwater drainage plan shall provide for the removal of oil and gasoline from parking ~~LOT~~lot runoff by use of treatment swales, oil/gas separators or other device, prior to retention and percolation of the runoff.

(6) In addition to standards and requirements contained in other ordinances and regulations, a proposed site plan and ~~BUILDING~~building permit application shall be accompanied by a report that specifies the amount and composition of industrial or commercial waste that will be generated on site and details the proposed method for disposal of such waste outside of the ~~Groundwater Protection Zones~~groundwater protection zones.

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(7) A hydrogeologic study may be required by the ~~PLANNING BOARD~~Planning Board to investigate the impacts a proposed development or land use activity will have on an existing or future groundwater supply. A qualified professional hydrologist or geologist shall be chosen from a list of such professionals provided by the City of Dover, and the ~~APPLICANT~~applicant shall pay any costs incurred.

E. Administration.

(1) Development or land use activities proposed within the ~~Groundwater Protection Zones~~groundwater protection zones that require subdivision or site plan approval from the ~~PLANNING BOARD~~Planning Board also shall be reviewed by the Dover Conservation Commission. The ~~PLANNING BOARD~~Planning Board and Conservation Commission shall verify that the proposed activity will comply with this ~~Chapter~~chapter before the ~~PLANNING BOARD~~Planning Board grants approval.

(2) The Building Inspector shall not issue a ~~BUILDING~~building permit for development or land use activities until such time as he verifies with the Zoning Administrator that the proposed development will comply with the provisions and standards established herein. The Building Inspector may consult with the Conservation Commission or Planning and Community Development Department as he deems necessary. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(3) Land use activities that do not require ~~PLANNING BOARD~~Planning Board approval or ~~BUILDING~~building permits are also subject to the requirements and standards established herein.

(4) Conditional use permits. The ~~PLANNING BOARD~~Planning Board, after receiving a recommendation from the Conservation Commission, may vary the provisions herein by granting a conditional use permit in accordance with RSA 674:21. Along with the conditional use permit application, the ~~APPLICANT~~applicant shall submit expert technical information from a professional engineer, hydrologist or geologist that documents that the requested relief is consistent with the stated purpose and intent of this ~~Chapter~~chapter. Such technical information shall include an environmental protection plan consistent with the regulated substance management requirements of the ~~NHDES's, "~~"New Hampshire Department of Environmental Services Best Management Practices for Groundwater ~~Source~~ Protection~~"~~" (Part Env-Wq 401). Said plan shall also include provisions for routine monitoring and reporting of environmental protection activities to be reported to the City of Dover. Any cost incurred by the ~~city~~City in reviewing the groundwater protection information shall be paid by the ~~APPLICANT~~applicant for the conditional use application. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

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F. Performance ~~Standards~~standards.

~~(1)~~ Applicability. Within the ~~Primary~~primary and ~~Secondary Groundwater Protection Zones~~secondary groundwater protection zones, the following performance standards shall apply to

~~(a)~~ all new ~~non-residential~~nonresidential and ~~multi-family~~multifamily development,

~~(b) Expansion~~ expansion of ~~pre-existing non-residential~~preexisting nonresidential and ~~multi-family~~multifamily developments that ~~expands~~expand the ~~LOT COVERAGE~~lot coverage of the existing ~~STRUCTURE~~structure(s) by more than ~~twenty percent (~~20~~%),~~% and

~~(c)~~(1) all subdivisions of four or more new ~~LOTs~~lots;

~~(i)~~(a) Post-development infiltration volumes shall be no greater than ~~pre-development~~predevelopment volumes as determined by use of the Development Review Model described in ~~Section~~Subsection G, below.

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~~(ii)~~(b) Stormwater shall be treated by use of a stormwater treatment system designed to remove no less than ~~eighty percent (~~80~~%)~~% of the annual load of total suspended solids. The removal rate shall be accomplished using best management practices installed in advance of the final infiltration system.

~~(iii)~~ No stormwater infiltration system shall be located within the ~~two hundred~~

(c) ~~(~~200~~)~~ day travel time of an existing or proposed municipal well as depicted on the map referenced in ~~Section 170-28.3.~~Subsection B, above. In absence of a defined ~~two hundred (~~200~~)~~ day travel time radius, the ~~APPLICANT~~applicant shall submit a technical evaluation from a professional engineer, hydrologist or geologist that documents that the proposed discharge is consistent with the stated purpose and intent of this requirement.

(2) Specific ~~Requirements~~requirements. Within the ~~Primary~~primary and ~~Secondary Groundwater Protection Zones~~secondary groundwater protection zones, the following performance standards shall apply to specific activities which may impact the groundwater quality:

(a) Sand and gravel extraction operations shall not excavate below an elevation four ~~(4)~~ feet above the seasonal high water table observed when the associated water supply well has not been operating for at least two ~~(2)~~ weeks prior to the date of measurement. The operator of the sand and gravel extraction operation shall prepare for the City an annual report documenting compliance with the requirements of this section. Pursuant to RSA 155-E:11, II, the requirements of this ~~section~~subsection may be waived if the ~~APPLICANT~~applicant demonstrates that such ~~EXCAVATION~~excavation will not adversely affect water quality and that written notice of such exception shall be recorded in the Registry of Deeds, and one copy filed with the ~~NH~~New Hampshire Department of Environmental Services.

(b) Pursuant to Chapter ~~109-27~~81, Fire Prevention and Life Safety, § 81-24, on-~~premise~~ premises use of heating oil tank facilities shall comply with the provisions of the National Fire Protection Association Standard NFPA 31, "Installation of Oil-Burning Equipment". **[Amended 7-22-2020 by Ord. No. 2020.07.08- 006]**

~~G.~~ Development ~~Review~~

G. review. All developments to which ~~Section~~Subsection F, Performance ~~Standards~~standards, above, applies shall complete the calculations as specified in the Development Review Model, or a performance equivalent, incorporated herein by

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reference. A copy of this model shall be on file at the Planning and Community Development Department and the City ~~Clerk's Office.~~Clerk's office. The Building Inspector shall withhold a ~~BUILDING~~building permit until such time as he/she verifies that the proposed development will comply with the infiltration and nitrogen maximums set forth in Table 1, Sections A and B, of said Development Review Model. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

§ 170-~~28.4~~34. Scenic Road Overlay District. ~~[Amended on 01-22-2003 by Ord. No. 35-02.]~~

A. Purpose. The purpose of this section is to promote the protection of natural woodlands located adjacent to the public ~~right~~rights-of-~~ways~~way of scenic roads as designated by the Dover City Council per the authority granted by Chapter ~~143~~117, Scenic Roads. By adopting this ~~section, the City is striving to maintain the scenic qualities of scenic~~

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section, the City is striving to maintain the scenic qualities of scenic roads both within the public right-of-way and in the privately- owned land adjacent to the scenic roads.

B. Location of ~~District~~district. The Scenic Road Overlay District is an overlay district that includes all land located within ~~twenty-five (~~25~~)~~ feet of the right-of-way of a scenic road, as designated by the City Council. At present, the following roads have been designated as scenic roads: Old Garrison Road, David Tuttle Road and Rochester Neck Road.

C. Buffer ~~Requirements~~requirements. Within the Scenic Road Overlay District, the natural vegetative buffer, existing at the time of the adoption of this section, shall be maintained and preserved in its natural state, except as provided below:

(1) The removal of damaged, diseased or unsafe vegetation is permitted within the overlay district upon the approval of the City Arborist.

(2) The clearing of vegetation necessary for the construction of a driveway for access to a ~~LOT~~lot is permitted. Such driveway shall be designed to minimize the amount of clearing of vegetation necessary.

(3) The clearing of vegetation for agricultural uses, as defined by RSA 21:34-a, is permitted.

D. Compliance with ~~Other Requirements~~other requirements. Nothing in this section shall relieve the property owner from complying with the provisions of Chapter ~~143~~117, Scenic Roads.

§ 170-~~28.5~~35. Hazardous Waste Landfill District I. ~~[Amended on 5-13-87 by Ord. No. 9-87.]~~

A. Purpose. In the interest of responsible planning, public safety and concern for the general welfare of the citizens of Dover, the regulations of this district are designed to alert the public and prohibit development activities in areas potentially affected by the storage of hazardous waste until such time as a final cleanup and proper closure of the site can be completed.

B. Location. The Hazardous Waste Landfill District I is hereby to consist of those City-owned ~~LOTs~~lots shown on the City of Dover's Assessor's Map C, ~~LOT~~Lot Nos. 16, 18 and 24.

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C. Hazardous Waste Landfill District I criteria. All applications for further development, residential or commercial or industrial, in areas heretofore specified must contain a notation on the ~~PLAT~~plat, site plan and application stating that the development site is within the Hazardous Waste Landfill District.

ARTICLE ~~VIX EXCAVATIONS~~IX

~~[Amended on 6-10-87 by Ord. No. 13-87; Amended on 09-17-2003 by Ord. No. 18-03.]~~

Excavations

§ 170-~~29~~36. Authority.

RSA 155-E stipulates that, with some exceptions, all ~~EARTH EXCAVATIONS~~earth excavations in the ~~State~~state are subject to regulation from the local municipality in which the operation occurs.

Pursuant to the authority vested in the ~~PLANNING BOARD~~Planning Board by the Code and RSA 155-E, the City adopts the following regulations to govern the ~~EXCAVATION~~excavation of ~~EARTH~~earth materials in the City of Dover.

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§ 170-37. Purpose and ~~Intent~~intent.

The goals of this regulation are to~~:~~ provide for reasonable opportunities for ~~EXCAVATION~~excavation; minimize safety hazards which can be created by open ~~EXCAVATIONs~~excavations; ensure that the public health and welfare will be safeguarded; protect natural resources and the environment; and maintain the aesthetic features of the City. For the purpose of achieving these goals, no ~~EARTH~~earth materials in the City shall be removed except in conformance with these regulations.

§ 170-~~29.2. Reserved.~~

~~170-29.3~~38. Applicability.

A. Projects ~~Requiring~~requiring a ~~Permit~~permit:

(1) Those that commenced operations since August 24, 1979, without first obtaining a permit, unless specifically exempted by ~~Section 170-29.3.~~Subsection B below.

(2) Any ~~EXCAVATION~~excavation proposing to begin operation after the effective date of these regulations.

(3) Those that have lawfully operated prior to August 24, 1979, and wish to expand the ~~EXCAVATION AREA~~excavation area.

(4) Those ~~EXCAVATIONs~~excavations from an area that on August 4, 1989, was ~~CONTIGUOUS~~contiguous to or was ~~CONTIGUOUS~~contiguous land in common ownership with stationary manufacturing and processing plants that were in operation as of August 24, 1979, and wish to expand.

B. Projects ~~Exempt From~~exempt from a ~~Permit~~permit.

(1) The following projects do not require a permit, but are nevertheless subject to ~~Sections~~

~~(1)~~ §§ 170-~~29.7~~42, 170-~~29.8~~43, and 170-~~29.9~~44. In the event of a question regarding compliance, the ~~PLANNING BOARD~~Planning Board may require the owner/operator to come before the ~~PLANNING BOARD~~Planning Board and submit such information as may be necessary to demonstrate compliance with said standards.

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(a) ~~EXISTING EXCAVATIONs~~Existing excavations that lawfully existed as of August 24, 1979, from which ~~EARTH~~earth materials of sufficient weight and volume to be commercially useful ~~has~~have been removed during the two ~~(2)~~ year period before August 24, 1979, provided that:

~~(i)~~ [1] At the time operation began, it was in compliance with any local ordinances that may have been in effect;

~~(ii)~~ [2] The owner or operator of such an ~~EXCAVATION AREA~~excavation area shall have filed an ~~EXCAVATION~~excavation report per RSA 155-E:2, I—(d) with the ~~PLANNING BOARD~~Planning Board no later than August 4, 1991. Any ~~EXISTING EXCAVATION~~existing excavation that failed to file this report shall no longer be considered to be grandfathered and must obtain a permit from the ~~PLANNING BOARD~~Planning Board before continuing ~~EXCAVATION~~excavation of the site.

(2) The following projects do not require a permit, but are nevertheless subject to ~~Sections~~

~~(2)~~ §§ 170-~~29.7~~42, 170-~~29.8~~43, and 170-~~29.9~~44 of these regulations. Compliance with these standards is mandatory in order to retain the non-permit status. Loss of such non-~~permit status can occur only after the PLANNING BOARD has given written notice that the EXCAVATION is not in compliance and the owner has failed to bring it into compliance within thirty (30) days of receipt of such notice.~~

~~EXCAVATIONs~~

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~~start of EXCAVATION. In addition, the provisions of Section 170-29.5 of this Chapter and the provisions of RSA 155-E:2, IV, (b) and (c) shall be complied with.~~

(3) The following projects are exempt from a permit and are not subject to regulation by the ~~PLANNING BOARD~~Planning Board:

(a) ~~EXCAVATION~~Excavation that is exclusively incidental to the lawful construction or ~~ALTERATIONS~~alterations of a ~~BUILDING~~building or ~~STRUCTURE~~structure, a parking ~~LOT~~lot or way, including a driveway, on a portion of the premises where removal occurs. This ~~EXCAVATION~~excavation cannot be started, however, until all required state and local permits have been issued.

(b) ~~EXCAVATION~~Excavation that is incidental to agricultural or silvicultural activities, normal landscaping or minor topographical adjustment. In the event of questions, the Zoning Administrator shall determine what is incidental in accordance with RSA 21:34-a.

(c) ~~EXCAVATION~~Excavation from a granite quarry for the purpose of producing ~~DIMENSION STONE~~dimension stone, if such ~~EXCAVATION~~excavation requires a permit under RSA 12-E (Mining and ~~RECLAMATION~~Reclamation).

(4) A person owning land abutting a site that was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile ~~EARTH~~earth taken from the construction site and may remove the ~~EARTH~~earth at a later date after written notification to the City Engineer and Zoning Administrator.

§ 170-~~29.4~~39. Abandoned ~~EXCAVATIONS~~excavations.

A. Any ~~EXCAVATION~~excavation, except for those associated with ~~STATIONARY MANUFACTURING PLANTS~~stationary manufacturing plants, whether subject to a permit under these regulations or not, for which the affected area has not yet been brought into complete compliance with the ~~RECLAMATION~~reclamation standards of this regulation shall be considered abandoned if:

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(1) No material of sufficient weight or volume to be commercially useful has been removed from the site during any two (2) year period either before, on, or after August 4, 1989. The time period may be extended if, prior to the end of the time period, the PLANNING BOARD Planning Board approves a RECLAMATION reclamation timetable, and a bond or other surety is posted in a form and amount prescribed by the City Engineer sufficient to cover the costs of reclaiming the entire site; however, in no case shall the incremental bond amount be less than two thousand five hundred dollars ($$2,500.00)/ per acre.

(2) The EXCAVATION SITE excavation site is in use and is not an EXCAVATION excavation associated with STATIONARY MANUFACTURING PLANTS stationary manufacturing plants, but either has not been brought into compliance with the incremental RECLAMATION reclamation standards of this regulation, or a bond has not been posted and the PLANNING BOARD Planning Board has not approved a RECLAMATION reclamation timetable.

(3) The owner or operator of the EXCAVATION excavation has neither secured a permit pursuant to these regulations nor filed an EXCAVATION excavation report with the PLANNING BOARD Planning Board within the prescribed period.

B. In the event the Zoning Administrator determines that any abandoned EXCAVATION excavation presents a hazard to the public health, safety or welfare, the owner may be required, following a public hearing, to comply with the timetable and bonding requirements outlined above, or to complete RECLAMATION reclamation within a reasonable period of time. Should RECLAMATION reclamation not be completed, the PLANNING BOARD Planning Board may request the City to authorize RECLAMATION reclamation at the City's expense. The City's costs shall constitute an ASSESSMENT assessment against the owner, and shall create a lien against the property on which the EXCAVATION excavation is located. Such ASSESSMENT assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

C. The provisions of 170-29.4. Subsection B above also apply to any EXCAVATION excavation that ceased commercially useful operation prior to August 24, 1977, but for which the affected area has not been brought into compliance with the RECLAMATION reclamation standards, if the Zoning Administrator determines, in writing, that specified RECLAMATION reclamation measures are necessary to eliminate or mitigate an identified hazard to public health or safety.

§ 170-29.540. Prohibited Projects projects.

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The ~~PLANNING BOARD~~Planning Board shall not grant a permit:

~~A.~~ Where the project cannot comply with the requirements of ~~Sections~~§§ 170-~~29.7~~42, 170-

A. ~~29.8~~43, and 170-~~29.9~~ 44.

B. For ~~EXCAVATIONS~~excavations within ~~fifty (~~50~~)~~ feet of the boundary of a disapproving ~~ABUTTER~~abutter or within ~~ten (~~10~~)~~ feet of an approving ~~ABUTTER~~abutter unless approval is requested by said ~~ABUTTER~~abutter.

C. Where the ~~EXCAVATION~~excavation is not permitted by zoning or other applicable ordinances~~,~~; provided, however, that reasonable opportunities for ~~EXCAVATION~~excavation exist in the City, as described in RSA 155-E:~~4~~ III.

D. Where the issuance of the permit would be unduly hazardous or injurious to the public welfare. The Board shall give particular consideration to such factors as noise, traffic, dust, fumes, or danger from operation.

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E. Where existing visual barriers would be removed, except to provide access to the EXCAVATIONexcavation.

F. Where the EXCAVATIONexcavation would substantially damage a known aquifer, as designated by the United States Geological Survey.

G. When the EXCAVATIONexcavation cannot receive required necessary approvals from state or federal agencies, such as ALTERATIONSalterations of Terrainterrain or Wetlandswetlands permits.

§ 170-29.641. Criteria For Non-conforming EXPANSIONSfor nonconforming expansions. [Amended on 07-22-2020 by Ord. No. 2020.07.08.006.]

EXPANSIONExpansion of EXISTING EXCAVATIONSexisting excavations located in an area in which EXCAVATIONSexcavations are no longer permitted by zoning that was in effect on August 4, 1989, may be restricted or modified with conditions by the PLANNING BOARD,Planning Board if, after notice to the owner and a public hearing, the PLANNING BOARDPlanning Board finds that the EXPANSIONexpansion will have a substantially different and adverse impact on the NEIGHBORHOODneighborhood. Impacts will vary depending upon the particular NEIGHBORHOODneighborhood; nevertheless, the following criteria will be taken into consideration:

A. The EXCAVATIONexcavation will not cause a diminution in area property values or unreasonably change the character of the NEIGHBORHOODneighborhood.

B. The EXCAVATIONexcavation will not create any NUISANCEnuisance or create health or safety hazards.

C. The EXCAVATIONexcavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.

§ 170-29.742. Operational Standards. [Amended on 07-22-2020 by Ord. No. 2020.07.08.006.]standards.

For EXCAVATIONSexcavations not requiring a permit, the following standards apply. For those EXCAVATIONSexcavations requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the PLANNING BOARDPlanning Board.

A. No EXCAVATIONexcavation shall be permitted within fifty (50) feet of the boundary of a disapproving ABUTTERabutter, within one hundred fifty (150) feet of a dwelling that either existed or for which a BUILDINGbuilding permit has been issued at the time the EXCAVATIONexcavation is commenced.

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B. No ~~EXCAVATION~~excavation shall be permitted below road level within ~~fifty (~~50~~)~~ feet of the right-of-way of any public highway as defined in RSA 229:1 unless such ~~EXCAVATION~~excavation is for the purpose of said highway.

C. Vegetation or suitable ~~BERM~~berm or combination of both shall be maintained or provided within the peripheral areas of ~~items (1)~~Subsections A and ~~(2)~~B of this section.

D. No fuels, lubricants or other toxic or polluting chemicals shall be stored on-site unless in compliance with ~~State~~state laws or rules pertaining to the storage of such materials.

E. Where temporary ~~SLOPEs~~slopes will exceed a one-to-one ~~(1:1)~~ grade, a ~~FENCE~~fence or other suitable barricade shall be erected to warn of danger and/or to limit access to the site.

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F. Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods.

G. ~~EXCAVATION~~Excavation practices that result in continued siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited.

H. No ~~EXCAVATION~~excavation shall be permitted within ~~one hundred (~~100~~)~~ feet of any great pond, navigable river, or any other standing body of water ~~ten (~~10~~)~~ acres or more in area, or within ~~fifty (~~50~~)~~ feet of any other stream, river or brook which normally flows throughout the year, or any naturally occurring standing body of water less than ~~ten (~~10~~)~~ acres, prime wetland as designated in accordance with RSA 482-A: 15, I, or any other wetland area as defined by the Department of Environmental Services (DES) and~~, Chapter~~ § 170~~, Zoning, Article VII, 170-27.1.C~~-28C of this chapter.

I. Sand and gravel extraction operations shall not excavate below an elevation four ~~(4)~~ feet above the seasonal high water table observed when the associated water supply well has not been operating for at least two ~~(2)~~ weeks prior to the date of measurement. Refer to ~~section I.~~ § 170-~~28.3~~33, Groundwater ~~Protection~~protection, for monitoring report requirements.

§ 170-~~29.8~~43. Site ~~RECLAMATION Standards~~reclamation standards.

A. For ~~EXCAVATIONS~~excavations not requiring a permit, the following standards apply. For ~~EXCAVATIONS~~excavations requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the ~~PLANNING BOARD~~Planning Board.

B. Within ~~twelve (~~12~~)~~ months following the expiration date of a permit issued under these regulations, or the completion of any ~~EXCAVATION~~excavation with the exception of agricultural activities, whichever occurs first, the excavated area shall be reclaimed in accordance with the following standards:

(1) Except for exposed rock ledge, all disturbed areas shall be spread with topsoil or any other soil capable of maintaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion. Areas visible from a public way, from which trees have been removed, shall be replanted with tree seedlings, set out in accordance with acceptable horticultural practices.

(2) All ~~EARTH~~earth and vegetative debris resulting from the ~~EXCAVATION~~excavation shall be removed or otherwise lawfully disposed of.

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(3) All ~~SLOPEs~~slopes, except for exposed ledge, shall be graded to natural repose for the type of soil of which they are composed so as to control erosion or at a ratio of horizontal to vertical proposed by the owner and approved by the ~~PLANNING BOARD.~~Planning Board. Changes of ~~SLOPE~~slope shall not be abrupt~~,~~ but shall blend with the surrounding terrain.

(4) Any standing bodies of water created by the ~~EXCAVATION~~excavation that ~~is~~are judged to constitute a hazard to health and safety shall be eliminated.

(5) The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural proportions of flow. For ~~EXCAVATION~~excavation projects requiring a permit from the ~~Division~~Department of Environmental Services, Water ~~Supply and Pollution Control~~Division, the provisions of RSA~~-~~

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~~(5)~~ 485-A:17 shall supersede this regulation. Copies of all local, state and federal required permits shall be filed with the Planning and Community Development Department. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

§ 170-~~29.9~~44. Incremental ~~RECLAMATION~~reclamation.

Except for ~~EXCAVATION SITES~~excavation sites operating ~~STATIONARY MANUFACTURING PLANTS~~stationary manufacturing plants, any excavated area of five ~~(5)~~ ~~CONTIGUOUS~~contiguous acres or more which is depleted of commercial ~~EARTH~~earth materials, excluding bedrock, or any ~~EXCAVATION~~excavation operation from which ~~EARTH~~earth materials of sufficient weight or volume to be commercially useful have not been removed for a two ~~(2)~~ year period, shall be reclaimed in accordance with ~~Section~~§ 170-~~29.8.~~43 within ~~twelve (~~12~~)~~ months following such depletion or ~~non-use~~nonuse, regardless of whether other ~~EXCAVATION~~excavation is occurring on adjacent land in ~~CONTIGUOUS~~contiguous ownership. A ~~RECLAMATION~~reclamation plan, including a ~~RECLAMATION~~reclamation timetable for the depleted areas within the ~~RECLAMATION~~reclamation site, shall be submitted to the ~~PLANNING BOARD~~Planning Board for review and approval by each operator, other than the operators of ~~STATIONARY MANUFACTURING PLANTS~~stationary manufacturing plants that are exempt from permit requirements.

§ 170-~~30~~45. Performance ~~Guarantee~~guarantee.

A. Prior to the granting of any permit or to the removal of topsoil or other overburden material from a new area within an ~~EXISTING EXCAVATION SITE~~existing excavation site, the ~~APPLICANT~~applicant shall submit to the Planning and Community Development Department a bond with sufficient surety as determined by the City Engineer. In no case shall the incremental bond amount be less than ~~two thousand five hundred dollars ($2500.00)~~/$2,500 per acre. The purposes of the bond are to guarantee ~~RECLAMATION~~reclamation of the area~~,~~ and compliance with the permit, and to defray costs of any inspections. ~~OFF-SITE IMPROVEMENTS~~Off-site improvements for potential damage of City ~~STREETS~~streets or facilities caused by the transportation of ~~EARTH~~earth materials shall be discussed at this stage. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

B. The surety may be in the form of a performance bond, property escrow, irrevocable letter of credit, or any other form approved by the ~~PLANNING BOARD~~Planning Board. The surety may be phased to coincide with the phasing of work, in an amount sufficient to guarantee ~~RECLAMATION~~reclamation of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The surety shall not be released until the City Engineer is satisfied that all conditions of the site ~~RECLAMATION~~reclamation plan have been complied with.

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§ 170-~~30.1~~46. Waivers.

Due to the diverse nature of ~~EXCAVATION~~excavation operations that vary in scale and scope, and due to the varying conditions of the land to be excavated, the ~~PLANNING BOARD~~Planning Board may, upon application and following a duly- noticed hearing, grant any waiver in writing to the standards contained in ~~Sections~~§§ 170-~~29.7~~42, 170-~~29.8~~43, 170-~~29.9~~,44 and 170-~~30.~~45 for good cause shown. The written decision shall state specifically what requirements are being waived and include any reasonable alternatives.

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§ 170-47. Application ~~Procedures~~procedures.

Prior to the ~~PLANNING BOARD~~Planning Board rendering a decision for an ~~EXCAVATION~~excavation permit, a public hearing shall be held, with due notification of all ~~ABUTTERS~~abutters and the public. The procedure for holding these public hearings is as follows:

A. Filing of the ~~Application~~application. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) Applications for new ~~EXCAVATION~~excavation permits shall be filed with the Planning and Community Development Department by April ~~1st~~1. Applications to renew ~~EXCAVATION~~excavation permits shall be due by April ~~1st~~1 once every two ~~(2)~~ years. Applications to renew shall be due by April ~~1st~~1 of the renewal year. ~~EXCAVATIONS~~Excavations operating within the ~~Primary~~primary and ~~Secondary Groundwater Protection Zones~~secondary groundwater protection zones must still comply with the annual reporting requirements set forth in ~~Section~~§ 170-~~28.3.F.(~~33F(2)(a).

(2) The application will be reviewed with the ~~APPLICANT~~applicant upon submittal to the Planning and Community Development Department~~,~~ and will be accepted only if it is found to meet all submission requirements for a completed application. The application must be accepted as complete no later than April ~~15th~~15 in order to be scheduled for a public hearing. If the application is not completed by the deadline, then another meeting may be scheduled, but may not be later than the expiration date of the permit. All operations shall cease upon permit expiration until a new hearing is scheduled and a completed application is approved.

B. Board ~~Action~~action on ~~Application~~application.

(1) At the ~~PLANNING BOARD's~~Planning Board's first meeting date in May, the ~~PLANNING BOARD~~Planning Board may vote to accept the application~~,~~ and, if accepted, will schedule a public hearing to be held within ~~thirty (~~30~~)~~ days.

(2) Within ~~twenty (~~20~~)~~ days of the close of the hearing on the application, or any continuation thereof, the ~~PLANNING BOARD~~Planning Board shall make a decision. The Board may, for good cause, with proper notice, accept the application, hold the public hearing, and make a decision during the same meeting. Notice of this decision shall be recorded in the minutes of the meeting and placed on file in the Planning and Community Development Department within ~~seventy-two (~~72~~)~~ hours. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

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(3) The ~~APPLICANT~~applicant shall receive a written copy of the minutes along with the decision. In the event the application is disapproved, the reasons for the disapproval shall be given.

C. Notices ~~Required~~required for ~~Public Hearing~~public hearing.

(1) All ~~ABUTTERS~~abutters will be notified by ~~Verified Mail~~verified mail, not less than ~~fourteen (~~14~~)~~ days prior to the meeting at which the application will be submitted for acceptance. Names and addresses of ~~ABUTTERS~~abutters must be taken from City records not more than five ~~(5)~~ days before filing the application. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(2) Public notice will appear in a newspaper of general circulation and in at least three public places not less than ~~fourteen (~~14~~)~~ days prior to the meeting.

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(3) The notice must include the location and general description of the proposal, as well as the date, time and place of the meeting.

D. Fees.

(1) A filing fee as contained within the Fee Schedule plus ABUTTERabutter notification postage shall be paid upon submission of an application, to defray the costs of posting notice for the public hearing. Failure to pay such cost shall constitute grounds for the PLANNING BOARDPlanning Board to not accept the application. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

(2) A permit fee as contained within the Fee Schedule shall be paid upon the issuance of a permit, to defray the costs of permit compliance. **[Amended 9-11- 2019 by Ord. No. 2019.08.28-012]**

(3) A fee payable to the Strafford County Register of Deeds (SCRD) shall be paid upon approval, for the filing of any new plan, if so required by the PLANNING BOARDPlanning Board.

(4) Additional reasonable fees shall be charged should the PLANNING BOARDPlanning Board require the advice of an engineer or other expert to review plans or inspect the site to determine permit compliance.

§ 170-30.348. Application Submission Items. [Amended on 12-09-2009 by Ord. No. 2009.09.09- 15.]submission items.

The APPLICANTapplicant shall submit at least fifteen (15) copies of an EXCAVATIONexcavation and a RECLAMATION Planreclamation plan; one (1) additional copy shall be sent to the Conservation Commission. The plans shall be at a scale appropriate for the land area involved. The PLANNING BOARDPlanning Board may, upon good cause shown, waive any of the items in ParagraphsSubsection A or B below.

A. EXCAVATION Plan

A. Excavation plan. The EXCAVATIONexcavation plan shall address specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety of unauthorized persons. The plan shall show or be accompanied by the following items:

(1) Name and address of the owner, the excavator (if different) and all ABUTTERSabutters.

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(2) Name, address, and ~~Signature~~signature with professional stamp of the person preparing the plan; date, bar scale and ~~north~~North arrow.

(3) Zoning district boundaries of the proposed area and within ~~two hundred (~~200~~)~~ feet of the boundary of the project.

(4) Sketch and description of the location and boundaries of the proposed and any ~~EXISTING EXCAVATIONs;~~existing excavations, including the area in square feet and ~~acre~~acres.

(5) The location of existing ~~BUILDINGs, STRUCTURES~~buildings, structures, septic systems and wells within ~~two hundred (~~200~~)~~ feet of the boundary.

(6) Public ~~STREETs~~streets, driveways, intersections, rights-of-way, and all easements within ~~two hundred (~~200~~)~~ feet; road network to be affected; intended transportation routes to be used.

(7) Topography at contour intervals of five ~~(5)~~ feet or less.

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(8) All surface drainage patterns, including wetlands and standing water.

(9) Sketch and description of existing and proposed access roads, including width and surface materials.

(10) The breadth, depth and ~~SLOPE~~slope of the proposed ~~EXCAVATION~~excavation and the estimated duration of the project.

(11) The elevation of the highest annual average ~~ground water~~groundwater table within or next to the proposed ~~EXCAVATION~~excavation. Refer to ~~Zoning Section~~§ 170-~~28.3.~~33, Groundwater ~~Protection~~protection, for requirements of the annual report documenting compliance with the four-~~(4)~~-foot buffer rule.

(12) Test pits that extend to either the seasonal high-water table, ledge, or a minimum of six ~~(6)~~ feet below the maximum proposed ~~EXCAVATION~~excavation depth, including location and soils data; boring logs may be submitted separately.

(13) Proposed fencing, buffers or other visual barriers, including ~~HEIGHT~~height and materials.

(14) All measures to control erosion, sedimentation, water pollution, air pollution, and any hazards to human safety.

(15) Plans for ~~storm water~~stormwater management.

(16) Plans for storage, use, and disposal of petroleum products and other regulated materials.

(17) Methods to prevent materials from the site from being tracked onto public roadways.

(18) Copies of all necessary state and federal permits.

(19) All infrastructure and topographic information shall be submitted in an electronic format, as well as on paper.

~~B. RECLAMATION Plan~~

B. Reclamation plan. The ~~RECLAMATION~~reclamation plan shall address the effects of the proposed ~~EXCAVATION~~excavation on soil, surface water and groundwater, vegetation,

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overburden, topography, and fill material, and should address future land use consistent with the ~~City's~~City's Master Plan. The plan shall show, or be accompanied by, the following items:

(1) Name, address, and signature with professional stamp of the person preparing the plan; date, bar scale and ~~north~~North arrow.

(2) All boundaries of the area proposed for ~~RECLAMATION~~reclamation and the land within ~~two hundred (~~200~~)~~ feet of the boundary of this site.

(3) Final topography of the area proposed for ~~RECLAMATION~~reclamation, at contour intervals of five ~~(5)~~ feet or less.

(4) Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities.

(5) Timetable as to fully depleted sites within the ~~EXCAVATION AREA~~excavation area.

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(6) Schedule of final RECLAMATIONreclamation activities, including seeding mixtures, cover vegetation, fertilizer types, and application rates.

C. Other Information

C. information. The PLANNING BOARDPlanning Board reserves the right, per RSA 155-E:3, VII, to request any other information it deems necessary to make an informed decision, or to have plans reviewed by an outside agency. According to the authority vested in the PLANNING BOARDPlanning Board by RSA 676:4, I-(g), any reasonable expenses incurred for such information or reviews shall be charged to the APPLICANTapplicant. Failure to pay such costs constitutes valid grounds for the PLANNING BOARDPlanning Board to deny the application. The following items shall accompany the application:

(1) An annual report documenting compliance with the requirements of Section§ 170- 28.333, Groundwater Protectionprotection. Pursuant to RSA 155-E:11, the requirements of this section may be waived if the APPLICANTapplicant demonstrates that such exception shall be recorded in the Registry of Deeds, and one copy filed with the NHNew Hampshire Department of Environmental Services.

(2) A written statement from the Tax Collector that all current property and EXCAVATIONexcavation taxes levied against all properties in the operation have been paid in full and that there are no unreleased tax liens encumbering said properties.

(3) A copy of the Noticenotice of Intentintent to Excavateexcavate filed with the Assessor'sAssessor's Office.

(4) A copy of the surety bond or other form of performance guaranty as approved by the PLANNING BOARDPlanning Board.

§ 170-30.449. Administration and Enforcementenforcement.

A. Permits.

(1) Permits shall be issued only to the owner or his agent and shall not be transferable without the prior written consent of the PLANNING BOARD.Planning Board. A copy of the permit shall be prominently displayed at the site or the principal access to the site.

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(2) A permit shall be valid for two ~~(2)~~ years, and the expiration date shall be May ~~30th~~30.

(3) Failure to file for a permit shall be considered a violation, and operators who fail to file will be issued a cease and desist order by the Zoning Administrator.

(4) The Board may include in the permit any such reasonable conditions as are consistent with the purpose of these regulations.

(5) All permitted sites shall be inspected once every two ~~(2)~~ years. Inspections by the Zoning Administrator or ~~their~~his designee shall be scheduled in April to coincide with permit renewal applications and in October each year by the Zoning Administrator or his designee. The inspection reports shall be timely submitted to the ~~PLANNING BOARD~~Planning Board for ~~their~~its review.

~~B.~~ Amendments and ~~Renewals~~

B. renewals. Permit holders wishing to ~~ALTER~~alter the size or location of the ~~EXCAVATION~~excavation, the rate of removal or the plan for ~~RECLAMATION~~reclamation shall apply for a renewal or-

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amendment; following the same procedures as those required for the original EXCAVATIONexcavation permit.

C. Inspections

C. . The Zoning Administrator or his designee may make periodic inspections of all EXCAVATION SITEsexcavation sites to determine if the operations are in conformance with these regulations and the approved plans.

D. SUSPENSIONSSuspensions and REVOCATIONS

D. revocations. The Board may suspend or revoke a permit if the Zoning Administrator determines that any provision of the permit has been violated, a material misstatement made in the application upon which a permit was granted, or any unsafe or hazardous conditions are determined by a site inspection to exist. Such SUSPENSIONsuspension or REVOCATIONrevocation shall be subject to a motion for rehearing thereon and appeal in accordance with these regulations to the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment.

E. Appeals

E. . Any person affected by the PLANNING BOARD'SPlanning Board's decision to approve or disapprove an application or any amendment thereto or any SUSPENSIONsuspension or REVOCATIONrevocation of a permit, may appeal to the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall be filed within ten (10) days of such decision and shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable. The Zoning Board shall either grant or deny the request for rehearing within (10) days, and if the request is granted, a rehearing shall be scheduled within thirty (30) days. Any person affected by the Zoning Board'sBoard's decision on a motion orfor rehearing may appeal in accordance with RSA 677:4 to 677:15.

F. Penalties

F. . Fines, penalties and remedies for violations of this regulation shall be the same as for violations of RSA 676:15 and 676:17. Whoever violates any provision of this regulation, a permit or a valid order issued hereunder shall be guilty of a misdemeanor.

170-31. Reserved.

ARTICLE X SIGNS AND FENCES

170-32. SIGN Review and Regulations. [Amended on 3-14-84 by Ord. No. 7-84; Amended on 6-10-87 by Ord. No. 13-87; Amended on 10-26-88 by Ord. No. 18-88; Amended on 08-01-90 by Ord. No. 8-90; Amended on

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~~04-21-93 by Ord. NO. 04-93; Amended on 11-22-95 by Ord. No. 19-95; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 03-21-2007 by Ord. No. 01-07; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 2010.10.27-13; Amended on 02-22-2012 by Ord. No. 2012.01.25; on 08-~~ Signs and Fences

§ 170-50. Sign review and regulations. [Amended 8-19-2015 by Ord. No. 2015.07.22-017; ~~Amended on 12~~10-26-2016 by Ord. No. 2016.10.12-015; ~~Amended on 07-22-2020 by Ord. No. 2020.07.08.007, Amended on 09-14-2022 by Ord. No 2022.08.10-010., Amended on 08-09-2024 by Ord. No. 2023.07.12-008~~]

~~Purpose.~~ The purpose of this ~~Section~~section is to create a legal framework for ~~SIGNAGE~~signage regulations that is intended to facilitate a flexible and agreeable communication between people. Such an ordinance acknowledges the need to protect the safety and welfare of the public, the need for a well-maintained and attractive appearance throughout the City of Dover and the need for adequate identification, advertising and communication. While this ~~Section~~section recognizes that aesthetics and design quality cannot be satisfactorily legislated, it does, however, operate on the premise that a large percent of that which is unattractive can be eliminated by sensible quality control through maintenance and inspection and by guidelines formulated to minimize clutter.

A. Permitted ~~SIGNS~~signs. No ~~SIGN~~sign shall be permitted within the City of Dover, except in accordance with the provisions of this ~~Section~~section. See ~~tables~~Tables of Use and Dimensional Regulations by District for overview of permitted ~~SIGNS~~signs.

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B. Permit required. No SIGNsign, other than a residential nameplate or a SIGNsign exempted from the permitting requirements of this Sectionsection as described herein, shall be erected or placed in the City of Dover without a SIGNsign permit. Said permit shall be issued by the Zoning Administrator, provided that the SIGNsign meets all the regulations of this Sectionsection, after the submission of an application and a set of plans to an appropriate scale, showing site location, dimensions, method of illumination, if any, and types of materials to be used in construction. Replacement of existing SIGNssigns and support STRUCTURESstructures, where the area, location or materials are being ALTERedaltered, shall require a permit, and such replacement shall conform to the regulations of this Sectionsection.

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

(1) SIGN Location. SIGNSSign location. Signs shall relate only to the premises upon which they are located, excluding TEMPORARY SIGNstemporary signs as regulated in Subsection O. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

(2) All SIGNssigns shall be constructed, erected and maintained so as not to present a hazard to persons and property.

(3) All SIGNssigns shall be erected in such a manner so as not to obstruct free and clear vision along or onto a public right-of-way.

(4) All SIGNssigns shall be erected in such a manner so as not to obstruct the view of, be confused with or mistaken for any authorized traffic SIGNsign, signal or like device.

(5) The illumination of any SIGNsign shall be nonflashing; spot- or floodlights shall be arranged so that the direct rays of light do not shine or reflect directly into adjacent properties or the line of vision of a motorist.

(a) FLASHING SIGNSFlashing signs are prohibited.

(b) Illuminance of the SIGNsign face shall not exceed the following standards:

(i) EXTERNAL ILLUMINATION: fifty ([1]External illumination: 50) foot-candles footcandles as measured on the SIGNsign face.

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~~INTERNAL ILLUMINATION: five thousand (~~ [2] Internal illumination: 5,000~~)~~ nits (candelas per square meter) during-

~~(ii)~~ daylight hours, and ~~five hundred (~~500~~)~~ nits between dusk and dawn, as measured at the ~~SIGN's~~sign's face.

~~(iii) DIRECT ILLUMINATION: five thousand (~~[3] Direct illumination: 5,000~~)~~ nits during daylight hours, and ~~five hundred (~~500~~)~~ nits between dusk and dawn, as measured at the ~~SIGN's~~sign's face.

(6) The top edge of a ~~WALL SIGN~~wall sign shall be at least one ~~(1)~~ foot below the top of the wall or ~~PARAPET~~parapet wall. The top edge of a roof ~~SIGN~~sign shall be at least one ~~(1)~~ foot below the roof ridge or the highest point of the roof if no ridgepole exists.~~##~~.[11]

(7) No ~~SIGN~~sign shall be painted or affixed with adhesive directly on the surface of a ~~BUILDING~~building.

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11. Editor's Note: See Figure 1 of the Sign Diagrams, Part I, included as an attachment to this chapter.

(a).) Window decals (such as: adhesive; labels; placards) are not permissible when affixed on the outside of a window, but are, generally, allowed when affixed to the inside. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

(8) Rotating ~~SIGNs~~signs or beacons, waving pennants or whirling devices are prohibited.

(9) ~~TEMPORARY SIGNs~~Temporary signs are prohibited, except as otherwise provided in Subsection O. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

(10) All ~~SIGNs~~signs are prohibited within the public right-of-way, except as otherwise provided in this ~~Section~~section.

(11) The terms of this ~~Section~~section shall not apply to ~~SIGNs~~signs being necessary for the public welfare and, as such, are required by the municipal, ~~State~~state, or ~~Federal~~federal government.

(12) The material and construction of any ~~SIGN~~sign or supporting elements shall be in accordance with the ~~Building~~building and ~~Electrical Codes~~electrical codes (in use by the City at the time of installation) and all other applicable City regulations.

(13) On a ~~CORNER LOT~~corner lot, no ~~FREESTANDING SIGN~~freestanding sign or support element shall be erected to materially impede vision between a ~~HEIGHT~~height of ~~two and a half (2 ½)~~1/2 feet and eight ~~(8)~~ feet above curb grades in the same area bounded by the ~~STREET~~street lines of such ~~CORNER LOT~~corner lot and a straight line joining points along said ~~STREET~~street lines ~~thirty (30)~~ feet from point of their intersection except as otherwise provided in this ~~Section~~section.

(14) Essential directional ~~SIGNs~~signs not exceeding four ~~(4)~~ square feet in area are permitted indicating entrance and exit driveways. Said ~~SIGNs~~signs shall not be subject to the permitting requirements of this ~~Section~~section.

(15) ~~SIGNs~~Signs not exceeding two ~~(2)~~ square feet in area are permitted in parking ~~LOTs~~lots indicating aisles or reserved areas or spaces. Said ~~SIGNs~~signs shall not be subject to the permitting requirements of this ~~Section~~section.

(16) On a ~~BUILDING~~building or project under construction, or on a property currently for sale or rent, one additional ~~SIGN~~sign is permitted and shall conform to the following additional regulations:

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~~(a)~~ One ~~(1) SIGN~~sign not exceeding ~~thirty-two (~~32~~)~~ square feet is permitted on a ~~BUILDING~~building or project under construction. Such ~~SIGN~~sign shall be removed upon the receipt of a ~~CERTIFICATE OF OCCUPANCY~~certificate of occupancy or upon the expiration of the ~~BUILDING~~building permit. An additional one ~~(1) SIGN~~sign not exceeding ~~thirty-two~~

(a) ~~(~~32~~)~~ square feet is also permitted as a temporary ~~DEVELOPMENT IDENTIFICATION SIGN~~development identification sign at the principal vehicular entry point. Said ~~SIGN~~sign shall not be subject to the permitting requirements of this ~~Section.~~section. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(b) One ~~(1) SIGN~~sign not to exceed four ~~(4)~~ square feet may be erected on a property currently for sale or rent. Said ~~SIGN~~sign shall not be subject to the permit requirements of this ~~Section~~section.

(17) ~~WALL SIGNs~~Wall signs shall conform to the following additional regulations:

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(a) No ~~WALL SIGN~~wall sign shall be located in such a manner so as to extend above the next floor's ~~window sill~~windowsill or descend below the top of the lower floor's lintel.~~§§~~ [12]

(b) In all nonresidential zoning districts where a business/premises fronts on more than one ~~(1)~~ public ~~STREET~~street or municipal parking ~~LOT~~lot, one ~~(1) WALL SIGN~~wall sign shall be permitted upon each ~~FRONTAGE~~frontage. The ~~SIGN AREA~~sign area displayed shall not exceed that area permitted by the ~~FRONTAGE~~frontage on that public ~~STREET~~street or parking ~~LOT.~~*** lot.[13]

(c) In all nonresidential zoning districts, one ~~(1)~~ informational/directional ~~WALL SIGN~~wall sign shall be permitted for each ~~BUILDING~~building entryway. Said ~~SIGN~~sign shall not exceed four ~~(4)~~ square feet in area and shall not be illuminated. Said ~~SIGN~~sign shall not be subject to the permitting requirements of this ~~Section~~section.

(18) All ~~FREESTANDING SIGNS~~freestanding signs shall conform to the following regulations:

(a) No ~~FREESTANDING SIGNS~~freestanding signs shall be located in an area designated for parking unless said ~~SIGN~~sign is protected along all sides by curbing. A four ~~(4)~~ foot clear space is required along all approaches.~~‡‡‡~~ [14]

(b) No ~~FREESTANDING SIGN~~freestanding sign shall be placed within ~~fifty (50)~~ feet of a low-density residential district (R-40, R-20) boundary.

(19) All ~~PROJECTING SIGNS~~projecting signs shall conform to the following additional regulations:

(a) ~~PROJECTING SIGNS~~Projecting signs shall be attached to the main wall of the ~~BUILDING~~building.

(b) ~~PROJECTING SIGNS~~Projecting signs shall be prohibited from projecting over a ~~STREET~~street, alley or other ~~PUBLIC SPACE~~public space beyond four ~~(4)~~ feet, eight ~~(8)~~ inches from a ~~BUILDING~~building facade or ~~two-thirds (~~2/3~~)~~ of the width of the ~~SIDEWALK~~sidewalk, whichever is less.~~‡‡‡~~ [15]

(c) A clear space of not less than ~~ten (~~10~~)~~ feet shall be provided below all parts of a ~~PROJECTING SIGN~~projecting sign, except for residential nameplates.

(d) In all nonresidential zoning districts where a business/~~premise~~premises fronts on more than one ~~(1)~~ public ~~STREET~~street or municipal parking

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lot, one ~~(1) PROJECTING SIGN~~projecting sign shall be permitted upon each ~~FRONTAGE~~frontage. The ~~SIGN AREA~~sign area displayed shall not exceed that area permitted by the ~~FRONTAGE~~frontage on that public ~~STREET~~street or parking lot.

(20) Awnings may be used in lieu of permitted ~~WALL SIGNS~~wall signs, provided said letters, insignia or emblems do not exceed the square footage allowed for a ~~WALL SIGN~~wall sign in the applicable zoning district.

D. ~~SIGNS~~Signs permitted in residential districts. Any ~~SIGN~~sign permitted in a ~~Residential District~~residential district shall conform to the following regulations (~~See~~see tables for overview of permitted ~~SIGNS~~signs):

~~CUSTOMARY HOME OCCUPATION SIGNS~~

12. Editor's Note: See Figure 2 of the Sign Diagrams, Part I, included as an attachment to this chapter.

13. Editor's Note: See Figure 3 of the Sign Diagrams, Part I, included as an attachment to this chapter.

14. Editor's Note: See Figure 4 of the Sign Diagrams, Part 1, included as an attachment to this chapter.

15. Editor's Note: See Figure 5 of the Sign Diagrams, Part I, included as an attachment to this chapter.

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(1) Customary home occupation signs shall identify only the name of each occupant and the ~~STREET~~street address. Said ~~SIGN~~sign shall not exceed two ~~(2)~~ square feet and shall not be subject to the permit requirements of this ~~Section~~section.

(2) One ~~(1) SIGN~~sign not to exceed ~~sixteen (~~16~~)~~ square feet may be erected in connection with any legally permitted ~~non-residential~~ nonresidential use, excepting home occupations and ~~BED AND BREAKFASTS~~bed-and-breakfasts.

(3) One ~~(1) SIGN~~sign may be erected in connection with a lawfully maintained ~~NONCONFORMING USE~~nonconforming use.

(4) All nonresidential ~~SIGNs~~signs may only be illuminated by constant ~~EXTERNAL ILLUMINATION.~~external illumination. The lighting element shall be shielded and shall illuminate only the ~~SIGN~~sign. No ~~SIGN~~sign shall be illuminated after 9:00 p.m. or before 6:00 a.m.

(5) One ~~(1) SIGN~~sign not to exceed four ~~(4)~~ square feet may be erected in connection with a ~~BED AND BREAKFAST~~bed- and-breakfast.

(6) No ~~SIGN~~sign shall be located greater than eight ~~(8)~~ feet above the ground, whether freestanding or attached to a ~~BUILDING~~building.

E. ~~SIGNs~~Signs permitted in CBD and CWD Districts. (See table for overview of permitted ~~SIGNs.)~~signs.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

~~(1) WALL SIGNs[§§§]~~

~~(a)~~(1)Wall signs.[16] An additional one ~~(1)~~ square foot of ~~SIGN AREA~~sign area per one ~~(1)~~ foot of ~~BUSINESS FRONTAGE~~business frontage shall be permitted, provided that the character of the ~~SIGN~~sign conforms to mill motif design criteria. Refer to Subsection O for applicable criteria.

F. ~~SIGNs~~Signs permitted in C ~~district~~District. (See table for overview of permitted ~~SIGNs.)~~signs.) **[Amended 7- 22-2020 by Ord. No. 2020.07.08-007]**

~~(1) FREESTANDING SIGNs~~

(1) Freestanding signs.

(a) Where a ~~PRINCIPAL BUILDING~~principal building fronts on more than

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one ~~(1) STREET~~street, one ~~(1) FREESTANDING SIGN~~freestanding sign may be erected upon each ~~FRONTAGE~~frontage, provided that the ~~BUILDING~~building complies with applicable ~~SETBACKs~~setbacks.

(b) One ~~(1) FREESTANDING SIGN~~freestanding sign shall be permitted for every principal entryway to a ~~SHOPPING CENTER.~~shopping center. Such ~~SIGNAGE~~signage shall be a distance of ~~five hundred (~~500~~)~~ feet apart.

(c) Each ~~FREESTANDING SIGN~~freestanding sign shall not exceed ~~sixteen (~~16~~)~~ feet in ~~HEIGHT~~height, except as provided for below, and shall be permanently affixed to the ground. Notwithstanding, ~~FREESTANDING SIGNs~~freestanding signs fronting on the Spaulding Turnpike shall not exceed ~~thirty (~~30~~)~~ feet in ~~HEIGHT~~height.

(d) Notwithstanding, no ~~FREESTANDING SIGN~~freestanding sign shall be allowed on Old Rochester Road.[17]

G. ~~SIGNs~~Signs permitted in O and Gateway ~~district~~Districts. No ~~SIGN~~sign shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted ~~SIGNs.)~~

~~(1) SIGNs~~signs.) Signs shall only-

16. Editor's Note: See Figure 6 of the Sign Diagrams, Part II, included as an attachment to this chapter.

17. Editor's Note: Original § 170-32G, Signs permitted in B-1 Districts, of the 2013 Code, which immediately followed this subsection, was repealed 7-22-2020 by Ord. No. 2020.07.08-007.

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be illuminated by constant ~~EXTERNAL ILLUMINATION.~~external illumination. The lighting element shall be shielded and shall illuminate only the ~~SIGN.~~sign. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

H. ~~SIGNs~~Signs permitted in CM ~~district~~District. (See table for overview of permitted ~~SIGNs.)~~signs.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

~~(1) FREESTANDING SIGNs~~

(1) Freestanding signs.

~~(a)~~ Where a ~~PRINCIPAL BUILDING~~principal building fronts on more than one ~~(1) STREET~~street, one

(a) ~~(1) FREESTANDING SIGN~~ freestanding sign may be erected upon each ~~FRONTAGE~~frontage, provided that the ~~BUILDING~~building complies with applicable ~~SIGNAGE SETBACKs~~signage setbacks.

~~(b)~~ Two ~~(2) FREESTANDING DEVELOPMENT IDENTIFICATION SIGNs~~

(b) freestanding development identification signs shall be permitted per approved industrial park, provided that the combined square footage of such ~~SIGNs~~signs does not exceed ~~five hundred (~~500~~)~~ square feet in area, and that, if on a ~~CORNER LOT~~corner lot, such ~~SIGNs~~signs shall be set so as to not materially impede vision.

I. ~~SIGNs~~Signs permitted in IT ~~district~~District. (See table for overview of permitted ~~SIGNs.)~~signs.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

~~(1) FREESTANDING SIGNs~~

(1) Freestanding signs.

(a) Where a development fronts on more than one ~~(1)~~ public ~~STREET~~street or roadway, one ~~(1) FREESTANDING SIGN~~freestanding sign shall be permitted upon each ~~FRONTAGE~~frontage.

(b) Each ~~FREESTANDING SIGN~~freestanding sign shall not exceed ~~sixteen (~~16~~)~~ feet in ~~HEIGHT~~height, except as provided for below, and shall be permanently affixed to the ground. Notwithstanding, ~~FREESTANDING SIGNs~~freestanding signs fronting on the Spaulding Turnpike shall not exceed ~~thirty (~~30~~)~~ feet in ~~HEIGHT~~height.

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(c) ~~SIGN AREA~~Sign area shall not exceed ~~sixty (~~60~~)~~ square feet in area. Notwithstanding, a ~~FREESTANDING SIGN~~freestanding sign fronting the Spaulding Turnpike shall not exceed ~~one hundred (~~100~~)~~ square feet in area.[18]

J. Political advertising ~~SIGNs~~signs. Political advertising ~~SIGNs~~signs are permitted per the political advertising ~~SIGN~~sign provisions of ~~State~~state law.

K. Obsolete ~~SIGNs~~signs. Any ~~SIGN~~sign which is located on property which becomes vacant and unoccupied for a period of more than six ~~(6)~~ months shall be deemed to have been abandoned, and the ~~SIGN~~sign shall be considered obsolete. Such obsolete ~~SIGNs~~signs are prohibited and shall be removed by the owner of the ~~SIGN~~sign or owner of the premises. In the event that the said ~~SIGN~~sign(s) and support(s) are not removed as requested by the Zoning Administrator, the City of Dover may remove said ~~STRUCTURE~~structure(s) and assess all costs and expenses incurred in said removal against the ~~STRUCTURE's~~structure's owners and/or the owner of the land upon which said ~~STRUCTURE~~structure(s) is located.

L. Nonconforming ~~SIGNs~~signs. A ~~SIGN~~sign installed prior to the effective date of this ~~Section~~section which meets the applicable requirements of ~~the zoning code~~this chapter then in effect but which is not in conformance with the provisions of this ~~code,~~ Code shall be deemed a permitted ~~nonconforming SIGN. Such~~

18. Editor's Note: Original § 170-32K, Signs permitted in the B-5 District, of the 2013 Code, which immediately followed this subsection, was repealed 7-22-2020 by Ord. No. 2020.07.08-007.

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L. nonconforming SIGN sign. Such nonconforming sign shall, however, be subject to the following regulations:

(1) No nonconforming SIGNsign shall be ALTEREDaltered in any way, in STRUCTURE structure or material which makes the SIGNsign less in compliance with the requirements of this Sectionsection than it was before the ALTERATIONSalterations.

(2) No nonconforming SIGNsign shall be relocated to a position making it less compliant with the requirements of this Sectionsection.

(3) Non-conforming FREESTANDING SIGNs and PROJECTING SIGNSNonconforming freestanding signs and projecting signs may be replaced upon approval of a SIGNsign permit application, provided that the support STRUCTUREstructure of the SIGNsign remains in place and the dimensions of the SIGNsign are the same or smaller. If any other nonconforming SIGNsign is replaced, it shall be replaced in total with a SIGNsign that is in conformance with the provisions of this Sectionsection.

(4) Should a nonconforming SIGNsign be destroyed by any means to an extent of more than seventy-five percent (75%)% of its replacement cost at the time of its destruction, it shall not be reconstructed except in conformity with the provisions of this Sectionsection.

M. Mill motif design criteria.

(1) Intent.

a.(a) A recurring architectural theme exists within the Central Business District, where the use of brick, granite and slate dominates much of the existing commercial BUILDINGbuilding stock. Influenced by the early 19th century mill development, SIGNAGEsignage was closely integrated with the style and composition of the BUILDINGbuilding, often consisting of handsomely carved and painted wooden signboards. The use of dark background tones, highlighted with bright lettering, was dominant. PROJECTING SIGNSProjecting signs were typically constructed from dark-hued metal, cast iron in particular, and internal lighting or use of plastics, aluminum and vinyl was nonexistent.

b.(b) The use of a mill motif SIGNAGEsignage theme is an attempt to promote a style orof architectural continuity within Dover's urban center. Within the

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defined mill motif theme, a great amount of flexibility is permitted where design and materials are involved, and all ~~SIGNAGE~~signage should be guided by general design criteria.

~~(2) SIGN~~Sign location.

~~(a)~~ Every ~~SIGN~~sign shall be required to be an integral part of its ~~BUILDING.~~

(2) ~~SIGNS~~building. Signs shall be located with respect to the basic architectural framework of the ~~BUILDING~~building, so as not to obscure the primary elements (door and window openings and decorative facade treatments) of a ~~BUILDING's~~building's framework.

(3) ~~SIGN~~Sign composition.

(a) Lettering.

~~(i)~~ [1] No more than one ~~(1)~~ font shall be permitted per ~~SIGN~~sign. More than one ~~(1)~~ size is permitted.

~~(ii)~~ [2] Letters may be attached to the ~~BUILDING façade~~building facade.

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~~(iii)~~ [3] Light-colored letters on a dark background are required.

~~(iv)~~ [4] Lettering shall be located so as not to obstruct architectural detailing on the ~~BUILDING~~building face.

~~(v)~~ [5] Product trademarks are not permitted. Generic trade symbols (e.g., a shoe for a cobbler, a mortar and pestle for a druggist) are permitted.

~~(vi)~~ [6] Letter styles shall be limited to the classic genre, i.e., Copperplate Gothic, Times, Franklin Gothic, Benton, Clarendon, Haas Helvetica, Folio Caravelle Medium, Windsor, and Times Roman.

~~(vii)~~ [7] The size of the lettering shall be in proportion to both the ~~SIGN~~sign configuration and the ~~BUILDING~~building.

(b) Color.

~~(i)~~ [1] No more than three ~~(3)~~ colors are preferred, plus black and white. Differences in shade or hue are considered different colors. Lettering is limited to one ~~(1)~~ color.

~~(ii)~~ [2] Colors used in ~~SIGNAGE~~signage should relate to the color composition of the ~~BUILDING~~building material and be compatible with them.

~~(iii)~~ [3] The determination of ~~SIGN~~sign color must relate to the degree of contrast between the ~~SIGN~~sign lettering and ~~SIGN~~sign background.

(c) Lighting.

~~(i)~~ ~~INTERNAL ILLUMINATION~~[1] Internal illumination and ~~DIRECT ILLUMINATION~~direct illumination are prohibited.

~~(ii)~~ [2] Only shielded ~~EXTERNAL ILLUMINATION~~external illumination shall be permitted if lighting is used.

(d) Materials.

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~~(i)~~ [1] The appearance of traditional materials, such as wood, glass, brass, bronze or iron, is required.

~~(ii)~~ [2] Wooden ~~SIGNs~~signs shall be constructed of dense, clear wood that adapts to engraving/carving and paint or stain. The use of plywood shall be limited to overlay, exterior or marine plywood.

~~(iii)~~ ~~PROJECTING SIGNs~~[3] Projecting signs shall be supported by black, iron attachments to the ~~BUILDING~~building. Guy wires shall not be permitted as a ~~principle SIGN~~principal sign support member.

~~(iv)~~ [4] No support for a ~~PROJECTING SIGN~~projecting sign shall extend above the cornice line of the ~~BUILDING~~building to which it is attached.

(4) Permit process.

(a) The Zoning Administrator shall be responsible for the issuance of ~~SIGN~~sign permits relative to mill motif accessory ~~SIGNs~~signs. Application for said ~~SIGNs~~signs shall include the following items:

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(i) [1] A scaled elevation drawing of the entire BUILDING façade building facade(s).

(ii) [2] Proposed SIGN sign clearly delineated on the elevation drawing.

(iii) [3] Detailed drawings indicating materials, size, colors and style of lettering, lighting and attachment method.

(iv) [4] A photograph of the BUILDING building.

(v) [5] A sample color rendering of the intended SIGN sign.

(b) Upon completion of the review, the Zoning Administrator will approve or disapprove the application and inform the APPLICANT applicant of the decision, in writing.

N. Fees for the review of SIGNAGE signage are set annually and may be found in the City's City's Fee Schedule.

O. TEMPORARY SIGNs. Temporary signs. No TEMPORARY SIGN temporary sign shall be erected or placed in the City of Dover without a TEMPORARY SIGN temporary sign permit issued by the Planning and Community Development Department, except as noted in Subsections Subsection O(1)(b). The following regulations shall apply: **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]**

(1) TEMPORARY SIGNS 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

(1) SIGNS temporary signs are subject to the following regulations:

(a) TEMPORARY SIGNs Allowed With One-Week Permit. Temporary signs allowed with one-week permit. A LOT lot or tenant may obtain a TEMPORARY SIGN temporary sign permit for one week, provided that all of the following conditions are met:

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~~(i)~~ [1] One-week ~~TEMPORARY SIGN~~temporary sign permits are valid for a consecutive seven

~~(7)~~ day period and may be obtained once every three ~~(3)~~ months, for a maximum of four ~~(4)~~ one-week ~~TEMPORARY SIGNs~~temporary signs per year. If the permit is not used in one ~~(1)~~ quarter, it shall not be carried over to the next quarter.

~~(ii)~~ [2] The ~~TEMPORARY SIGN~~temporary sign shall be limited to ~~twenty-four (~~24~~)~~ square feet in size and shall not be placed in such a manner so as to create a traffic or safety hazard. Banner-type ~~TEMPORARY SIGNs~~temporary signs are permitted only in the C Zoning ~~Districts~~District.

~~(iii)~~ [3] The ~~TEMPORARY SIGN~~temporary sign shall be removed within ~~twenty-four (~~24~~)~~ hours after the end of the approved display period. If the ~~TEMPORARY SIGN~~temporary sign or banner is not removed within ~~twenty-four (~~24~~)~~ hours, the ~~TEMPORARY SIGN~~temporary sign or banner may be removed by the City of Dover.

~~(iv)~~ [4] If the ~~TEMPORARY SIGN~~temporary sign is located on a City ~~SIDEWALK~~sidewalk or within a public right-of-way directly in front of the ~~BUILDING~~building, the requirements in Subsection O.~~(~~(1)(d) must be met. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

~~TEMPORARY SIGNS Allowed Without a Permit.~~

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(b) Temporary signs allowed without a permit. One ~~(1)~~ A-frame sandwich board ~~TEMPORARY SIGN~~temporary sign is permitted per ~~LOT~~lot or tenant and does not require a permit, provided all of the following conditions are met:

~~(i)~~ [1] The ~~TEMPORARY SIGN~~temporary sign is not located on a City ~~SIDEWALK~~sidewalk or within a public right-of-way.

~~(ii)~~ [2]The maximum size of the ~~TEMPORARY SIGN~~temporary sign is eight ~~(8)~~ square feet.

~~(iii)~~ [3] The ~~TEMPORARY SIGN~~temporary sign must be placed directly in front of the ~~BUILDING~~building at a distance no greater than two ~~(2)~~ feet from the ~~BUILDING~~building and must not impede pedestrian or handicapped access to the business or adjacent businesses.

(c) ~~TEMPORARY SIGNs Allowed With Annual Permit.~~Temporary signs allowed with annual permit. One ~~(1) TEMPORARY SIGN~~temporary sign shall be permitted per each ~~PRINCIPAL BUILDING. BUILDINGs~~principal building. Buildings with an excess of ~~one hundred (~~100~~)~~ feet of ~~STREET FRONTAGE~~street frontage shall be permitted one ~~(1)~~ additional ~~TEMPORARY SIGN~~temporary sign per every additional ~~one hundred (~~100~~)~~ feet of ~~STREET FRONTAGE.~~street frontage. See District Tables of Use for additional requirements.[19]

~~(i)~~ [1] If the ~~TEMPORARY SIGN~~temporary sign is located on a City ~~SIDEWALK~~sidewalk or within a public right-of-way directly in front of the ~~BUILDING~~building, the requirements in Subsection O.~~(~~1)(d) must be met. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

~~(ii)~~ [2] The following additional regulations shall apply to ~~TEMPORARY SIGNs~~temporary signs located in the CBD-General District:

~~1.~~ [a] The structure of the ~~TEMPORARY SIGN~~temporary sign must consist of medium density overlay plywood, or a similar durable wood-like material which can withstand the weather, or metal (except as supplemented by material for changeable messages~~.~~; see below). The use of other materials is permitted if styled and composed to imitate wood or metal.

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2. [b] Any graphics, letteri ng, words, ~~ZONING numbers,~~ messages and/or symbols on the ~~TEMPORARY SIGN~~temporary sign shall be applied directly onto the surface of the ~~SIGN~~sign and/or shall be made with ~~SIGN~~sign plastic film.

3. [c] The material for changeable messages shall be either ~~chalk board~~chalkboard or dry—erase board. ~~TEMPORARY SIGNs~~Temporary signs with moveable slide-in plastic letters are not permitted.

4. ~~TEMPORARY SIGNs~~[d] Temporary signs using stencils or spray paint are not permitted.

~~TEMPORARY SIGNs~~ [e] Temporary signs may not be painted traffic yellow or construction-zone orange or use any reflective or fluorescent-

5. materials.

~~TEMPORARY SIGNs Located on a City SIDEWALK or Within a Public Right-Way. TEMPORARY SIGNs~~ Use are included as attachments to this chapter.[19]

[19] Editor's Note: The District Tables of

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(d) Temporary signs located on a City sidewalk or within a public right-of-way. Temporary signs located on a City ~~SIDEWALK~~sidewalk or within a public right-of-way shall meet the following requirements:

~~(i)~~ [1] A certificate of insurance in the amount of ~~one hundred thousand ($~~$100,000~~.00) dollars~~ (bodily injury/ property damage) shall be filed as part of the ~~TEMPORARY SIGN~~temporary sign permit application to ensure sufficient liability coverage of the ~~APPLICANT~~applicant.

~~(ii)~~ [2] A hold~~-~~ harmless certification letter shall be filed as part of the temporary ~~SIGN~~sign permit application to relieve the City of Dover from bodily injury and property damage liability.

~~(iii) TEMPORARY SIGNS~~[3] Temporary signs shall only be displayed during business hours.

~~(iv)~~ [4] A five ~~(5)~~ ~~-~~foot~~-~~ clear passageway must be maintained at all times.

~~(v)~~ ~~TEMPORARY SIGNS~~[5] Temporary signs shall be located directly in front of the ~~BUILDING~~building or in front of the space within the ~~BUILDING~~building occupied by the ~~TEMPORARY SIGN~~temporary sign owner.

(2) Community ~~SIGNS~~signs. With a permit, ~~TEMPORARY SIGNS~~temporary signs may be located in the public right~~-~~of~~-~~way at Central Square, Weeks Crossing, and the intersections of Durham Road and Back River Road, Sixth Street and Indian Brook Drive, and Knox Marsh Road and Littleworth Road, provided that the following requirements are met:

(a) Community ~~SIGNS~~signs shall be ~~a~~A-frame/sandwich board type and no larger than six ~~(6)~~ square feet in area and no greater than three ~~(3)~~ feet in height.

(b) No more than three ~~(3)~~ permits shall be issued per location, per display period.

(c) Each week of the year shall constitute one display period. No

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~~APPLICANT~~applicant will be issued a community ~~SIGN~~sign permit for more than ~~twelve (~~12~~)~~ display periods per calendar year.

(d) Applications for community ~~SIGN~~sign permits will be accepted by the Planning and Community Development Department only during the week prior to the display period. Applications will not be accepted in advance unless an entire calendar ~~year's~~year's display schedule and payment of fees are submitted by the ~~APPLICANT~~applicant. Permits will be granted on a first-come, first-served basis.

(e) Applications must be signed by the property owner (~~APPLICANT~~applicant or ~~APPLICANT's~~applicant's landlord) and shall include:

~~(i)~~ [1] A certificate of insurance in the amount of ~~one hundred thousand dollars ($~~$100,000~~.00)~~ (bodily injury/ property damage) to ensure sufficient liability coverage of the ~~APPLICANT~~applicant.

~~(ii)~~ [2] A hold~~-~~ harmless certification letter to relieve the City of Dover from bodily injury and property liability.

(f) A display period sticker will be issued with the community ~~SIGN~~sign permit and shall be affixed to the lower right corner of the ~~SIGN~~sign face.

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~~33. FENCE Review~~ 51

§ 170-51. Fence review and ~~Regulations~~regulations. [Amended ~~on 02-17-99 by Ord. No. 25-98; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 2010.10.27-13; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 06~~6-22-2016 by Ord. No. 2016.06.08-010~~, Amended on 07-22-2020 by Ord. No. 2020.07.08.007.~~]

A. ~~FENCE HEIGHTS.~~Fence heights. No person~~,~~ or other entity shall erect or cause to be erected a ~~FENCE~~fence exceeding four ~~(4)~~ feet in ~~HEIGHT~~height between the ~~RIGHT-OF-WAY~~right-of-way and either ~~ten (~~10~~)~~ feet from the ~~RIGHT-OF-WAY~~right-of-way or a line parallel with the front of the house closest to the ~~RIGHT-OF-WAY~~right-of-way, whichever is less. ~~FENCES~~Fences may be up to eight ~~(8)~~ feet in ~~HEIGHT~~height for the remainder of the lot. ~~HEIGHT~~Height is measured from ground level.

B. ~~FENCE~~Fence design.

(1) The finished side of a ~~FENCE~~fence shall face outward from the property on which the ~~FENCE~~fence is located. The side of a ~~FENCE~~fence containing the posts or poles and other bracing appurtenances shall face inward to the property being ~~FENCED~~fenced in or on which the ~~FENCE~~fence is located. When erected on a property or ~~LOT~~lot boundary line, all of the ~~FENCE~~fence and any of its supporting ~~STRUCTURES~~structures or appurtenances shall be contained within the ~~LOT~~lot or property of the person erecting said ~~FENCE~~fence.

(2) On a ~~CORNER LOT~~corner lot, no ~~FENCE~~fence or vegetal elements shall be erected or placed in such a manner(s) as to materially impede vision between that area bounded by the ~~STREET~~street lines of such ~~CORNER LOT~~corner lot and a straight line joining points along said ~~STREET~~street lines ~~thirty (~~30~~)~~ feet from the point to the intersection. For ~~CORNER LOTS~~corner lots that are located on the inside curve of ~~STREETS~~streets and at intersections that are not perpendicular, adequate and safe sight distances in both directions, as determined by the Zoning Administrator, shall be provided. Property owners shall maintain vegetation such that it does not grow to limit ~~site~~sight distance.

~~C.~~ Exceptions. The provisions described in Subsection A shall not apply in the Commercial Manufacturing (CM), Commercial (C), Central Business (CBD), Gateway (G~~)~~

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~~OFFICE~~), Office (O), and Cochecho Waterfront (CWD) Zoning Districts, or whenever the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment, as a condition attached to the granting of a variance or special exception to this ~~Chapter~~chapter, requires for screening purposes a ~~FENCE~~fence exceeding eight ~~(8)~~ feet.

~~170-34 through 170-38 (Reserved).~~

~~ARTICLE XI~~

~~NONCONFORMING LOTS, USES AND STRUCTURES~~

~~170-39. Reserved~~

C. ~~170-40. NONCONFORMING USEs of Land.~~ [Amended ~~on 08-01-90~~9-11-2019 by Ord. No. ~~8-90; Amended on 12-09-2009~~2019.08.28-012; 7-22-2020 by Ord. No. ~~2009.09.09-15.~~]2020.07.08-007]

ARTICLE XI

Nonconforming Uses and Structures

§ 170-52. Nonconforming uses of land.[20]

Where, at the time of passage of this ~~Chapter~~chapter, lawful use of land exists which would not be permitted by the regulations imposed by this ~~Chapter~~chapter, the use may be continued so long as it remains otherwise lawful, provided that:

A. No such ~~NONCONFORMING USE~~nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ~~Chapter~~ chapter, with the exception of a single-family ~~STRUCTURE.~~ structure. Said single-family ~~STRUCTURE~~

20. Editor's Note: Original § 170-39, Nonconforming lots, of the 2013 Code, which immediately preceded this section, was repealed 10-13-2021 by Ord. No. 2021.09.08-006. See now § 170-14, Nonconforming lots.

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~~A.~~ structure may be expanded up to ~~twenty percent (~~20~~%)~~% of its gross habitable floor space, provided the addition conforms with all other applicable regulations and ordinances and no additional units are created.

B. No such ~~NONCONFORMING USE~~nonconforming use shall be moved, in whole or in part, to any portion of the ~~LOT~~lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ~~Chapter~~chapter.

C. If any such ~~NONCONFORMING USE~~nonconforming use of land ceases for any reason for a period of more than ~~twelve (~~12~~)~~ consecutive months or for ~~twenty-four (~~24~~)~~ months during any three ~~(3)~~ year period, any subsequent use of such land shall conform to the regulations specified by this ~~Chapter~~chapter for the district in which such land is located.

D. No additional ~~STRUCTURE~~structure not conforming to the requirements of this ~~Chapter~~chapter shall be erected in connection with such ~~NONCONFORMING USE~~nonconforming use of land with the exception of ~~ACCESSORY STRUCTURES~~accessory structures associated with a single-family house, provided they comply with all other applicable City ordinances and regulations.

E. The above notwithstanding, if a ~~LOT~~lot meets the requirements of § 170-14, any additions or ~~ACCESSORY STRUCTURES~~accessory structures may be allowed to meet the ~~SIDE YARD SETBACKS~~side yard setbacks outlined therein.

~~170-41. Nonconforming STRUCTURES.~~ **~~[Amended on 08-01-90 by Ord. No. 8-90; Amended on 02-17-99 by Ord. No. 25-98; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]~~**

§ 170-53. Nonconforming structures.

Where a lawful ~~STRUCTURE~~structure exists at the effective date of adoption or amendment of this ~~Chapter~~chapter that could not be built under the terms of this ~~Chapter~~chapter by reason of restrictions on area, ~~LOT COVERAGE, HEIGHT~~lot coverage, height or yards, its location on the ~~LOT~~lot or other requirements concerning the ~~STRUCTURE~~structure may be continued so long as it remains otherwise lawful, subject to the following:

~~A.~~ Except as provided for in §§ 170-~~40.A~~52A and 170-~~41.D~~53D, no such nonconforming ~~STRUCTURE~~structure may be enlarged or ~~ALTERed~~altered in a way which increases its

A. nonconformity, but any ~~STRUCTURE~~structure or portion thereof may be ~~ALTERed~~altered to decrease its nonconformity.

B. A ~~BUILDING~~building or ~~STRUCTURE~~structure nonconforming either in terms of use or ~~BULK~~bulk may be restored to its former ~~BULK~~bulk if destroyed by fire, other hazard or if it is determined by the ~~BUILDING OFFICIAL~~building official to be a hazard to persons or ~~BUILDINGS~~buildings abutting it, provided that restoration of the ~~STRUCTURE~~structure is begun within ~~twelve (~~12~~)~~ months after the act of destruction. All such ~~STRUCTURES~~structures in use at the time of destruction for agricultural purposes shall be exempt from the provisions of this subsection, provided that such reconstruction, ~~ALTERATIONS~~alterations or repairs are in compliance with

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the provisions of ~~subsection~~Subsection A. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

C. Should such ~~STRUCTURE~~structure be intentionally moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Additions to nonconforming single-family ~~STRUCTURE~~s,structures that were made nonconforming by a zoning amendment that changed the front, side or ~~REAR SETBACK~~rear setback requirements, shall be permitted within the front, side or ~~REAR SETBACK~~rear setback areas, provided that the addition is no closer to the ~~LOT LINE~~lot line than the existing nonconforming ~~STRUCTURE~~structure, and no closer than ~~ten (~~10~~)~~ feet ~~from~~to the ~~LOT LINE~~lot line.

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E. For nonconforming single-family ~~STRUCTURES~~structures that were made nonconforming by a zoning amendment that changed the front, side or ~~REAR SETBACK~~rear setback requirements, ~~Accessory Structures~~accessory structures that are less than one story in height, shall be permitted within the front, side or ~~REAR SETBACK~~rear setback areas provided that the accessory structure is no closer to the ~~LOT LINE~~lot line than the existing nonconforming ~~Principal STRUCTURE~~principal structure, and no closer than five ~~(5)~~ feet ~~from~~to the ~~LOT LINE~~lot line, and has no windows on the side of the building facing that encroached area. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

§ 170-~~42~~54. Repairs and ~~Maintenance~~maintenance. [Amended ~~on 08~~8-22-2018 by Ord. No. 2018.08.08-009]

On any nonconforming ~~STRUCTURE~~structure or portion of a ~~STRUCTURE~~structure containing a ~~NONCONFORMING USE~~nonconforming use, ordinary repairs may be made, subject to the following provisions; if a nonconforming ~~STRUCTURE~~structure or portion of a ~~STRUCTURE~~structure containing a ~~NONCONFORMING USE~~nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is so declared by the Housing Standards Board to be unsafe or unlawful by reason of physical condition, an owner shall be able to restore, repair or rebuild it within six ~~(6)~~ months of said determination, in its existing location, unless an extension is granted by the Housing Standards Board. Otherwise, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. Any duly authorized official charged with protecting the public safety may rightfully order a ~~STRUCTURE~~structure to be secured to a safe condition.

§ 170-~~43~~55. Uses ~~Permitted~~permitted by ~~Special Exception.~~special exception. [Amended 7-22-2020 by Ord. No. 2020.07.08-006]

Any use which is permitted as a special exception in a district under the terms of this ~~Chapter~~chapter (other than a change through the Zoning Board of Adjustment action from a ~~NONCONFORMING USE~~nonconforming use to another use not generally permitted in the district) shall not be deemed a ~~NONCONFORMING USE~~nonconforming use in such district, but shall without further action be considered a conforming use.

ARTICLE XII

~~OFF-STREET PARKING AND LOADING~~

Off-Street Parking and Loading

§ 170-~~44~~56. Applicability.~~[Amended on 9-24-80 by Ord. No. 15-80; Amended on 3-30-83 by Ord. No. 5~~

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~~83; Amended on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No. 8-90; Amended on 11-13-96 by Ord. No. 19-96; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]~~

The following conditions shall apply to all parking and loading spaces provided in conformance with this ~~Chapter~~chapter:

A. Conformity with the Site Review Regulations, Chapter ~~149, Subsections 149~~153, §§ 153-14 and ~~149-15~~153-17, site development criteria.

B. Where ~~PARKING SPACEs~~parking spaces are provided for nonresidential ~~STRUCTUREs~~structures and this parking area adjoins a residential use, suitable screening at least seven ~~(7)~~ feet in ~~HEIGHT~~height shall be provided and maintained.

C. In the Central Business District (CBD~~/~~) and Cochecho Waterfront District (CWD), municipal parking facilities may be substituted for the requirements of this ~~Section~~section.

~~PARKING SPACEs~~

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D. Parking spaces for ~~non-residential~~nonresidential uses and ~~MULTI-FAMILY DWELLINGS~~multifamily dwellings shall have independent access to an aisle or driveway and be accessible year-~~-~~round.[21]

~~170-45. Reserved.~~ **~~[Removed on 12-2009-2009 by Ord. No. 2009.09.09-15.]~~**

~~170-46. Reserved.~~ **~~[Removed on 06-22-2016 by Ord. No. 2016.06.08-010]~~**

ARTICLE XIII ~~ADMINISTRATION~~
Administration

§ 170-~~47~~57. Administrative ~~Officer.~~ ~~[Amended 12-09-2009 by Ord. No. 2009.09.09-15]~~officer.

A. This ~~Chapter~~chapter shall be enforced by the Zoning Administrator, who shall have the authority to make inspections necessary to carry out his/her duties in the enforcement of this ~~Chapter~~chapter.

B. The Building Inspector shall not approve an application or issue a ~~BUILDING~~building permit or ~~CERTIFICATE OF OCCUPANCY~~certificate of occupancy for any purpose, except in compliance with the provisions of this ~~Chapter~~chapter.

§ 170-~~48 – 170-150. Reserved.~~ ~~[Removed on 12-09-2009 by Ord. No. 2009.09.09-15]~~

~~170-51~~58. Violations and ~~Penalties.~~ ~~[Amended on 9-24-80 by Ord. No. 15-80.]~~penalties.

The administration and enforcement of this ~~ordinance~~chapter shall be in any manner authorized by ~~State~~state statute, including but not limited to~~,~~ RSA 31:39-d, 676:14, 676:15, 676:17, 676:17-a, and 676:17-b.

~~170-52. ZONING BOARD OF ADJUSTMENT.~~ **~~[Amended on 9-24-80 by Ord. No. 15-80;~~**
~~Amended on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No.8-90; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]~~

§ 170-59. Zoning Board of Adjustment.

A. Purpose. The purpose of the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment is to hear and decide appeals of any person(s) who ~~are~~is aggrieved by the administration, enforcement and application of this ~~Chapter~~chapter.

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B. Authority. The ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment shall be duly constituted and shall have such duties and powers as specified under RSA 673:3 and 674:33 and this ~~Chapter~~chapter as set forth herein.

C. Powers and duties.

(1) Powers. The ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made in the enforcement of this ~~Chapter~~chapter (interpretation of ordinance). **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(b) To hear and decide special exceptions to the terms of this ~~Chapter~~chapter upon which the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment is required to pass under this ~~Chapter~~chapter (special exception).

(c) To authorize, upon appeal in specific cases, such variance from the terms of this ~~Chapter~~chapter as will not be contrary to the public interest, where, owing to-

21. Editor's Note: Original § 170-46, Loading spaces, of the 2013 Code which appeared in this article was repealed 6-22-2016 by Ord. No. 2016.06.08-010.

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~~(c)~~ special conditions, a literal enforcement of the provisions of this ~~Chapter~~chapter will

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t in unnecessary hardship and so that the spirit of this Chapterchapter shall be observed and substantial justice done (variance).

(d) To hear and decide requests for equitable waivers from the dimensional terms of this Chapter uponchapter where a STRUCTUREstructure has been found to be in violation of said dimensional requirement.

(2) Interpretation of Chapterchapter.

(a) On appeal from an order or decision made by any officer or board of the City, the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment shall have the power to decide any of the following questions:

(i) [1] Determination of the meaning of any provision of the text of this Chapterchapter.

(ii) [2] Determination of the exact location of any district boundary shown on the Zoning Map.**** [22]

(iii) ZONING BOARD OF ADJUSTMENT[3] The Zoning Board of Adjustment shall hear and decide appeals de novo and review on appeal any order, requirement, decision or determination made in the enforcement or application of this Chapterchapter. Upon such appeal, the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment may, in accordance with the provisions of this Chapterchapter, reverse or affirm, wholly or partly, or may modify any such order, requirement or decision, as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(3) Special exceptions. ZONING BOARD OF ADJUSTMENTThe Zoning Board of Adjustment shall have the power to hear and decide on application for special exceptions. In applying a special exception, the APPLICANTapplicant need not demonstrate hardship, since the basis for the action is of general benefit to the cityCity as a whole.

(3)(a)In granting a special exception, the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment, with due regard to the nature and condition of all adjacent STRUCTURESstructures and uses and the district within which the same is located, shall find all of the following general conditions to be fulfilled:

(a) [1] The requested use is essential or desirable to the public convenience or welfare.

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~~(b)~~ [2] The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

~~(c)~~ [3] The requested use will not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.

22. Editor's Note: The Zoning Map in on file in the office of the City Clerk, where it may be examined during regular business hours.

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~~(d)~~(b) Any special exception which has not been acted upon in accordance with the approval of the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment within four ~~(4)~~ years of the date of said approval shall be considered null and void.

(4) Variances.

(a) The ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment may authorize a variance from the terms of this ~~Chapter~~chapter for:

~~(i)~~ [1] A particular use.

~~(ii)~~ [2] A parcel of land.

~~(iii)~~ [3] An existing/proposed ~~BUILDING~~building.

(b) Said variance shall only be granted where unusual difficulty or special hardship would be imposed by the literal application and rigorous enforcement of this ~~Chapter~~chapter.

(c) In granting variances, the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment, if it deems it proper to the carrying out of the intent and purpose of this ~~Chapter~~chapter, may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purpose of ~~the Chapter~~this chapter.

(d) Any variance which has not been acted upon in accordance with the approval of the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment within four ~~(4)~~ years of the date of said approval shall be considered null and void.

(5) Other requirements. The granting of any appeal by the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment shall not exempt the ~~APPLICANT~~applicant from any provision of this ~~Chapter~~chapter not specifically ruled upon by the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment or specifically set forth as excepted in this particular case from a provision of this ~~Chapter~~chapter. It shall be unlawful for any owner or person to reconstruct, convert or ~~ALTER~~alter a ~~STRUCTURE~~structure or change the use, increase the intensity of use or extend or displace the use of any ~~BUILDING~~building, other ~~STRUCTURE~~structure or ~~LOT~~lot or change any

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required limitations or special conditions imposed by the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment in authorizing a special exception or variance without appealing to the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment as a new case, over which the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment shall have complete administrative power to deny, approve or modify.

(6) Public ~~Hearing~~hearing. The ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment shall fix a reasonable time for the hearing of an appeal in accordance ~~to~~with its ~~By-Laws;~~bylaws, and before any hearing is given either on an appeal or an application for variance or special exception of this ~~Chapter~~chapter, notice shall be given to all ~~ABUTTERS~~abutters of any portion of the ~~LOT~~lot in question. Notice shall be given to ~~ABUTTERS~~abutters by ~~Verified Mail~~verified mail, and also placed in a newspaper of general circulation, not less than five ~~(5)~~ days before the date fixed for the hearing of the appeal. The costs of any notice shall be paid by the appellant or ~~APPLICANT~~ applicant to the Department of Planning and Community Development. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

D. Appeal from the decision of the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment.

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(1) Rehearing. Within thirty (30) days after any order or decision of the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment, any party to the action or proceedings or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding or covered or included in the order, specifying in the motion for rehearing the grounds therefor; and the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment may grant such rehearing if, in its opinion, good reason therefor is saidstated in such motion.

(2) Appeal to Superior Court. No appeal from any order or decision of the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment shall be taken unless the appellant shall have made application for rehearing as provided above, and when such application shall have been made, no ground set forth herein shall be urged, relied on or given any consideration by the Court, unless the Court for good cause shown shall allow the appellant to specify additional grounds. Within thirty (30) days after the application for a rehearing is denied or, if the application is granted, then within thirty (30) days of the decision on such rehearing, the APPLICANTapplicant may appeal by petition to the Superior Court.

170-53. Amendment Procedure. [Amended on 12-09-2009 by Ord. No. 2009.09.09-15, Amended on 08-09-2024 by Ord.

§ 170-60. Amendment procedure.

No. 2023.07.12-008]

A. Power to Amendamend. In accordance with RSA 674:16, the City Council may, from time to time, amend the provisions of this Chapterchapter.

B. Initiation of Amendmentsamendments. Amendments may be initiated by the City Council, the PLANNING BOARDPlanning Board, or by petition from one or more property owners in Dover or citizens of Dover.

C. Procedure for Considerationconsideration of a Proposed Amendmentproposed amendment.

(1) Amendments Initiatedinitiated by the PLANNING BOARD.Planning Board. The PLANNING BOARDPlanning Board may, upon its own initiative, from time to time, consider amendments to this Chapterchapter or Zoning Map, and submit recommendations for amendments to the City Council. Such amendments shall be developed pursuant to the public notice and hearing requirements contained in SectionSubsection D below.

(2) Amendments Initiatedinitiated by the City Council. The City Council may, upon

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its own initiative, from time to time, consider amendments to this ~~Chapter~~chapter or Zoning Map. All such City Council-initiated amendments shall be referred to the ~~PLANNING BOARD~~ Planning Board for its review and study. The referral shall be made in writing by the Mayor. The ~~PLANNING BOARD~~Planning Board shall, after following the public notice and hearing requirements contained in ~~Section~~Subsection D below, submit written recommendations regarding the amendments to the City Council within ~~sixty (~~60~~)~~ days of their referral.

(3) Amendments ~~Initiated~~initiated by Dover ~~Citizens~~citizens or ~~Property Owners~~property owners. Dover citizens or owners of property in Dover submitting amendments to this ~~Chapter~~chapter or Zoning Map~~,~~ shall forward their proposed amendments to the ~~PLANNING BOARD~~Planning Board for its consideration and recommendation. Such submission shall contain the information required by ~~Section~~Subsection E below. The ~~PLANNING BOARD~~Planning Board shall have the petition placed on the agenda for its next regularly scheduled meeting that proper notice, as required in ~~Section~~Subsection D below, can be met. After the public hearing, ~~the PLANNING BOARD shall make its recommendations concerning the petitioned amendments to the City Council within sixty (60) days of the date of the initial public hearing.~~

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the Planning Board shall make its recommendations concerning the petitioned amendments to the City Council within 60 days of the date of the initial public hearing.

D. Public ~~Notice~~notice and ~~Hearing Requirements~~hearing requirements.

(1) Public ~~Notice~~notice. Public notice shall be given for the time and place of the public hearing at least ~~ten (~~10~~)~~ days before the hearing, not including the day the notice is posted or published or the day of the public hearing. In accordance with the requirements of RSA 675:7, I(a) and ~~RSA 675:1~~(b)(3), notice of the public hearing shall be posted in at least three ~~(3)~~ public places, including the City ~~web site~~website. In accordance with RSA 675:7, I(b), the posting on the City website shall appear prominently on the ~~City's homepage~~City's home page (or a link directly to the notice appearing prominently on the ~~City's homepage~~City's home page), shall be posted at least ~~ten (~~10~~)~~ days before the hearing, and shall remain posted on the website until the conclusion of the hearing. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(2) Notice to ~~Landowners~~landowners and ~~ABUTTERS~~abutters. Except as hereinafter provided, a letter of notification shall be sent to landowners whose property lies within that area affected by a rezoning boundary change, change in permitted minimum lot sizes, or change in permitted use to their zone. Otherwise, notices will be sent per RSA 675:7. All such notices shall be sent to the address used for mailing local property tax bills, shall be by first-class mail and shall be sent at least ~~ten (~~10~~)~~ days prior to the scheduled public hearing date. In accordance with RSA 675:7, I-a, good faith effort and substantial compliance shall satisfy the notice requirements set forth in this ~~subparagraph~~subsection. In accordance with RSA 675:7, I-b, in the event of petitioned zoning amendments, the petitioners shall be responsible for the full cost of notice by mail as set forth in this ~~subparagraph~~subsection. The requirements of RSA 675:7 shall apply if and to the extent RSA 675:7 (as may be amended from time to time) provides other or more stringent requirements than the notice and other requirements stated in this ~~subparagraph.~~subsection. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(3) Text of ~~Notice~~notice. All letters of notification and public notices shall state the time and place of the public hearing, the nature of the amendment, and a general description of the property involved, where applicable, and ~~designating~~designate a place where the full text of the amendment is on file for public inspection.

~~E. Submission Requirements~~requirements for ~~Petitioned Amendments.~~

E. petitioned amendments. A petitioned amendment proposal shall be accompanied by maps, data and narrative information describing the location, nature and purpose of the proposed amendment, as follows:

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(1) A properly drafted ordinance containing the amendment in a form meeting the requirements of the City Clerk;

(2) A statement of the purposes and intent of the proposed amendment;

(3) A statement of the impact of the proposed amendment on the ~~City's~~City's economy, environment, municipal services, municipal facilities and ~~NEIGHBORHOODS~~neighborhoods;

(4) A map showing the existing zoning districts and the amendments to these districts as proposed in the amendment, if applicable;

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(5) The names, addresses, and telephone numbers of those submitting the petition and of any agents or representatives of the same;

(6) A list and address labels including the name, address, and ~~tax map~~Tax Map number of each property owner of the area proposed for rezoning and each property owner within ~~one hundred (~~100~~)~~ feet of the subject area. The list shall be current within ~~ten (~~10~~)~~ days of submittal; and

(7) A ~~non-refundable~~nonrefundable fee as contained within the Fee Schedule to cover the cost of the newspaper notice, and a ~~non-refundable~~nonrefundable fee as contained within the Fee Schedule per landowner and ~~ABUTTER~~abutter required to be notified per ~~Section~~Subsection D~~(~~2~~)~~. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

~~F. Criteria for PLANNING BOARD Review~~Planning Board review of ~~Proposed Amendments.~~

F. proposed amendments. The ~~PLANNING BOARD~~Planning Board shall provide to the City Council a report on each proposed amendment. The report of the ~~PLANNING BOARD~~Planning Board shall include the ~~PLANNING BOARD's~~Planning Board's findings and recommendations on the following:

(1) The consistency of the proposed amendment with the Master Plan;

(2) The consistency of the proposed amendment with other plans, studies, or technical reports prepared by or for the ~~PLANNING BOARD~~Planning Board and the City;

(3) The effect of the proposed amendment on the ~~City's~~City's municipal services and capital facilities as described in the ~~Capital Improvements Program~~capital improvements program;

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

(5) The effect of the proposed amendment on ~~NEIGHBORHOOD~~neighborhood, including the extent to which nonconformities will be created or eliminated;

(6) The effect of the proposed amendment on the ~~City's~~City's economy and fiscal resources; and

(7) The recommendation of the ~~PLANNING BOARD~~Planning Board relative to whether the proposed amendment should be adopted or rejected, and any recommendations for modifications to the proposed amendment.

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G. City Council ~~Action~~action on ~~Proposed Amendments~~proposed amendments.

~~(1)~~ Setting a ~~Hearing Date~~hearing date. Upon receipt of the ~~PLANNING BOARD's~~Planning Board's report and recommendations on the proposed amendment, or upon the expiration of the sixty

(1) ~~(60)~~ day study period, the City Council shall establish a date for a public hearing and shall further publish and post a notice of such hearing as specified in ~~Section~~Subsection D.

(2) Wavier of ~~Notice~~notice. In the event that the proposed amendment is comprehensive in nature, the aforementioned provisions requiring notice by first class mail to individual landowners and ~~ABUTTERS~~abutters may be waived by a majority vote of the full City Council, with respect to the public hearing to be held before it. An amendment shall be deemed to be comprehensive in nature if it affects more than one ~~(1)~~ of the zoning districts established by § 170-7 of this ~~Chapter.~~ chapter. Under no~

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~~(2)~~ circumstances may the provisions for publication of notice in a newspaper or posting of public notice contained in ~~Section~~Subsection D.~~(~~(1) of this section be waived.

(3) Action on the ~~Proposed Amendment~~proposed amendment. After holding the duly noticed public hearing on a proposed amendment, the City Council shall approve or disapprove the amendment. The City Council shall not have the right to overrule the ~~PLANNING BOARD~~Planning Board recommendations unless by a vote of not less than ~~two/thirds (~~2/3~~)~~ of its membership present and voting.

(4) Protest ~~Petition~~petition. If a valid protest petition, in accordance with RSA 675:5, has been filed against a proposed amendment, a favorable vote of ~~two-thirds (~~2/3~~)~~ of the City Council members present shall be required.

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~~DOVER CODE~~

City of Dover
Rural Residential (R-40) District
[Amended 10-13-2021 by Ord. No. 2021.09.08-006]

~~Rural Residential (R-40) District~~

~~Amended: 11-28-12 by Ord. No. 2012-11.14-24, Amended:10-13-21 by O – 2021.09.08 - 006~~

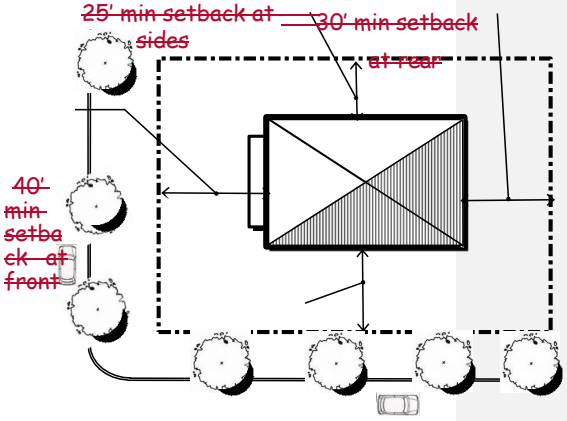
~~Permitted Uses~~

- ~~ACCESSORY DWELLING UNIT~~
- ~~ADULT DAY CARE [5]~~
- ~~ASSEMBLY HALL~~
- ~~Bank [5]~~
- ~~Beauty and Barber Shop [5]~~
- ~~BED and BREAKFAST~~
- ~~CHILD CARE FACILITY~~
- ~~CHILD CARE HOME~~
- ~~Clinic~~
- ~~CONSERVATION LOT~~
- ~~Conversion of Existing Dwelling to Accommodate not more than 2 units [6]~~
- ~~COUNTRY CLUB [7]~~
- ~~Dwelling, 2 Family [8]~~
- ~~Dwelling, 3 To 4 family [8]~~
- ~~DWELLING, SINGLE FAMILY~~
- ~~EDUCATIONAL INSTITUTION, K-12~~
- ~~EXCAVATION [7]~~
- ~~FARM [9]~~
- ~~FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [10]~~
- ~~Hospital~~
- ~~MANUFACTURED HOUSING~~
- ~~OFFICE [5] [11]~~
- ~~PERSONAL SERVICE ESTABLISHMENT [5]~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility~~
- ~~Recreational Camp~~
- ~~Retail Sale of Agricultural or Farm Products Raised on Site~~
- ~~Theater [5]~~
- ~~Veterinary Office, Animal Hospital or KENNEL [12]~~
- ~~WHOLESALING of Farm Products [7]~~

~~Dimensional Regulations~~ ~~[1] [2]~~

~~LOT~~	
~~Minimum LOT Size [3] [4]~~	~~40,000 sf~~
~~Maximum LOT COVERAGE~~	~~10%~~
~~Minimum FRONTAGE~~	~~150 ft~~
~~PRINCIPAL BUILDING~~	
~~Front SETBACK~~	~~40 ft~~
~~Abut a Street SETBACK~~	~~40 ft~~
~~Side SETBACK~~	~~25 ft~~
~~Rear SETBACK~~	~~30 ft~~
~~OUTBUILDING/ACCESSORY USE~~	
~~Front SETBACK~~	~~40 ft~~
~~Abut a Street SETBACK~~	~~40 ft~~
~~Side SETBACK~~	~~10 ft~~
~~Rear SETBACK~~	~~10 ft~~
~~HEIGHT OF BUILDING~~	
~~PRINCIPAL BUILDING~~	~~35 ft max~~
~~OUTBUILDING~~	~~35 ft max~~

~~Principal Building Placement~~



~~40' min setback at abut a street~~
~~NOT TO SCALE~~

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Permitted Uses

- Accessory dwelling unit
- Adult day care [5]
- Assembly hall
- Bank [5]
- Beauty shop and barbershop [5]
- Bed-and-breakfast
- Child-care facility
- Child-care home
- Clinic
- Conservation lot
- Conversion of existing dwelling to accommodate not more than 2 units [6]
- Country club [7]
- Dwelling, two-family [8]
- Dwelling, three- to four-family [8]
- Dwelling, single-family
- Educational institution, K-12
- Excavation [7]
- Farm [9]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [10]
- Hospital
- Manufactured housing
- Office [5] [11]
- Personal service establishment [5]
- Public recreation
- Public utility
- Recreational camp
- Retail sale of agricultural or farm products raised on site
- Theater [5]
- Veterinary office, animal hospital or kennel [12]
- Wholesaling of farm products [7]
- Assisted living facility
- Congregate care facility
- Continuing care community facility
- Educational institution, postsecondary
- Elderly assisted care home
- Helicopter takeoffs and landings
- Junkyard
- Manufactured housing park
- Nursing home

Uses Permitted by Special Exception

- ~~ASSISTED LIVING FACILITY~~
- ~~CONGREGATE CARE FACILITY~~
- ~~CONTINUING CARE COMMUNITY FACILITY~~
- ~~EDUCATIONAL INSTITUTION, POST SECONDARY~~
- ~~ELDERLY ASSISTED CARE HOME~~
- ~~Helicopter Take Offs & Landings~~
- ~~JUNKYARD~~
- ~~MANUFACTURED HOUSING Park~~
- ~~NURSING HOME~~

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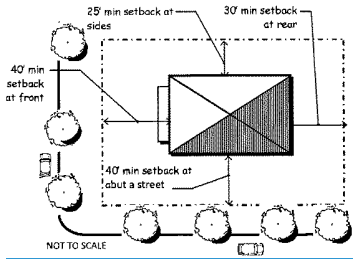
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Dimensional Regulations [1] [2]

Lot	
Minimum lot size [3] [4]	40,000 sf
Maximum lot coverage	10%
Minimum frontage	150 ft
Principal Building	
Front setback	40 ft
Abut a street setback	40 ft
Side setback	25 ft
Rear setback	30 ft
Outbuilding/Accessory Use	
Front setback	40 ft
Abut a street setback	40 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	35 ft max
Outbuilding	35 ft max

Principal Building Placement



Size	**R-40 District**
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

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Footnotes

~~[1]~~ [1] In the case of an ~~Open Space Subdivision~~open space subdivision, in accordance with Article IV of Chapter 157 of the Code of Dover, the dimensional requirements shall be as specified in § 157-21 of the Code of the City of Dover~~, 1983~~.

~~[2]~~ [2] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[3]~~ [3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum ~~non-wetland~~nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual ~~For~~for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[4]~~ [4] Refer to Chapter 157, Subdivision of Land, Article IV, for the minimum lot size for a major ~~Subdivision~~subdivision. In an R-40 ~~district~~District, any major subdivision must ~~fol- low~~follow the procedures for an ~~Open Space Subdivision~~open space subdivision (OSS).

~~[5]~~ [5] Use is allowed as a commercial component to an ~~Open Space Subdivision.~~open space subdivision. (See § 157~~-~~21 ~~section 7).~~.)

~~[6]~~ [6] Any dwelling unit may be converted, not replaced, provided that the lot shall contain at least ~~four thousand~~ (4,000) square feet per dwelling unit and a minimum floor area of ~~five hundred~~ (500) square feet per dwelling unit.

~~2~~ Two-family dwellings shall be designed to look like single~~–~~family dwellings (i.e.~~,~~ the ~~2~~ two-family dwelling should not look like it was designed to occupy more than ~~ONE~~1 family). At a minimum, this shall mean that only ~~ONE~~1 entrance shall be visible from a public street, and only ~~ONE~~1 driveway shall exist with no on~~–~~street parking required for residents.

~~[7]~~ [7] Use is not allowed as a commercial component to an ~~Open Space Subdivi sion.~~open space subdivision. (See § 157~~-~~21 ~~section 7).~~.)

[8] Use is allowed when included within an ~~Open Space Subdivision~~open space subdivision with ~~com- mercial~~ commercial components. (See ~~[8]~~ § 157~~-~~21 ~~section 7).~~.)

~~[9]~~ ~~FARM ANIMALS~~[9] Farm animals are permitted, provided that the tract upon which such animals are kept shall support a minimum land area of ~~one hundred thousand~~ (100,000) square feet. In no instance shall the shelters used to contain said animals be closer than ~~one hundred~~ (100) feet ~~from~~to any property boundary.

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{10} [10] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met: Chickens: Nono more than six (6) chickens and no roosters, with three (3) square feet of chicken coop and twenty (20) square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be twenty (20) feet from any property line. Sheep or goats: one1 animal per 10,000 square feet of lot area, with a maximum of six (6) animals; ten (10) square feet of shelter and thirty (30) square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be thirty (30) feet from any property line.

{11} [11] Permitted only if operated as a customary home occupation (Referrefer to definitiondefinition in § 170-6B).

{12} [12] Veterinary, Office, Animal office and animal hospitalHospital, uses are allowed as a commercial compo- nentcomponent to an Open Space Subdivision.open space subdivision. (See 155.22 section 7).§ 157-21.) Shelters and runs used to house and/or contain animals shall be no closer than one hundred

(100) feet fromto any property line and must support a minimum tract size of one hundred thousand (100,000) square feet.

Special Exception Criteria

ASSISTED LIVING FACILITY:

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 7,500 sf of lot area in the R-40 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

CONGREGATE CARE FACILITY: CONGREGATE CARE FACILITY**Congregate Care Facility:** Congregate care facility is allowed as a Special

Exceptionspecial exception in accordance with the density and provisions stated below:

A. In the R-40 District in areas not serviced by City water and sewer utilities at a density of one1 unit per 10,000 sq. ft. of land; in the R-40 District in areas serviced by City water and sewer utilities at a density of one1 unit per 7,500 sq. ft. of land;
B. Provided that parking and service areas are screened from abutting residen- tialresidential uses.

CONTINUING CARE COMMUNITY FACILITY:

Continuing Care Community Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 7,500 square feet of lot area in the R-40 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

ELDERLY ASSISTED CARE HOME: ELDERLY ASSISTED CARE HOME**Elderly Assisted Care Home:** Elderly assisted care home is allowed by

Special Exception special exception in accordance with the densities and provisions stated below:

A. ELDERLY ASSISTED CARE HOMESElderly assisted care homes larger than 6 bedrooms shall meet the fol- lowingfollowing density requirements: In the R-40 District in areas not serviced by City water and sewer utilities at a density of one1 bedroom

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~~A.~~ per 10,000 sq. ft. of land; in the R-40 District in areas serviced by City water and sewer utilities at a density of ~~one~~1 bedroom per 7,500 sq. ft.

B. Provided that parking and service areas are screened from abutting ~~residen- tial~~residential uses.

C. Notwithstanding the above requirements, the maximum number of ~~bed- rooms~~bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in ~~Chapter~~§ 170-~~44 (Off-Street Parking~~56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure. ~~[Added 01-22-03 by Ord. No. 35-02]~~

~~NURSING HOME:~~ NURSING HOME

Helicopter ~~Take-offs~~Takeoffs and Landings: Helicopter ~~take-offs~~takeoffs and landings are allowed as a special exception, subject to the following conditions:

A. There shall be a distance of ~~one thousand~~ (1,000) feet between any existing residential structure and any proposed helicopter landing pad.

B. Except in the case of an emergency, no helicopter ~~take-offs~~takeoffs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.

C. The facility shall be accessory to the principal use located on the lot.

D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

E. The conditions for granting a ~~Special Exception~~special exception contained in ~~Chapter~~§ 170-~~52-C~~59C(3~~,~~) must also be satisfied.

~~JUNKYARD~~Junkyard: A ~~JUNKYARD~~junkyard may only be permitted upon the determination that the property values of land adjacent to such use will not be compromised. Conditions may include but not be limited to the provision of adequate and properly ~~main-tained~~maintained screening around land so used.

~~MANUFACTURED HOUSING~~Manufactured Housing Parks: ~~MANUFACTURED HOUSING~~Manufactured housing parks shall be subject to the following regulations:

A. The proposed park must conform to ~~the Manufactured Home~~ Chapter ~~of the Code (Ch. 126~~101, Manufactured Home Parks~~)~~ of the Code.

B. All plans for the proposed park must have been granted preliminary approval from the Dover Planning Board.

C. A determination by the Zoning Board of Adjustment that the proposed ~~MAN- UFACTURED HOUSING~~ manufactured housing will not adversely affect overall land values in the neighborhood.

D. A determination by the Zoning Board of Adjustment that the proposed ~~MAN- UFACTURED HOUSING~~ manufactured housing will not result in the creation of hazardous traffic conditions.

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Nursing Home: Nursing home is allowed as a ~~Special Exception~~special exception in accordance with the density and provisions stated below:

A. In the R-40 District in areas not serviced by City water and sewer utilities at a density of ~~one~~1 bedroom per 10,000 sq. ft. of land; in the R-40 District in areas serviced by City water and sewer utilities at a density of ~~one~~1 bedroom per 7,500 sq. ft. of land;

B. Provided that parking and service areas are screened from abutting ~~residen- tial~~residential uses.

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ZONING

170 Attachment 2

City of Dover

Low Density Residential (R-~~40~~20) District [Amended 8-19-2015 by Ord. No. 2015.07.22-017;

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- ~~ACCESSORY DWELLING UNIT~~
- ~~ADULT DAY CARE [5]~~
- ~~ASSEMBLY HALL~~
- ~~Bank [5]~~
- ~~Beauty and Barber Shop [5]~~
- ~~BED and BREAKFAST~~
- ~~CHILD CARE FACILITY~~
- ~~CHILD CARE HOME~~
- ~~CONSERVATION LOT~~
- ~~Conversion of Existing Dwelling to Accommodate not more than 2 units [6]~~
- ~~Dwelling, 2 Family [7]~~
- ~~Dwelling, 3 To 4 family [7]~~
- ~~DWELLING, SINGLE FAMILY~~
- ~~EDUCATIONAL INSTITUTION, K-12~~
- ~~FARM [8]~~
- ~~FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [9]~~
- ~~OFFICE [10] [5]~~
- ~~PERSONAL SERVICE ESTABLISHMENT [5]~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility [11]~~
- ~~Retail Sale of Agricultural or Farm Products Raised on Site~~

Permitted Uses

- Accessory dwelling unit
- Adult day care [5]
- Assembly hall
- Bank [5]
- Beauty shop and barbershop [5]
- Bed-and-breakfast
- Child-care facility
- Child-care home
- Conservation lot
- Conversion of existing dwelling to accommodate not more than 2 units [6]
- Dwelling, two-family [7]
- Dwelling, three- to four-family [7]
- Dwelling, single-family
- Educational institution, K-12
- Farm [8]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [9]
- Office [10] [5]
- Personal service establishment [5]
- Public recreation
- Public utility [11]
- Retail sale of agricultural or farm products raised on site
- Roadside farm stand [12]
- Theater [5]
- Veterinary office, animal hospital or kennel [13]

~~**Uses Permitted by Special Exception**~~

- ~~ASSISTED LIVING FACILITY~~
- ~~CONGREGATE CARE FACILITY~~
- ~~CONTINUING CARE COMMUNITY FACILITY~~
- ~~EDUCATIONAL INSTITUTION, POST SECONDARY~~
- ~~ELDERLY ASSISTED CARE HOME~~
- ~~Helicopter Take Offs & Landings~~
- ~~NURSING HOME~~

Uses Permitted by Special Exception

- Assisted living facility
- Congregate care facility
- Continuing care community facility
- Educational institution, postsecondary
- Elderly assisted care home
- Helicopter takeoffs and landings
- Nursing home

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Sign Regulations

Size	R-20 District
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Dimensional Regulations [1] [2]

~~LOT~~	
~~Minimum LOT Size [3]~~	~~20,000 sf~~
~~Maximum LOT COVERAGE~~	~~30%~~
~~Minimum FRONTAGE~~	~~125 ft~~

~~PRINCIPAL BUILDING~~	
~~Front BUILD-TO LINE~~	~~20 ft min, 35 ft max*~~
~~Abut a Street BUILD-TO LINE~~	~~20 ft min, 35 ft max*~~
~~Side SETBACK~~	~~20 ft~~
~~Rear SETBACK~~	~~30 ft~~
~~OUTBUILDING/ACCESSORY USE~~	
~~Front SETBACK~~	~~No closer than the principal BUILDING or 35 feet whichever is less~~
~~Abut a Street SETBACK~~	~~No closer than the principal BUILDING or 35 feet whichever is less~~
~~Side SETBACK~~	~~10 ft~~
~~Rear SETBACK~~	~~10 ft~~
~~HEIGHT OF BUILDING~~	
~~PRINCIPAL BUILDING~~	~~35 ft max~~
~~OUTBUILDING~~	~~35 ft max~~

Lot	
Minimum lot size [3]	20,000 sf
Maximum lot coverage	30%
Minimum frontage	125 ft
Principal Building	
Front build-to line	20 ft min, 35 ft max*
Abut a street build-to line	20 ft min, 35 ft max*
Side setback	20 ft
Rear setback	30 ft
Outbuilding/Accessory Use	
Front setback	No closer than the prin building or 35 feet, whichever is less
Abut a street setback	No closer than the prin building or 35 feet, whichever is less
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	35 ft max
Outbuilding	35 ft max

* Expansions to, or renovations of, existing structures, have a twenty ~~(20)~~ foot setback.

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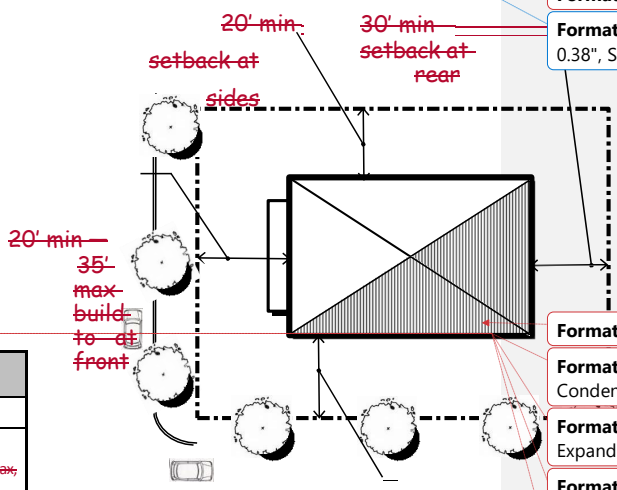
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Principal Building Placement



Sign Regulations

Size	R-20 District
Total signs permitted	1
Total area permitted	16 sf (CUSTOMARY HOME OCCUPATION SIGN 2 sf max, development identification SIGN 20 sf max)
Type	
FREESTANDING	permitted (10 ft SETBACK required)
PROJECTING	permitted
WALL/ Awning	not permitted
Temporary	not permitted

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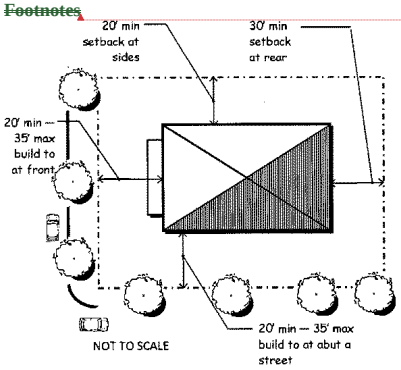
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~~Low Density Residential (R-20) District~~

~~*Amended:10-13-21 by O – 2021.09.08 - 006*~~

~~Footnotes~~



~~2~~ Two- family dwellings shall be designed to look like single~~-~~family dwellings (i.e.~~,~~ the ~~2~~ two-family dwelling should not look like it was designed to occupy more than ~~one~~1 family). At a minimum, this shall mean that only ~~one~~1 entrance shall be visible from a public street, and only ~~one~~ 1 driveway shall-

Footnotes

~~[1]~~ [1] In the case of an ~~Open Space Subdivision~~open space subdivision, in accordance with Article IV of Chapter 157 of the Code of Dover, the dimensional requirements shall be as specified in § 157-21 of the Code of the City of Dover~~, 1983~~.

~~[2]~~ [2] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[3]~~ [3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum ~~non-wetland~~nonwetland portion of any newly created lot shall be contiguous. For the purposes of this ~~calcula-tion~~calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual ~~For~~for Identifying Jurisdictional Wetlands. Wetland buffers shall only be ~~al-lowed~~allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[4]~~ [4] Refer to Chapter 157, Subdivision of Land, Article IV, for the minimum lot size for a major ~~Subdivision~~subdivision. Any major subdivision in an R-20 ~~district~~District must follow the procedures for an ~~OSS~~open space subdivision if the original lot meets the minimum lot size required.

~~[5]~~ [5] Use is allowed as a commercial component to an ~~Open Space Subdivision.~~open space subdivision. (See ~~155.22 section 7).~~§ 157-21.)

~~[6]~~ [6] Any dwelling unit may be converted, not replaced, provided that the lot shall contain at least ~~four thousand (~~4,000) square feet per dwelling unit and a minimum floor area of ~~five hundred (~~500) square feet per dwelling unit.

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exist with no on-street parking required for ~~residents.~~

~~[7]~~ ~~2~~[7] Two-family dwellings are permitted on lots with a density of ~~fifteen thousand (~~15,000) square feet per dwelling unit. The structures shall be designed to look like single-family dwellings (i.e., the ~~2~~two-family dwelling should not look like it was designed to occupy more than ~~one~~1 family). At a minimum, this shall mean that only ~~one~~1 entrance shall be visible from a public street, and only ~~one~~1 driveway shall exist with no on-street parking required for ~~residents~~residents. Single-family density shall be used for TDR. If ~~2~~two-family density is used, a two-family unit shall be built.

~~[8]~~ ~~FARM ANIMALS~~[8] Farm animals permitted, provided that the tract upon which such ~~animals~~animals are kept shall support a minimum land area of ~~one hundred thousand (~~100,000) square feet. In no instance shall the shelters and pens or runs used to contain said animals be closer than ~~one hundred (~~100) feet ~~from~~to any property boundary.

~~[9]~~ [9] Use is allowed on the portion of the lot that is behind the principal ~~structure~~structure, provided the following standards are met: Chickens: No more than ~~six~~

~~(~~6) chickens and no roosters, with ~~three (~~3) square feet of chicken coop and ~~twenty (~~20) square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be ~~twenty (~~20) feet from any property line.

Sheep or goats: ~~one~~1 animal per 10,000 square feet of lot area, with a maximum of ~~six~~

~~(~~6) animals; ~~ten (~~10) square feet of shelter and ~~thirty (~~30) square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be ~~thirty~~

~~(~~30) feet from any property line.

~~[10]~~ [10] Permitted only if operated as a customary home occupation~~.~~ (refer to definition in § 170-6B).

[11] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

~~[11] Land-scaping materials shall be required to provide a visual screen from any structures and storage within.~~

~~[12] ROADSIDE FARM STANDS~~[12] Roadside farm stands shall be set back a minimum of ~~twenty (~~20) feet from all abutting vehicular rights-of-way. The area of any ~~BUILDING associated~~building associated with the ~~ROADSIDE FARM STAND~~roadside farm stand shall not be greater than ~~two hundred (~~200) square feet in area, and shall be considered an accessory ~~structure~~structure if a residence is also located on the property. The total of the display area and ~~BUILDING~~building area shall not exceed ~~six hundred (~~600) square feet. Off-street parking shall be provided in the amount of ~~one (~~1) off-street parking

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space per 250 sq. ft. of display and ~~BUILDING~~building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.

[13] Veterinary ~~Office, Animal Hospital~~office and animal hospital uses are allowed as a commercial ~~component~~component to an ~~Open Space Subdivision~~open space subdivision. (See ~~155.22 section 7) [Added 1-22-2003 by Ord. No. 35]~~ § 157-21.) Shelters and runs used to house and/or contain ~~ani- mals~~animals shall be

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[13] no closer than one hundred (100) feet from to any property line and must support a minimum tract size of one hundred thousand (100,000) square feet.

Special Exception Criteria ([see § 170-52(C)(59C(3) for additional regulations)]

ASSISTED LIVING FACILITY:

A. The facility shall be serviced by municipal sewer.
B.A. The density per unit requirement is 5,000 square feet of lot area in the R-20 District.
C.A. Parking lots and service areas are screened from abutting residential uses.
D.A. The facility shall obtain a license from the State of New Hampshire.

CONGREGATE CARE FACILITY:

CONGREGATE CARE FACILITY is allowed as a Special Exception in accordance with the density and provisions stated below:

A. In the R-20 District at one unit per 5,000 sq. ft. of land;
B. Provided that parking and service areas are screened from abutting resi- dential uses.

CONTINUING CARE COMMUNITY FACILITY:

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 5,000 square feet of lot area in the R-20 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Congregate Care Facility: Congregate care facility is allowed as a special exception in accordance with the density and provisions stated below:

A. In the R-20 District at 1 unit per 5,000 sq. ft. of land.
B. Provided that parking and service areas are screened from abutting residential uses.

Continuing Care Community Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 5,000 square feet of lot area in the R-20 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

ELDERLY ASSISTED CARE HOME : ELDERLY ASSISTED CARE HOME**Elderly Assisted Care Home:** Elderly assisted care home is allowed by

Special Exception special exception in accordance with the densities and provisions stated below:

A. ELDERLY ASSISTED CARE HOME isElderly assisted care home larger than 6 bedrooms shall meet the following density requirements: ⁺in the R-20 District at a density of one1 bedroom per 5,000 sq. ft.
B. Provided that parking and service areas are screened from abutting resi- dentialresidential uses.
C. Notwithstanding the above requirements, the maximum number of bed- roomsbedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in Chapter§ 170-44 (OFF-STREET PARKING).56 (Off-street parking). Furthermore, any increase to an existing structure must be contained with- inwithin or contiguous to the original structure.

Helicopter Take-offsTakeoffs and Landings: Helicopter Take-offstakeoffs and Landingslandings are al- lowedallowed as a special exception, subject to the following conditions:

A. There shall be a distance of one thousand (1,000) feet between any existing
A. residential structure and any proposed helicopter landing pad.
B. Except in the case of an emergency, no helicopter take offstakeoffs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.

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C. The facility shall be accessory to the principal use ~~located on the lot.~~

D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

E. The conditions for granting a ~~Special Exception~~special exception contained in ~~Chapter~~§ 170-~~ 52 C~~59C(3)~~.~~) must also be satisfied.

~~NURSING HOME:~~ ~~NURSING HOME~~**Nursing Home:** Nursing home is allowed as a ~~Special Exception~~special exception in ~~accord ance~~accordance with the density and provisions stated below:

A. In the R-20 District at ~~one~~1 unit per 5,000 sq. ft. of land.

B. Provided that parking and service areas are screened from abutting ~~resi dential~~residential uses.

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Medium Density Residential (R-12) District [Amended 8-19-2015 by Ord. No. 2015.07.22-017;

10-13-2021 by Ord. No.

~~**Medium Density Residential (R-12) District**~~

~~*Amended: 11-28-2012 by Ord. No. 2012-11.14-24, 08-19-2015 by Ord. No. O-2015.07.22-017, Amended:10-13-21 by O – 2021.09.08 – 006*~~

~~Permitted Uses~~

- ~~ACCESSORY DWELLING UNIT~~
- ~~ASSEMBLY HALL~~
- ~~BED and BREAKFAST~~
- ~~CHILD CARE FACILITY~~
- ~~CONSERVATION LOT~~
- ~~CHILD CARE HOME~~
- ~~Conversion of Existing Dwelling to Accommodate not more than 2 units [6]~~
- ~~Dwelling, 2 Family [7]~~
- ~~DWELLING, SINGLE FAMILY~~
- ~~EDUCATIONAL INSTITUTION, K-12~~
- ~~EDUCATIONAL INSTITUTION, POST SECONDARY~~
- ~~FARM [8]~~
- ~~FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [9]~~
- ~~OFFICE [10]~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility [11]~~
- ~~ROADSIDE FARM STAND [12]~~

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2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Assembly hall
- Bed-and-breakfast
- Child-care facility
- Conservation lot
- Child-care home
- Conversion of existing dwelling to accommodate not more than 2 units [6]
- Dwelling, two-family [7]
- Dwelling, single-family
- Educational institution, K-12
- Educational institution, postsecondary
- Farm [8]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [9]
- Office [10]
- Public recreation
- Public utility [11]
- Roadside farm stand [12]

Uses Permitted by Special Exception

- ~~ELDERLY ASSISTED CARE HOME~~
- Elderly assisted care home

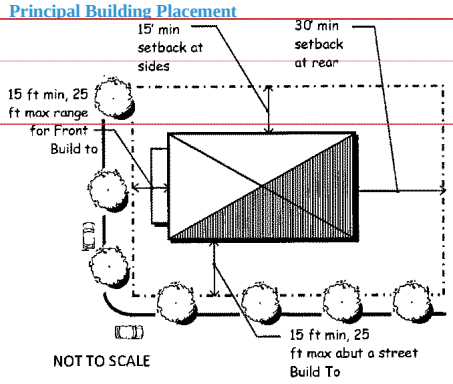
Sign Regulations

Size	R-12 District
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign max 2 sf, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Dimensional Regulations [1] [2]

Lot	
Minimum lot size [3] [4]	12,000 sf
Maximum lot coverage	30%
Minimum frontage	100 ft
Principal Building	
Front build-to line	15 ft min, 25 ft max [5]
Abut a street build-to line	15 ft min, 25 ft max [5]
Side setback	15 ft
Rear setback	30 ft
Outbuilding/Accessory Use	
Front setback	No closer than the principal building
Abut a street setback	No closer than the principal building
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	35 ft max
Outbuilding	35 ft max

Principal Building Placement



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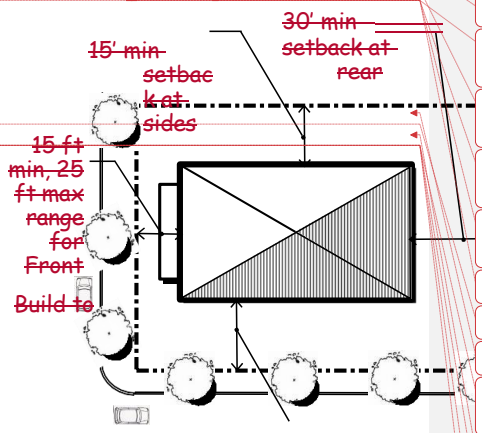
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Footnotes

Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size [3] [4]	12,000 sf
Maximum LOT COVERAGE	30%
Minimum FRONTAGE	100 ft
PRINCIPAL BUILDING	
Front BUILD TO LINE	15 ft min, 25 ft max [5]
Abut a Street BUILD TO LINE	15 ft min, 25 ft max [5]
Side SETBACK	15 ft
Rear SETBACK	30 ft
OUTBUILDING/ACCESSORY USE	
Front SETBACK	No closer than the principal BUILDING
Abut a Street SETBACK	No closer than the principal BUILDING
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	35 ft max
OUTBUILDING	35 ft max

Principal Building Placement



Sign Regulations

Size	R-12 District
Total SIGNS permitted	1
Total area permitted	16 sf (CUSTOMARY HOME OCCUPATION SIGN max 2 sf, development identification sign 20 sf max)
Type	
FREESTANDING	permitted (10 ft setback required)
PROJECTING	permitted
WALL/ Awning	not permitted
Temporary	not permitted

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~~15 ft min, 25 ft max abut a street Build To~~

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~~Footnotes~~

~~[1]~~ [1] In the case of an ~~Open Space Subdivision~~open space subdivision in accordance with Article IV of Chapter 157 of the Code of Dover, the dimensional requirements shall be as specified in § 157-21 of the Code of the City of Dover~~, 1983~~.

~~[2]~~ [2] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[3]~~ [3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum ~~non-wetland~~nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[4]~~ [4] Refer to Chapter 157, Subdivision of Land, Article IV, for the minimum lot size for a major ~~Subdivision~~subdivision. Any major subdivision in an R-12 district must follow the procedures for an ~~OSS~~open space subdivision if the original lot meets the minimum lot size required.

~~[5]~~ [5] Expansions to or renovations of ~~STRUCTURES~~structures on existing lots have a five ~~(5)~~ foot ~~SETBACK~~setback.

~~[6]~~ [6] Any dwelling unit may be converted, not replaced, provided that the lot shall contain at least ~~four thousand (~~4,000~~)~~ square feet per dwelling unit and a minimum floor area of ~~five hundred (~~500~~)~~ square feet per dwelling unit.

~~2~~ Two-family dwellings shall be designed to look like single-family dwellings (i.e., the ~~2~~ two-family dwelling should not look like it was designed to occupy more than ~~one~~1 family). At a minimum, this shall mean that only ~~one~~1 entrance shall be visible from a public street, and only ~~one~~1 driveway shall exist with no on-street parking required for residents.

~~[7]~~ [7] Two-family dwellings are permitted on lots with a density of ~~nine thousand (~~9,000~~)~~ square feet per dwelling unit. The structures shall be designed to look like single-family dwellings (i.e., the ~~2~~ two-family dwelling should not look like it was designed to occupy more than ~~one~~1 family). At a minimum, this shall mean that only ~~one~~1 entrance shall be visible from a public street, and only ~~one~~1 driveway shall exist with no on-street parking required for residents. Single-family density shall be used for TDR. If two-family density is used, a two-family unit shall be built.

~~[8]~~ Shall not include the raising and sale of ~~FARM~~ ~~ANIMALS~~farm animals; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of ~~fresh water~~

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~~[8]~~ freshwater fish or other aquaculture products; ~~and/or~~ the breeding of poultry or game birds.

~~[9]~~ [9] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met~~:~~. Chickens: No more than ~~six (~~6) chickens and no roosters, with ~~three (~~3) square feet of chicken coop and ~~twenty (~~20) square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

~~twenty (20) feet from any property line. Sheep or goats: one animal per [10,000 square feet of lot area, with a maximum of six (6) animals; ten (10) square feet of shelter and thirty (30) square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be thirty (30) feet from any property line.~~

~~[10]~~] Permitted only if operated as a ~~CUSTOMARY HOME OCCUPATION (Refer~~customary home occupation (refer to definition in § 170-6B).

[11] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

~~[11] The Utility Facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.~~

~~[12] ROADSIDE FARM STANDS~~[12] Roadside farm stands shall be set back a minimum of ~~twenty~~ (20) feet from all abutting vehicular rights-of-way. The area of any ~~BUILDING~~building associated with the ~~ROADSIDE FARM STAND~~roadside farm stand shall not be greater than ~~two hundred (~~200) square feet in area~~,~~ and shall be considered an accessory structure if a residence is also located on the property. The total of the display area, including the building, shall not exceed ~~four hundred (~~400) sq. ft. Off-street parking shall be provided in the amount of ~~one (~~1) off-street parking space per 250 sq. ft. of display and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.~~"~~

Special Exception Criteria ~~[~~see § 170-~~52(C)~~59C(3) for additional regulations~~]~~

~~**ELDERLY ASSISTED CARE HOME:**~~

~~ELDERLY ASSISTED CARE HOME~~**Elderly Assisted Care Home:**

Elderly assisted care home is allowed by ~~Special Exception~~special exception in accordance with the densities and provisions stated below:

A. ~~ELDERLY ASSISTED CARE HOME is~~Elderly assisted care home larger than 6 bedrooms shall meet the following density requirements: ~~It~~in the R-12 District at a density of ~~one~~1 bedroom per 3,000 sq. ft.

B. Provided that parking and service areas are screened from abutting residential uses.

C. Notwithstanding the above requirements, the

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maximum number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in ~~Chapter~~ § 170-~~44 (Off-Street Parking).~~56 (off-street parking). Furthermore, any increase to an existing structure ~~must be contained within or contiguous to the original structure.~~

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must be contained within or contiguous to the original structure.

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Suburban Density Multi-Residential (RM-SU) District [Amended 6-22-2016 by Ord. No.

~~**Suburban Density Multi Residential (RM-SU) District**~~

~~*Amended: 11-28-12 by Ord. No. 2012-11.14-24, 06-22-2016 by Ord. No. O-2016.06.08 – 010, 10-13-21 by O – 2021.09.08 - 006*~~

~~Permitted Uses~~

- ~~ACCESSORY DWELLING UNIT~~
- ~~ADULT DAY CARE~~
- ~~ASSEMBLY HALL~~
- ~~CHILD CARE FACILITY~~
- ~~CHILD CARE HOME~~
- ~~Conversion of Existing Dwelling to Accommodate 5 or more units [3]~~
- ~~Conversion of Existing Dwelling to Accommodate not more than 4 units [3]~~
- ~~Dwelling, 2 Family~~
- ~~Dwelling, 3-4 Family [3]~~
- ~~DWELLING, MULTI-FAMILY [3]~~
- ~~DWELLING, SINGLE FAMILY~~
- ~~EDUCATIONAL INSTITUTION, K-12~~
- ~~FARM [5]~~
- ~~FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [6]~~
- ~~OFFICE [7]~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility [8]~~
- ~~ROADSIDE FARMSTAND [9]~~

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2016.06.08-010;
10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Adult day care
- Assembly hall
- Child-care facility
- Child-care home
- Conversion of existing dwelling to accommodate 5 or more units [3]
- Conversion of existing dwelling to accommodate not more than 4 units [3]
- Dwelling, two-family
- Dwelling, three- to four-family [3]
- Dwelling, multifamily [3]
- Dwelling, single-family
- Educational institution, K-12
- Farm [5]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [6]
- Office [7]
- Public recreation
- Public utility [8]
- Roadside farm stand [9]

Dimensional Regulations [1] [2]

Uses Permitted by Special Exception

- Elderly assisted care home

Sign Regulations

Size	RM-SU District
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

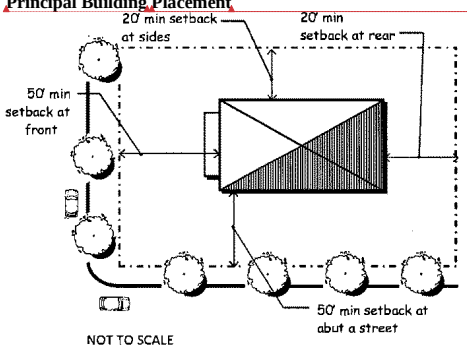
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~~Dimensional Regulations~~ ~~[1] [2]~~

~~LOT~~	
~~Minimum LOT Size [3] [4]~~	~~20,000 sf~~
~~Maximum LOT COVERAGE~~	~~40%~~
~~Minimum FRONTAGE~~	~~100 ft~~
~~PRINCIPAL BUILDING~~	
~~Front SETBACK~~	~~50 ft~~
~~Abut a Street SETBACK~~	~~50 ft~~
~~Side SETBACK~~	~~20 ft~~
~~Rear SETBACK~~	~~20 ft~~
~~OUTBUILDING/ACCESSORY USE~~	
~~Front SETBACK~~	~~50 ft~~
~~Abut a Street SETBACK~~	~~50 ft~~
~~Side SETBACK~~	~~10 ft~~
~~Rear SETBACK~~	~~10 ft~~
~~HEIGHT OF BUILDING~~	
~~PRINCIPAL BUILDING~~	~~40 ft max~~
~~OUTBUILDING~~	~~40 ft max~~

Lot	
Minimum lot size [3] [4]	20,000 sf
Maximum lot coverage	40%
Minimum frontage	100 ft
Principal Building	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	20 ft
Rear setback	20 ft
Outbuilding/Accessory Use	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	40 ft max
Outbuilding	40 ft max

Principal Building Placement



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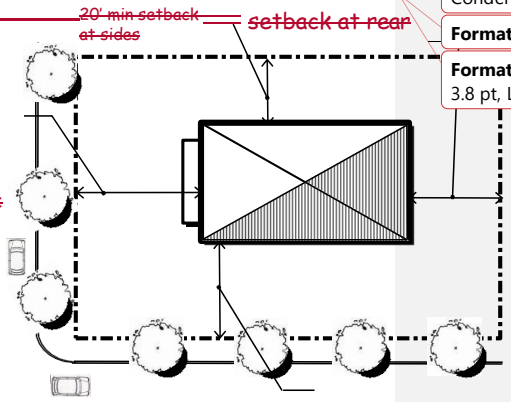
Footnotes

Uses Permitted by Special Exception

- ELDERLY ASSISTED CARE HOME

Sign Regulations

Size	RM-SU District
Total signs permitted	1
Total area permitted	16 sf (CUSTOMARY HOME OCCUPATION SIGN 2 sf max, development identification SIGN 20 sf max)
Type	
FREESTANDING	permitted (10 ft setback required)
PROJECTING	permitted
WALL/ Awning	not permitted
Temporary	not permitted



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~~Suburban Density Multi Residential (RM-SU) District~~

[1]

~~Footnotes~~

~~[1]~~ Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[2]~~ [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The ~~minimum non-wetland~~minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[3]~~ [3] Provided that the lot upon which such multifamily residence is to be constructed shall contain at least ~~ten thousand (~~10,000~~)~~ square feet for each dwelling unit.

~~[4]~~ [4] Reserved.

~~[5]~~ [5] Shall not include the raising and sale of ~~FARM ANIMALS~~farm animals; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of ~~fresh water~~freshwater fish or other aquaculture products; and/or the breeding of poultry or game birds.

~~[6]~~ [6] Use is allowed on the portion of the lot that is behind the ~~princi-pal~~principal structure, provided the following standards are met: ~~Chick-ens~~ Chickens: No more than ~~six (~~6~~)~~ chickens and no roosters, with ~~three~~ ~~(~~3~~)~~ square feet of chicken coop and ~~twenty (~~20~~)~~ square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be ~~twenty (~~20~~)~~ feet from any property line. Sheep or goats: ~~one~~1 animal per 10,000 square feet of lot area, with a maximum of ~~six (~~6~~)~~ animals; ~~ten (~~10~~)~~ square feet of shelter and ~~thirty (~~30~~)~~ square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be ~~thirty (~~30~~)~~ feet from any property line.

~~[7]~~ [7] Permitted only if operated as a customary home occupation. (Refer to definition in § 170-6B.)

~~[8] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.~~

~~ROADSIDE FARM STANDS~~[8] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

~~[9]~~ [9] Roadside farm stands shall be set back a minimum of ~~twenty (~~20~~)~~ feet from all abutting vehicular rights-of-way. The area of any ~~BUILDING~~building associated with the ~~ROADSIDE FARM STAND~~roadside farm stand shall not be greater than ~~four hundred (~~400~~)~~ square feet in area, and shall be considered an accessory structure if a residence is also located on the property. The total of the display area and ~~build-ing~~building area shall not exceed 1,000 sq. ft. Off-street parking shall be provided in the amount of ~~one (~~1~~)~~ off-street parking space per 250 sq. ft. of display and building area, and all required parking spaces shall have safe access to and from a public street. ~~A cer-tificate of use issued by the Zoning Administrator and a drive-way permit shall be required in all cases.~~A

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certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.

Special Exception Criteria ~~(~~[see § 170-59C(3) for additional regulations~~)~~]

~~ELDERLY ASSISTED CARE HOME:~~

~~ELDERLY ASSISTED CARE HOME~~**Elderly Assisted Care Home:**

Elderly assisted care home is allowed by ~~Special Exception~~special exception in accordance with the densities and provisions stated below:

A. ~~ELDERLY ASSISTED CARE HOMES~~Elderly assisted care homes larger than 6 bedrooms shall meet the following density requirements: ~~In~~in the RM-SU District at a density of ~~one~~1 bedroom per 5,000 sq. ft.

B. Provided that parking and service areas are screened from abutting residential uses.

C. Notwithstanding the above requirements, the maximum ~~num- ber~~number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in ~~Chapter~~§ 170-~~44 (Off Street Parking~~56 (off-street parking). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

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Urban Density Multi-Residential (RM-U) District

~~**Urban Density Multi-Residential (RM-U) District**~~

~~*Amended: 11-28-12 by Ord. No. 2012-11.14-24, 08-19-2015 by Ord. No. O-2015.07.22-017, Amended:10-13-21 by O – 2021.09.08 - 006*~~

[Amended 8-19-2015 by Ord. No. 2015.07.22-017; 10-13-2021 by Ord. No. 2021.09.08-006]

~~Permitted Uses~~

- ~~ACCESSORY DWELLING UNIT~~
- ~~ADULT DAY CARE~~
- ~~ASSEMBLY HALL~~
- ~~CHILD CARE FACILITY~~
- ~~CHILD CARE HOME~~
- ~~CONSERVATION LOT~~
- ~~Conversion of Existing Dwelling to Accommodate not more than 2 units [4]~~
- ~~Dwelling, 2 Family~~
- ~~DWELLING, SINGLE FAMILY~~
- ~~EDUCATIONAL INSTITUTION, K-12~~
- ~~FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [5]~~
- ~~Funeral Parlor~~
- ~~OFFICE [6]~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility [7]~~
- ~~ROOMING HOUSE~~

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Permitted Uses

- Accessory dwelling unit
- Adult day care
- Assembly hall
- Child-care facility
- Child-care home
- Conservation lot
- Conversion of existing dwelling to accommodate not more than 2 units [4]
- Dwelling, two-family
- Dwelling, single-family
- Educational institution, K-12
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [5]
- Funeral parlor
- Office [6]
- Public recreation
- Public utility [7]
- Rooming house

Uses Permitted by Special Exception

- Assisted living facility
- Beauty shop and barbershop
- Congregate care facility
- Continuing care community facility
- Conversion of existing dwelling to accommodate not more than 4 units
- Dwelling, three- to four-family
- Elderly assisted care home
- Group home for minors
- Nursing home
- Retail store

Sign Regulations

Size	**RM-U District**
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

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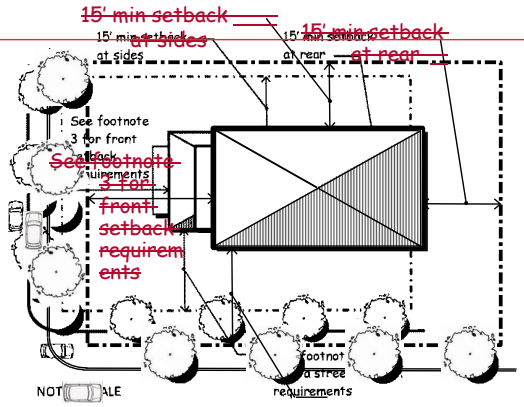
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Dimensional Regulations [1] [2]

~~LOT~~Lot	
Minimum ~~LOT Size~~lot	10,000 sf
Maximum ~~LOT~~	40%
Minimum	80 ft
~~PRINCIPAL BUILDING~~Principal Building	
Front ~~SETBACK~~setback	[3]
Abut a ~~Street~~	[3]
Side ~~SETBACK~~setback	15 ft
Rear ~~SETBACK~~setback	15 ft
~~OUTBUILDING/ACCESSORY~~	
	No closer than the principal-
	No closer than the principal-
Side ~~SETBACK~~setback	10 ft
Rear ~~SETBACK~~setback	10 ft
~~HEIGHT OF BUILDING~~Height of Building	
~~PRINCIPAL~~	40 ft max
~~OUTBUILDING~~Outbuildin	40 ft max

Principal Building Placement



~~Uses Permitted by Special Exception~~

- ~~ASSISTED LIVING FACILITY~~
- ~~Beauty and barbershop~~
- ~~CONGREGATE CARE FACILITY~~
- ~~CONTINUING CARE COMMUNITY FACILITY~~
- ~~Conversion of Existing Dwelling to accommodate not more than 4 units~~
- ~~Dwelling, 3 to 4 Family~~
- ~~ELDERLY ASSISTED CARE HOME~~
- ~~GROUP HOME FOR MINORS~~
- ~~NURSING HOME~~
- ~~Retail Store~~

~~Sign Regulations~~

~~Size~~	~~RM-U District~~
~~Total signs permitted~~	~~1~~
~~Total area permitted~~	~~16 sf~~ ~~(CUSTOMARY HOME OCCUPATION SIGN 2 sf max, development identification sign 20 sf max)~~
~~Type~~	
~~FREESTANDING~~	~~permitted~~ ~~(10 ft setback required)~~
~~PROJECTING~~	~~permitted~~
~~WALL/ Awning~~	~~not permitted~~
~~Temporary~~	~~not permitted~~

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Footnotes

[1] [1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum densi- tydensity requirements for residential uses. The minimum non-wetlandnonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wet- landwetland in the NHNew Hampshire Code of Administrative Rules – Env-Wt- 101.87113 and the 1987 Federal Manual forfor Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 percent% of the minimum lot size required.

[3] [3] The property owner shall calculate the average front SETBACKssetbacks of all LOTslots within the same zone located on the same side of the STREET, two hun- dred fifty (street, 250) feet in each direction from the center of the front LOT LINElot line. This front SETBACKsetback dimension shall be considered to be a BUILD TO LINE. STRUCTURESbuild-to line. Structures may be constructed within five (5) feet plus or minus of the average. Porches or steps may be located an additional five (5) feet beyond the front façadefacade of the STRUCTUREstructure. Expansions to existing STRUC- TURESstructures shall be subject to a minimum SETBACKsetback equal to the calculated average SETBACKsetback minus five (5) feet.

[4] [4] Provided that the lot contains at least two thousand (2,000) square feet for each dwelling unit, plus an additional five hundred (500) square feet for every bedroom contained in such multiunit residence. A maximum of four (4) units per lot is allowed.

[5] [5] Use is allowed on the portion of the lot that is behind the principal struc- turestructure, provided the following standards are met: Chickens: No more than six (6) chickens and no roosters, with three (3) square feet of chicken coop and twenty (20) square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be twenty (20) feet from any property line. Sheep or goats: one (1) animal per 10,000 square feet of lot area, with a maximum of six (6) animals; ten (10) square feet of shelter and thirty (30) square feet of a fenced enclosure yard per animal; all shelters and enclo- suresenclosures shall be thirty (30) feet from any property line.

[6] [6] Permitted only if operated as a customary home occupation (Referrefer to definition in § 170-6B).

[7] [7] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

Special Exception Criteria ([see § 170-52(C)(59C)(3), for additional regulations)]

ASSISTED LIVING FACILITY:

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density, per unit requirement is 2,500 square feet of lot area in the RM-U District.
U District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire. Barber.

D. **Barbershops and Beauty Shops:** Barber and beauty shops shall be subject to the following regulations:
A. No more than one (1) operator's chair is permitted.
B. No assistants are to be employed.
C. All operators are to be members of the immediate family who reside in the home.
D. All such uses shall conform to the regulations governing customary home occupations in § 170-18.

CONGREGATE CARE FACILITY:

CONGREGATE CARE FACILITY**Congregate Care Facility:** Congregate care facility is allowed as a Special Exceptionspecial exception in accordance with the density and provisions stated below:
A. In the RM-U District at one 1 unit per 2,500 sq. ft. of land.
B. Provided that parking and service areas are screened from abutting resi- dentialresidential uses.

CONTINUING CARE COMMUNITY FACILITY:

Continuing Care Community Facility:

A. The facility shall be serviced by municipal sewer.

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B. The ~~facility shall obtain a license from~~density per unit requirement is 5,000 square feet of lot area in the R-20 District.

C. Parking lots and service areas are screened from abutting residential uses.

D. The facility shall obtain a license from the State of New Hampshire.

~~B. State of New Hampshire.~~ **Conversion to or ~~creation~~Creation of Dwelling, ~~3-4~~ Three- to Four-Family:** Three- or four-family ~~dwell ings~~dwellings and conversions of existing dwellings to ~~three (~~3) or ~~four (~~4) units shall be subject to the following regulations:

A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the RM-U District that are wholly or partly within ~~two hundred (~~200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.

B. Off-street parking, in accordance with Chapter 153, Site Review Regulations, shall be provided as to avoid vehicles backing into the street. Two ~~(~~2) parking spaces per unit shall be required.

~~C.~~ Parking lots shall be at least ~~five (~~5) feet from a side property line and ~~ten~~

C. ~~(~~10) feet from a front property line.

D. Parking areas shall be screened from the street and from abutting lots.

E. Structures shall be at least ~~twenty (~~20) feet from a front property line, ~~fifteen (~~15) feet from a rear property line and ~~fifteen (~~15) from a side property line unless abutting a

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~~E.~~ street, in which case, the distance from the side property line shall be ~~twenty (20)~~ feet.

F. If the units generated are restricted to the HUD Fair Market Rent rates for Dover, criteria A and E do not apply.

~~ELDERLY ASSISTED CARE FACILITY:~~

~~ELDERLY ASSISTED CARE HOME~~**Elderly Assisted Care Home:** Elderly assisted care home is allowed by ~~Special Exception~~special exception in accordance with the densities and provisions stated below:

A. ~~ELDERLY ASSISTED CARE HOMES~~Elderly assisted care homes larger than 6 bedrooms shall meet the following density requirements: In the RM-U District at a density of ~~one~~1 bedroom per 2,500 sq. ft.

B. Provided that parking and service areas are screened from abutting ~~resi- dential~~residential uses.

C. Notwithstanding the above requirements, the maximum number of ~~bed- rooms~~bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in ~~Chapter~~§ 170-~~44 (Off-Street Parking~~56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

~~GROUP HOME FOR MINORS:~~

~~GROUP HOME FOR MIORS~~**Group Home for Minors:** Group home for minors shall be subject to the following conditions:

A. The group home site shall be compatible with abutting uses.

B. The group home shall be located in areas of transitional land use or mixed land uses.

C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.

D. Open space shall be maintained on the property in an amount ~~compara- ble~~comparable to the neighborhood.

E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

~~NURSING HOME:~~

~~NURSING HOME~~**Nursing Home:** Nursing home is allowed as a ~~Special Exception~~special exception in accordance with the ~~densi- ty~~density and provisions stated below:

A. In the RM-U District at ~~one~~1 unit per 2,000 sq. ft. of land;

B. Provided that parking and service areas are screened from abutting ~~resi- dential~~residential uses.

Retail Store:

A ~~Retail Store~~retail store shall be subject to the following regulations:

A. The store shall contribute to a ~~NEIGHBORHOOD~~neighborhood feel and be pedestrian friendly.

B. The store shall be no larger than 2,000 square feet.

C. No more than half of the required parking necessary shall be on-site ~~park- ing~~parking, which shall be screened from abutting residential ~~LOTS~~lots.

D. Any loading or unloading of products shall not disrupt ~~NEIGHBORHOODS~~neighborhoods or traffic flow.

E. The proposed use shall be compatible with the surrounding ~~NEIGHBOR- HOOD~~neighborhood.

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F. Hours of operation shall be limited to 6 ~~am~~:00 a.m. to 9 ~~pm~~:00 p.m. Sunday ~~to~~ Thursday, ~~and~~.

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[Added 8-19-2015 by Ord. No. 2015.07.22-017; amended 8-22-2018 by Ord. No. 2018.08.08-009; 10-13-2021 by Ord. No.

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~~Heritage Residential (HR) District~~

~~Adopted: 08-19-2015 by Ord. No. O-2015.07.22-017, 08-22-2018 by Ord. No. 2018.08.22-009, 10-13-21 by O--2021.09.08--006~~

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2021.09.08-006]

Permitted Uses***

- ~~ACCESSORY DWELLING UNIT~~
- ~~ADULT DAY CARE~~
- ~~CHILD CARE HOME~~
- ~~Conversion of Existing Dwelling to Accommodate not more than 2 units [5]~~
- ~~CUSTOMARY HOME OCCUPATION~~
- ~~Dwelling, 2 Family [5]~~
- ~~DWELLING, SINGLE FAMILY~~
- ~~FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [6]~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility [7]~~
- ~~ROADSIDE FARM STAND [8]~~

- Accessory dwelling unit
- Adult day care
- Child-care home
- Conversion of existing dwelling to accommodate not more than 2 units [5] *
- Customary home occupation
- Dwelling, two-family [5]
- Dwelling, single-family
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [6]
- Public recreation
- Public utility [7]
- Roadside farm stand [8]

Uses Permitted by Conditional Use Permit***

- Bed-and-breakfast (permitted on Silver Street only)
- Child-care facility
- Conversion of existing dwelling to accommodate not more than 4 units
- Dwelling, three- to four-family
- Elderly assisted care home
- Group home for minors
- Office

- ~~BED AND BREAKFAST (permitted on Silver Street only)~~
- ~~CHILD CARE FACILITY~~
- ~~Conversion of Existing Dwelling to Accommodate not more than 4 units~~
- ~~Dwelling, 3 to 4 Family~~
- ~~ELDERLY ASSISTED CARE HOME~~
- ~~GROUP HOME FOR MINORS~~
- ~~OFFICE~~

Sign Regulations

Size	HR District
Total signs permitted	1
Total area permitted	8 sf (customary home occupation sign 2 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall mount	Not permitted
Temporary	Not permitted

Dimensional Regulations* [1] [2]

~~LOT~~	
~~Minimum LOT Size~~	~~10,000 sf~~
~~Maximum LOT Coverage~~	~~40%~~
~~Minimum FRONTAGE~~	~~80 ft~~
~~PRINCIPAL BUILDING*~~**	
~~Front BUILD TO LINE~~	~~[3]~~
~~Abut a Street BUILD TO LINE~~	~~[3]~~
~~Side SETBACK~~	~~15 ft~~
~~Rear SETBACK~~	~~30 ft~~
~~OUTBUILDING/ACCESSORY USE*~~**	
~~Front SETBACK~~	~~[4]~~
~~Abut a Street SETBACK~~	~~[4]~~
~~Side SETBACK~~	~~10 ft~~
~~Rear SETBACK~~	~~10 ft~~
~~HEIGHT OF BUILDING~~	
~~PRINCIPAL BUILDING~~	~~24 ft min**, 40 ft max~~
~~OUTBUILDING~~	~~40 ft max~~

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	40%
Minimum frontage	80 ft
Principal Building* **	
Front build-to line	[3]
Abut a street build-to line	[3]
Side setback	15 ft
Rear setback	30 ft
Outbuilding/Accessory Use* **	
Front setback	[4]
Abut a street setback	[4]
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	24 ft min**, 40 ft max
Outbuilding	40 ft max

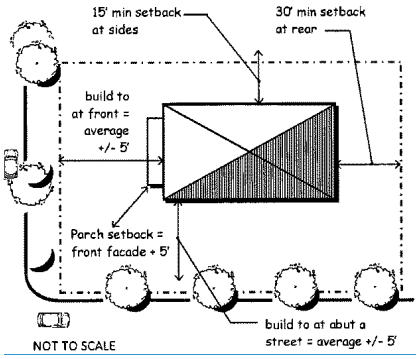
* Deviations from these requirements are permitted by ~~Conditional Use Permit~~conditional use permit, subject to the requirements of ~~Section~~§ 170-~~20.B~~20B(1), where applicable.

** The minimum principal building height shall not apply to additions constructed onto the rear of the ~~PRINCIPAL BUILDING~~principal building, provided that where the addition will be closer to either side lot line than the existing ~~PRINCIPAL BUILDING~~principal building, the addition shall be located no closer than 45 ~~ft from~~feet to the front lot line.

*** See ~~reverse side~~next page for architectural considerations.

Principal Building Placement

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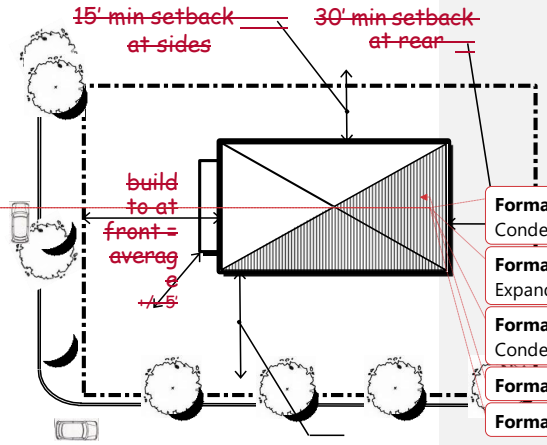


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Sign Regulations

Size	HR District
Total signs permitted	1
Total area permitted	8 sf (CUSTOMARY HOME OCCUPATION SIGN 2 sf max)
Type	
FREESTANDING	permitted (10 ft setback required)
PROJECTING	permitted
WALL/ Awning	not permitted
Temporary	not permitted



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Footnotes

~~[1]~~ [1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[2]~~ [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum ~~non-wetland~~nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual ~~For~~for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the ~~min~~minimum lot size required.

~~[3]~~ [3] The property owner shall calculate the average front setbacks of all lots within the same zone located on the same side of the street, 250 ~~ft~~feet in each direction from the center of the front lot line. This front setback dimension shall be considered to be a build–to line. Structures may be constructed within ~~five (5) ft~~ feet, plus or minus of the average. Porches or steps may be located an additional ~~five (5) ft~~ feet beyond the front ~~façade~~facade of the structure. Expansions to existing structures shall be subject to a ~~mini- mum~~minimum setback equal to the calculated average setback, minus ~~five (5)~~ feet.

~~[4]~~ [4] Accessory structures must be ~~setback~~set back at least 20 feet from the average front setback of all lots within the same zone located on the same side of the street, 250 feet in each direction from the center of the front lot line.

~~[5]~~ ~~2.~~[5] Two-family dwellings shall be designed to look like ~~SINGLE FAMILY DWELL- INGS~~single-family dwellings (i.e., the ~~2~~two-family dwelling should not look like it was designed to occupy more than ~~one~~1 family). At a minimum, this shall mean that only ~~one~~1 entrance shall be visible from a public street. Notwithstanding any other provision of Chapter 170, a legal or legal ~~non-conforming~~nonconforming accessory structure existing as of the effective date of these regulations may be converted into a second unit, provided that it shall not be enlarged, nor shall any exterior improvements be made to alter its appearance as an accessory structure.

[6] Use is allowed on the portion of the lot that is behind the principal ~~struc- ture~~structure, provided the following standards are met: Chickens: No more than ~~six (6)~~ chickens and no roosters, with ~~three (3)~~ square feet of chicken coop and ~~twenty (20)~~ square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be ~~twenty (20)~~ feet from any property line. Sheep or goats: ~~one~~1 animal per 10,000 square feet of lot area, with a maximum of ~~six (6)~~ animals; ~~ten (10)~~ square feet of shelter and ~~thirty (30)~~ square feet of a fenced ~~[6]~~enclosure yard per animal; all shelters and ~~enclo- sures~~enclosures shall be ~~thirty (30)~~ feet from any property line.

~~[7]~~ [7] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

~~[7]~~ ~~[9] Roadside farm stands~~The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

~~[8]~~ ~~ROADSIDE FARM STANDS~~ shall be set back a minimum of ~~twenty (20)~~ feet from all abutting vehicular rights-of-way. The area of any ~~BUILDING asso- ciated~~building associated with the ~~ROADSIDE FARM STAND~~roadside farm stand shall not be greater than ~~two hundred (200)~~ square feet in area, and shall be considered an accessory structure if a residence is also located on the property. The total of the display area, including the building, shall not exceed ~~four hundred (400)~~ square feet. Off-street parking shall be provided in the amount of ~~one (1)~~ off-street parking space per 250 square feet of display, and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a ~~drive way~~driveway permit shall be required in all cases.

Architectural Considerations

The goal of the Heritage Residential District is to recognize, celebrate, and enhance the unique character of this area, in part by promoting architecture with a strong sense of place, fine detailing, quality materials, and designed with the site context and adjacent development in mind. To that end, applicants for new construction are encouraged to refer to the Dover Historic Preservation Guide (June, 1991) for examples of architecture and design that is fitting for the Heritage Residential District. This document is available for viewing on the Planning and Community Development Department webpage and at the offices of the Planning and Community Development Department and Inspection Services Division, and is intended to serve as a guide to help encourage and inspire thoughtful and attractive development.

Conditional Use Permit Criteria

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~~Conditional Use Permit Criteria~~

The requirements of § 170-~~20.8~~20B(2) and (3) shall apply to all uses permitted by ~~Conditional Use Permit~~conditional use permit in addition to the requirements set forth below.

~~CHILD CARE FACILITY: CHILD CARE FACILITIES~~**Child-Care Facility:** Child-care facilities shall be subject to the ~~require~~

~~ments~~requirements set forth in the ~~"CHILD CARE FACILITY"~~"child-care facility" definition, ~~Chapter~~§ 170-6.

Conversion to, or ~~creation~~Creation of Dwelling, ~~3-4~~ Three- or Four-Family: Three- or four-family ~~dwell-ings~~dwellings and conversions of existing dwellings to ~~three (3)~~ or ~~four (4)~~ units shall be subject to the following regulations:

A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the HR District that are wholly or partly within ~~two hundred (~~200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.

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B. Off-street parking, in accordance with Chapter 153, Site Review Regulations, shall be provided as to avoid vehicles backing into the street. Two ~~(2)~~ parking spaces per unit shall be required.

~~C.~~ Parking lots shall be at least ~~five (~~5~~)~~ feet from a side property line and ~~ten~~

C. ~~(~~10~~)~~ feet from a front property line.

D. Parking areas shall be screened from the street and from abutting lots.

E. Structures shall be at least ~~twenty (~~20~~)~~ feet from a front property line, ~~thirty (~~30~~)~~ feet from a rear property line and ~~fifteen (~~

~~E.~~ 15~~)~~ from a side ~~prop-erty~~property line unless abutting a street, in which case the distance from the side property line shall be ~~twenty (~~20~~)~~ feet.

F. For new construction, the building must be designed to look like a ~~SINGLE FAMILY DWELLING.~~single-family dwelling. At a minimum, this shall mean that only ~~one~~1 entrance shall be visible from a public street. For conversions, the building must retain its appearance as a ~~SINGLE FAMILY DWELLING or a 2~~single-family ~~dwell-ing~~dwelling or a two-family dwelling, whichever is the current use. Notwithstanding any other provision of Chapter 170, a legal or legal ~~non-conforming~~nonconforming accessory structure existing as of the effective date of these regulations may be converted into ~~one~~1 or more residential units, provided that the building shall not be enlarged, nor shall any exterior improvements be made to alter its appearance as an accessory structure.

~~ELDERLY ASSISTED CARE HOME: ELDERLY ASSISTED CARE HOME~~**Elderly Assisted Care Home:** Elderly assisted care home is allowed in accordance with the densities and provisions stated below:

A. ~~ELDERLY ASSISTED CARE HOMES~~Elderly assisted care homes larger than 6 bedrooms are permitted at a density of ~~one~~1 bedroom per 2,500 square feet.

B. Parking and service areas are screened from abutting residential uses.

C. Notwithstanding the above requirements, the maximum number of ~~bed-rooms~~bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in ~~Chapter~~§ 170-~~44 (Off-Street Parking~~56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

~~GROUP HOME FOR MINORS: GROUP HOME FOR MINORS~~**Group Home for Minors:** Group home for minors shall be subject to the following conditions:

A. The group home site shall be compatible with abutting uses.

B. The group home shall be located in areas of transitional land use or mixed land uses.

C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.

D. Open space shall be maintained on the property in an amount ~~compara-ble~~comparable to the neighborhood.

E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

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F. Hours of operation shall be limited to 6 ~~am~~:00 a.m. to 9 ~~pm~~:00 p.m. Sunday to Thursday, and 6 ~~am~~:00 a.m. to 10 ~~pm~~:00 p.m. Friday and Saturday.

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City of Dover Commercial (C) District
[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 10-13-2021 by Ord. No. 2021.09.08-006; 9-14-2022 by Ord. No.

~~**Commercial (C) District**~~

~~*Created: 07-22-2020 by Ord. No. 2020.07.08-007; Amended:10-13-21 by O—2021.09.08—006 and 09-14-2022 by O—2022.08.10-010*~~

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2022.08.10-010]

Permitted Uses [8]

~~• ADULT DAY CARE~~
~~• AUTO SERVICE STATION~~
~~• Bank~~
~~• Barber and Beauty Shop~~
~~• CHILD CARE FACILITY~~
~~• Clinic~~
~~• COMMERCIAL PARKING FACILITY~~
~~• COMMERCIAL RECREATION~~
~~• Computer and data processing~~
~~• DWELLING, MULTI-FAMILY [3]~~
~~• Eating and Drinking Establishment [4]~~
~~• Farm~~
~~• HOTEL / MOTEL~~
~~• New Car Sales~~
~~• OFFICE~~
~~• PERSONAL SERVICE ESTABLISHMENT~~
~~• Public Utility [5]~~
~~• PUBLISHING FACILITY~~
~~• Retail Store~~
~~• Theater~~
~~• USED CAR LOT [6]~~
~~• Veterinary Office, Animal Hospital or KENNEL~~

~~Sign Regulations~~

~~Sign Regulations~~

- Adult day care
- Auto service station
- Bank
- Barber and beauty shop
- Child-care facility
- Clinic
- Commercial parking facility
- Commercial recreation
- Computer and data processing
- Dwelling, multifamily [3]
- Eating and drinking establishment [4]
- Farm
- Hotel/motel
- New car sales
- Office
- Personal service establishment
- Public utility [5]
- Publishing facility
- Retail store
- Theater
- Used car lot [6]
- Veterinary office, animal hospital or kennel

Uses Permitted by Special Exception

- Adult bookstore and/or video store
- Adult cabaret
- Vehicle refueling and recharging station

~~• ADULT BOOKSTORE AND/ OR VIDEO STORE~~
~~• ADULT CABARET~~
~~• VEHICLE REFUELING AND RECHARGING STATION~~

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Size	C District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	2 sf for each linear foot of business frontage (see § 170-50 for regulations for businesses bordering the Spaulding Turnpike)
Type	
Freestanding	(Max size 60 sf, max height 16 ft. 1 sign per side of frontage. Freestanding signs shall be located on low planter walls or be monument signs.)
Projecting	Permitted (max size 8 sf)
Wall/awning	(Provide building signage that is proportional to the scale of the tenant facade, max 1 sf for each linear foot of business frontage)
Temporary	Permitted (max ht 4 ft, max size 32 sf)

Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size	20,000 sf
Maximum COVERAGE	50%
Minimum FRONTAGE	125 ft
PRINCIPAL	
Front SETBACK	30 ft
Abut a Street SETBACK	30 ft
Side SETBACK [7]	12 ft
Rear SETBACK [7]	15 ft
OUTBUILDING/ ACCESSORY USE	
Front SETBACK	50 ft
Abut a Street SETBACK	50 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	40 ft max
OUTBUILDING	40 ft max

*

Lot	
Minimum lot size	20,000 sf
Maximum coverage	50%
Minimum frontage	125 ft
Principal	
Front setback	30 ft
Abut a street setback	30 ft
Side setback [7]	12 ft
Rear setback [7]	15 ft
Outbuilding/Accessory Use	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	40 ft max
Outbuilding	40 ft max

* Parking areas shall be set back at least ~~twenty-five~~ (25) feet from property lines.

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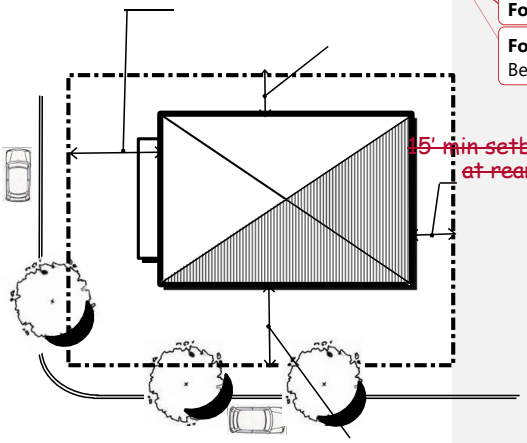
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Principal Building Placement

~~30' min setback at front~~

~~min setback at sides~~

~~15' min setback at rear~~

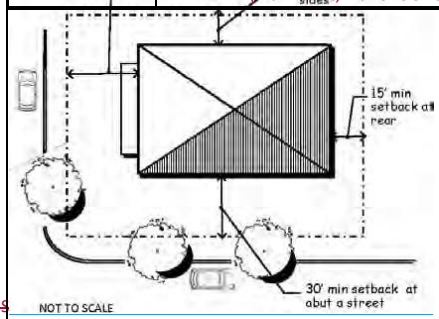


~~30' min setback at abut a street~~

~~NOT TO SCALE~~

~~1~~
~~2~~

~~Size~~	~~C District~~
~~Total signs permitted~~	~~2 (per tenancy, and is for lot (excluding development identification signs))~~
~~Total area permitted~~	~~2 sf for each lineal foot of business FRONTAGE (see 170-32 for regulations for businesses bordering the Spaulding Turnpike)~~
~~Type~~	
~~FREESTANDING~~	~~(Max size 60 sf, max height 16 ft. One SIGN per side of frontage. FREESTANDING signs shall be located on low planter walls or be monument SIGNS.)~~
~~PROJECTING~~	~~permitted (max size 8 sf)~~
~~WALL/ Awning~~	~~(Provide building signage that is proportional to the SCALE of the tenant façade, Max 1 sf for each lineal foot of business FRONTAGE)~~
~~Temporary~~	~~permitted (max height 4 ft, max size 32 sf)~~



~~SIGNS~~

Signs shall be designed and located to be visible from both pedestrian and vehicular areas, and shall be ~~de-signed~~designed to further the d
of the building and be consistent with any ~~SIGN~~sign package. Paint ~~SIGN back-grounds~~sign backgrounds and ~~SIGN~~sign cabinets to compleme
colors~~.~~

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Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] —[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NHNew Hampshire Code of Administrative Rules —Env-Wt 101.87113 and the 1987 Federal Manual Forfor Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 percent% of the minimum lot size required.

[3] [3] Provided the lot contain five thousand (5,000) square feet per dwelling unit. Units are allowed only in mixed-use buildings where no more than 2/3rd3 of the overall square footage of the building is residential.

[4] [4] If the eating and drinking establishment has drive- in services, said service shall be setbackset back either 50'50 feet from a residential abutting lot line- or 100'100 feet from the abutting residential structure whichever is greater.

[5] [5] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[6] [6] Permitted if an accessory use to a new car dealership.

[7] —[7] A vegetated buffer of no less than fifty50 feet (50') must be established and maintained along the C/R-12 zoning boundary abutting the southern property line of the Tax Assessor's Map 37, Lot 38. The buffer must be populated with existing vegetation where available and where existing vegetation is not available or not adequate, the buffer shall be improved to provide visual screening on a year- round basis for the benefit of the residential uses abutting the B-3C Zoning District. The buffer may feature new landscaping vegetation and materials, berms, fences, walls and other screening techniques with a preference toward preserving existing healthy trees where feasible. Buildings, impervious surfaces, mechanical equipment, parking and storage and display of goods and materials are prohibited in the buffer. Following installation, the buffer must be adequately maintained by the owner(s) of Tax Assessor's Map 37, Lot 38.

[8] [8] Solar/Green Roof Standardgreen roof standard:

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

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~~A.~~

Special Exception Criteria ~~[~~see § 170-~~52(C)~~59C(3) for additional regulations~~]~~.

~~ADULT BOOKSTORE AND/OR VIDEO STORE, ADULT CABARET: ADULT BOOKSTORE AND/OR VIDEO STORE AND ADULT CABARET~~**Adult bookstore and/or video store, adult cabaret:** Adult bookstore and/or video store and adult cabaret shall be

subject to the following conditions:

~~A. An ADULT BOOKSTORE, VIDEO STORE OR CABARET~~adult bookstore, video store or cabaret shall be at least

A. 500 feet from a parcel of land containing an existing residential use.

~~B. An ADULT BOOKSTORE, VIDEO STORE OR CABARET~~adult bookstore, video store or cabaret shall be at least

B. ~~1000~~ 1,000 feet from a parcel of land containing a school, church, community park or public recreational area.

~~C. No ADULT BOOKSTORE, VIDEO STORE OR CABARET~~adult bookstore, video store or cabaret shall be

C. permitted within ~~1000 ft.~~1,000 feet of an existing similar use.

D. ~~—~~The proposed use shall comply with all other state statutes and ~~city~~City ordinances and codes.

~~VEHICLE REFUELING/RECHARGING STATIONS:~~

Vehicle refueling/recharging stations:

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.

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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. Hours of operations shall be limited to 6 ~~am~~:00 a.m. to 9 ~~pm~~:00 p.m.

~~E.~~ If a drive-in thru service is proposed, said facility shall be ~~setback~~set back either ~~fifty (~~50~~)~~ feet from a residential abutting lot or ~~one hundred~~ (100) feet from the abutting residential structure, whichever is greater, and shall also be screened consistent with ~~Section~~Subsection 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.

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.

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Commercial Manufacturing (CM) District

~~Created: 07~~[Added 7-22-2020 by Ord. No. 2020-07.08-007~~. Amended.~~; amended 10-13-~~21~~2021 by ~~O~~ Ord. No. 2021.09.08-~~006 and 09~~; 9-14-2022 by ~~O~~ Ord. No. 2022.08.10-010~~ Amended on 08-09~~; 8-9-2023 by Ord. No. 2023.07.12-008]

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Permitted Uses [9]

- Adult day care
- Child-care facility
- Commercial recreation
- Eating and drinking establishment [5]
- Establishments for the manufacture, assembly, services and repair of the products listed below and other uses of a similar nature:
  - Drugs
  - Office, computing and accounting machines
  - Radio and television receiving equipment; communication equipment
  - Electronic components and engineering, laboratory, scientific and research instruments and associated equipment
  - Measuring and controlling instruments
  - Optical instruments and lenses
  - Surgical, medical and dental instruments and supplies
  - Photographic equipment and supplies
  - Electrotherapeutic, electro-medical and X-ray apparatus
- Farm [6]
- Fuel, oil, or gas storage
- Helicopter take offs and landings [7]
- Hotel/motel
- Industry
- Light industry
- Office
- Open storage [8]
- Personal service establishment
- Public utility
- Publishing facility
- Research institutions
- Retail sale of agricultural or farm products raised on site
- Trucking terminal
- Warehousing
- Wholesaling

- ~~ADULT DAY CARE~~
- ~~CHILD CARE FACILITY~~
- ~~COMMERCIAL RECREATION~~
- ~~Eating and Drinking Establishment [5]~~
- ~~Establishments for the manufacture assembly, services and repair of the products listed below and other uses of a similar nature:~~
  - ~~Drugs~~
  - ~~Office, computing and accounting machines~~
  - ~~Radio and television receiving equipment~~
    ~~Communication equipment~~
  - ~~Electronic components and Engineering, laboratory, scientific and research instruments and associated equipment~~
  - ~~Measuring and controlling instruments~~
  - ~~Optical instruments and lenses~~
  - ~~Surgical, medical and dental instruments and supplies~~
  - ~~Photographic equipment and supplies~~
  - ~~Electrotherapeutic, electro-medical and X-ray apparatus~~
- ~~FARM [6]~~
- ~~Fuel, Oil, or Gas Storage~~
- ~~Helicopter Take Offs & Landings [7]~~
- ~~HOTEL/MOTEL~~
- ~~Industry~~
- ~~LIGHT INDUSTRY~~
- ~~OFFICE~~
- ~~Open Storage [8]~~
- ~~PERSONAL SERVICE ESTABLISHMENT~~
- ~~Public Utility~~
- ~~PUBLISHING FACILITY~~
- ~~Research Institutions~~
- ~~Retail Sale of Agricultural or Farm Products Raised on Site~~
- ~~Trucking Terminal~~
- ~~WAREHOUSING~~
- ~~WHOLESALING~~

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Uses Permitted by Special Exception

- Auto service
- Vehicle refueling and recharging station

- ~~AUTO SERVICE~~
- ~~VEHICLE REFUELING AND RECHARGING STATION~~

Uses Permitted by Conditional Use

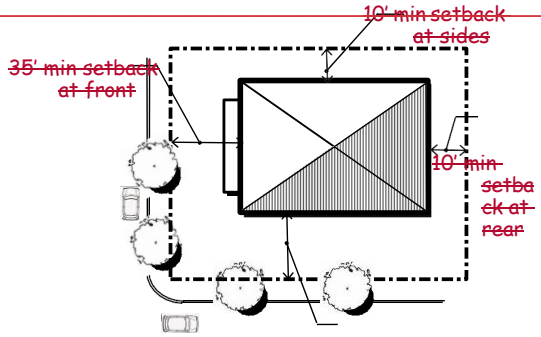
- Alternative treatment center
- Self-service storage facility

- ~~Alternative Treatment Center~~
- ~~SELF-SERVICE STORAGE FACILITY~~

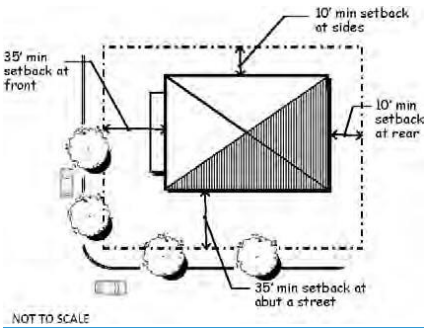
Dimensional Regulations [1] [2]

~~LOT~~Lot	
Minimum ~~LOT Size~~lot size	20,000 sf
Maximum ~~LOT COVERAGE~~lot coverage	50%
Minimum ~~FRONTAGE~~frontage	100 ft
~~PRINCIPAL BUILDING~~Principal Building	
Front ~~SETBACK~~setback [3]	35 ft
Abut a ~~Street SETBACK~~street setback	35 ft
Side ~~SETBACK~~setback	10 ft
Rear ~~SETBACK~~setback	10 ft
~~OUTBUILDING/ACCESSORY~~	
Front ~~SETBACK~~setback	35 ft
Abut a ~~Street SETBACK~~street setback	35 ft
Side ~~SETBACK~~setback	10 ft
Rear ~~SETBACK~~setback	10 ft
~~BUILDING HEIGHT~~Building Height	
~~PRINCIPAL BUILDING~~Principal building	50 ft max
~~OUTBUILDING/ACCESSORY~~	40 ft max

Principal Building Placement



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Sign Regulations

Size	CM District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each 100 sf of leased space (if less than 700 sf of leased space, then 6 sf max)
Type	
Freestanding	Permitted, provided that the principal building is set back at least 35 ft (max size 100 sf, max ht 30 ft)
Projecting	Permitted
Wall/awning	Permitted
Temporary	Permitted

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~~35' min setback at abut a street~~

Footnotes

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~~**Uses Permitted by Conditional Use**~~

~~**Size**~~	~~**CM District**~~
~~Total SIGNS permitted~~	~~2 (per tenancy, and is for lot (excluding development identification signs))~~
~~Total area permitted~~	~~1 sf for each 100 sf of leased space (if less than 700 sf of leased space, then 6 sf max)~~
~~**Type**~~	
~~FREESTANDING~~	~~permitted, provided that the principal building is set back at least 35 ft (max size 100 sf, max ht 30 ft)~~
~~PROJECTING~~	~~permitted~~
~~WALL/ Awning~~	~~permitted~~
~~Temporary~~	~~permitted~~

~~Commercial Manufacturing (CM) District~~

~~Footnotes~~

~~[1]~~ [1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[2]~~ [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual ~~For~~for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[3] Reserved~~

~~[4]~~ [3] The maximum building heights may be increased to ~~seventy-five (75')~~75 feet provided the following conditions are met:

A. The additional building height above ~~fifty (50')~~50 feet is necessary to meet an industrial function.

B. The building is located a minimum of 150 feet from a ~~Residential District~~residential district.

C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.

D. The building is for a permitted use, and not one granted by special exception, conditional use permit or variance.

~~[5]~~ [5] If the eating and drinking establishment has drive- in services, said service shall be ~~setback~~set back either ~~150'~~150 feet from a residential abutting lot line or ~~200'~~200 feet from the abutting residential structure whichever is greater.

~~[6]~~ [6] Shall not include the raising and sale of ~~FARM ANIMALS~~farm animals; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of ~~fresh water~~freshwater fish or other aquaculture products; and/or the breeding of poultry or game birds.

~~[7]~~ [7] Helicopter take offs and landings are allowed subject to the following conditions:

A. There shall be a distance of ~~one thousand~~ (1,000) feet between any existing residential structure and any proposed helicopter landing pad.

B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.

C. The facility shall be accessory to the principal use located on the lot.

D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

~~[8]~~ [8] Provided that safety precautions be implemented so to prevent the endangerment of people and property adjacent to said storage. Screening of at least ~~six~~ (6) feet in height of all open storage shall be accomplished through use of a fence, wall or vegetal (evergreens) material.

~~[9]~~ [9] Solar/~~Green Roof Standard:~~ • green roof standard:

~~•~~ All buildings must be solar ready ~~–~~.

~~[9]~~ • Commercial and mixed-use buildings that are 25,000 ~~sq ft~~square feet or more must also incorporate solar panels and/or a green roof on at least 30 ~~percent~~% of the roof area.

~~Special Exception Criteria~~ ([see § 170-~~52(C)~~59C(3) for additional regulations)]

~~VEHICLE REFUELING AND RECHARGING and AUTO SERVICE STATIONS:~~

Vehicle refueling and recharging and auto service stations:

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.

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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 200 feet to a secondary groundwater protection zone.

~~(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 ~~operation~~operations shall be limited to 6 ~~am~~:00 a.m. to 9 ~~pm~~:00 p.m.

~~G.~~ If a drive-in thru service is proposed, ~~said~~the facility shall be ~~setback~~set back either ~~fifty~~

G. ~~(~~50~~)~~ feet from a residential abutting lot or ~~one-hundred (~~100~~)~~ feet from the abutting residential structure, whichever is greater, and shall also be screened consistent with ~~Section~~Subsection E above.

~~**Conditional Use Permit Criteria**~~

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Conditional Use Permit Criteria

An ~~*Alternative Treatment Center*~~alternative treatment center, as defined in RSA 126~~:~~-X:1, I, shall be allowed if a ~~Conditional Use Permit~~conditional use permit is granted by the ~~PLANNING BOARD~~Planning Board upon a finding that the following criteria are met:

A. An ~~Alternative Treatment Center~~alternative treatment center shall not be located within ~~one thousand~~ (1,000) feet of the property line of a public or private elementary or secondary school or designated drug-free school zone.

B. The ~~Alternative Treatment Center~~alternative treatment center shall be located in a permanent ~~BUILDING~~building and may not be located in a trailer, ~~MANUFACTURED HOME~~manufactured home, cargo container or any ~~STRUCTURE~~structure that has axles with wheels. ~~DRIVE-IN SERVICES~~Drive-in services are prohibited.

C. Hours of operation shall be limited to 9 ~~am~~:00 a.m. to 9 ~~pm~~,:00 p.m., Monday through Friday, and 10 ~~am~~:00 a.m. to 6 ~~pm~~:00 p.m. on Saturday and Sunday.

D. The ~~Alternative Treatment Center~~alternative treatment center shall provide for the proper disposal of cannabis remnants or ~~byproducts~~by-products which remnants or ~~byproducts~~by-products shall not be placed in the ~~facility's~~facility's exterior refuse containers.

E. The ~~APPLICANT~~applicant shall provide a detailed narrative and floor plan, as well as any other relevant documentation, describing how the ~~Alternative Treatment Center~~alternative treatment center shall be secured. The security plan must take into account the measures that will be taken to ensure the safe delivery of any product to the facility (including permitted times for delivery), how the product will be secured on site, and how patient transactions will be facilitated in order to ensure safety. The security plan shall be reviewed and approved by the City of Dover Police Department.

F. The use of cannabis on the premises is prohibited.

G. The ~~Alternative Treatment Center~~alternative treatment center shall emit no cannabis-related fumes, vapors or odors which can be smelled or otherwise perceived from beyond the ~~LOT LINES~~lot lines of the property where the facility is located.

~~SELF-SERVICE STORAGE FACILITY~~

Self-service storage facility shall be allowed if a ~~Conditional Use Permit~~conditional use permit is granted by the ~~PLANNING BOARD~~Planning Board upon a finding that the following criteria are met:

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

B. No storage unit ~~BUILDING~~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~~street.

C. Hours of operation shall be limited to 9 ~~am~~:00 a.m. to ~~9pm~~,9:00 p.m., Monday through Friday, and 10 ~~am~~:00 a.m. to 6 ~~pm~~:00 p.m. on Saturday and Sunday.

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

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

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

iii. Have screening sufficient to block the view of the ~~BUILDINGS~~buildings from abutting parcels and shall.

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iv. prohibit lighting from shedding onto abutting parcels.

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

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

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~~Innovative Technology (IT) District~~

~~*Created: 07-22-2020 by Ord. No. 2020-07.08-007 , Amended:10-13-21 by O—2021.09.08 - 006 and 09-14-2022 by O—2022.08.10-010*~~

Innovative Technology (IT) District

[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 10-13-2021 by Ord. No. 2021.09.08-006; 9-14-2022 by Ord. No. 2022.08.10-010]

Permitted Uses [10] [11] [12] [13] [14] [15]

- Adult day care
- Child-care facility
- Computer and data processing
- Eating and drinking establishments [7]
- Establishments for the manufacture, assembly, services and repair of the products listed below and other uses of a similar nature:
  - Drugs
  - Office, computing and accounting machines
  - Radio and television receiving equipment; communication equipment
  - Electronic components and engineering, laboratory, scientific and research instruments and associated equipment
  - Measuring and controlling instruments
  - Optical instruments and lenses
  - Surgical, medical and dental instruments and supplies
  - Photographic equipment and supplies
  - Electrotherapeutic, electro-medical and X-ray apparatus
- Excavation
- Farm [8]
- Laboratories (scientific, medical, chemical) and testing facilities devoted to experimental production, research, product development or similar activity
- Office
- Public utility [9]
- Publishing facility
- Veterinary office, animal hospital or kennel [10]
- Warehousing
- Wholesaling

~~Adult Day Care~~
~~CHILD CARE FACILITY~~
~~Computer and data processing~~
~~Eating and Drinking Establishments [7]~~
~~Establishments for the manufacture assembly, services and repair of the products listed below and other uses of a similar nature:~~
- ~~Drugs~~
- ~~Office, computing and accounting machines~~
- ~~Radio and television receiving equipment Communication equipment~~
- ~~Electronic components and Engineering, laboratory, scientific and research instruments and associated equipment~~
- ~~Measuring and controlling instruments~~
- ~~Optical instruments and lenses~~
- ~~Surgical, medical and dental instruments and supplies~~
- ~~Photographic equipment and supplies~~
- ~~Electrotherapeutic, electro-medical and X-ray apparatus~~

~~EXCAVATION~~
~~FARM [8]~~
~~Laboratories (scientific, medical chemical) and testing facilities devoted to experimental production, research, product development or similar activity~~
~~OFFICE~~
~~Public Utility [9]~~
~~PUBLISHING FACILITY~~
~~Veterinary Office, Animal Hospital or KENNEL [10]~~
~~WAREHOUSING~~
~~WHOLESALING~~

Sign Regulations ~~[1] [2]~~

~~LOT~~	
~~Minimum LOT~~ **Size** ~~[3]~~	~~2 acres~~ IT D
~~Maximum LOT COVERAGE [4]~~Total signs permitted	~~33%~~2 [per tenancy for lot (exclud development/ identi
~~Minimum FRONTAGE~~	~~200 ft [3]~~
~~PRINCIPAL BUILDING~~	
~~Front SETBACK [5]~~Total area permitted	~~50 ft~~1 sf for each foot of business fr (see § 170-50 for re for businesses borde Spaulding Turnp
~~Abut a Street SETBACK~~Type	~~50 ft~~

~~Side SETBACK~~	~~50 ft~~	~~PRINCIPAL BUILDING [6]~~Freestanding	~~55 ft max~~Permitted,	
~~Rear SETBACK~~	~~50 ft~~			
~~OUTBUILDING/ACCESSORY USE*~~				
~~Front SETBACK~~	~~50 ft~~			
~~Abut a Street SETBACK~~	~~50 ft~~	~~OUTBUILDING~~Projecting	~~55 ft max~~Not	
~~Side SETBACK~~	~~10 ft~~	Wall/awning	Permitted	
~~Rear SETBACK~~	~~10 ft~~	Temporary	Permitted	
~~HEIGHT OF BUILDING~~				

Dimensional Regulations [1] [2]

Lot	
Minimum lot size [3]	2 acres
Maximum lot coverage [4]	33%
Minimum frontage	200 ft [3]
Principal Building	
Front setback [5]	50 ft
Abut a street setback	50 ft
Side setback	50 ft
Rear setback	50 ft
Outbuilding/Accessory Use*	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building [6]	55 ft max
Outbuilding	55 ft max

* Parking areas shall be set back at least ~~twenty-five~~ 25 feet from property lines. ~~[Added 7-8-87 by Ord.]~~

Uses Permitted by Conditional Use

- ~~Educational Institution, Post Secondary~~
- ~~Helicopter Take Offs & Landings~~
- ~~Personal Service Establishment~~
- ~~SELF-SERVICE STORAGE FACILITY~~

- Educational institution, post-secondary
- Helicopter take offs and landings
- Personal service establishment
- Self-service storage facility

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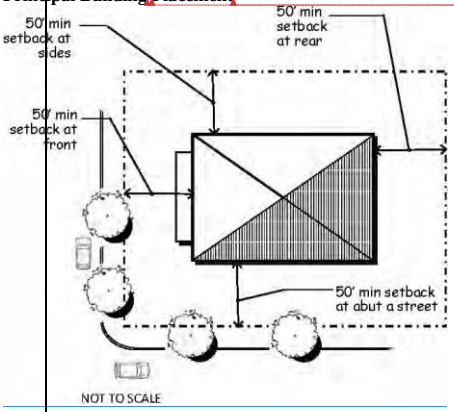
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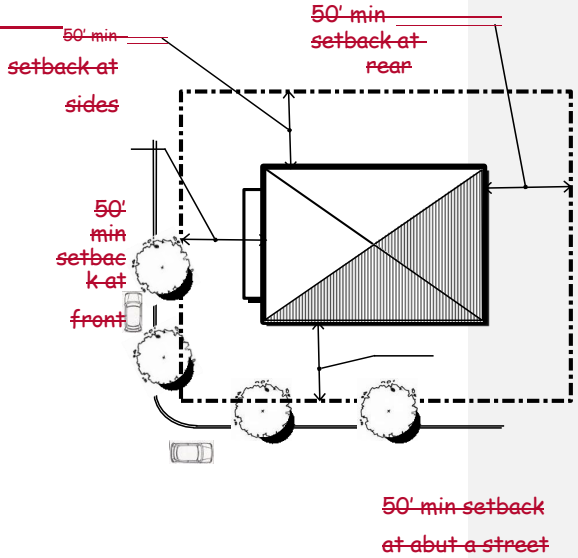
Principal Building Placement



Footnotes

Sign Regulations

Size	IT District
Total signs permitted	2 (per tenancy, and is for lot (excluding development identification signs))
Total area permitted	1 sf for each lineal foot of business FRONTAGE (see 170-32 for regulations for businesses bordering the Spaulding Turnpike)
Type	
FREESTANDING	permitted, provided that the principal building is setback at least 75 ft (max ht 16 ft, max size 100 sf.)
PROJECTING	Not permitted
WALL/ Awning	permitted
Temporary	permitted



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~~Footnotes~~

~~[1]~~ [1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[2]~~ [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual ~~For~~for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[3]~~ [3] Not applicable to lots ~~off~~of internal or private roadways.

~~[4]~~ [4] At least ~~thirty three percent (33%)~~% of the site shall be maintained as open space, either landscaped or left natural. A maximum of ~~thirty-three percent (33%)~~% of the site can be covered by buildings.

~~[5]~~ [5] See ~~Section~~§ 170-15.

~~[6]~~ [6] The maximum building heights may be increased to ~~seventy-five (75')~~75 feet provided the following conditions are met:

A. The additional building height above ~~fifty (50')~~50 feet is necessary to meet an industrial function.

B. The building is located a minimum of 200 feet from a ~~Residential District~~residential district.

C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.

D. The building is for a permitted use and not one granted by special exception, conditional use permit or variance.

~~[7] No Drive Thru Allowed~~

[7] No drive thru allowed.

~~[8]~~ [8] Where ~~FARM ANIMALS~~farm animals are raised and boarded, shelters to house said animals shall not be less than ~~one hundred (100)~~ feet from any property boundary.

~~[9] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.~~

[9] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

~~[10]~~ [10] Shelters and runs used to house and/or contain animals shall be no closer than ~~one hundred (100)~~ feet ~~from~~to any property line and must support a minimum tract size of ~~one hundred thousand~~ (100,000) square feet.

~~[11]~~ [11] Parking areas shall be screened from public streets and existing residential uses so as to minimize the visibility of such areas. Screening may consist of vegetation, earth berms, fencing or any combination of the above.

~~[12]~~ [12] The allowed activities shall not be obnoxious or offensive by reason of emission of dust, odor, smoke, gas, noise or similar cause. Prior to site plan approval, the applicant shall submit evidence to the Planning Board identifying waste products to be generated by on-site activities. A plan for removal of the waste shall be approved by the Planning Board. Developments that will use, store or generate hazardous chemicals shall identify such chemicals prior to site plan approval. A plan for storage and use of hazardous chemicals shall be approved by the Planning Board. Plans pertaining to waste or hazardous chemicals shall verify compliance with applicable federal, state and local regulations.

~~[13]~~ [13] A residential structure located within the Innovative Technology District and existing prior to 7-8-1987 may be increased up to ~~twenty percent (20%)~~20% of the gross floor area of habitable space. New dwelling units shall not be allowed. Furthermore, customary accessory structures shall be allowed within the Innovative Technology District, but must remain within 75 feet of the nonconforming residential structure.

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~~allowed~~[14] Development within the ~~Innovative Technology~~IT District~~, but must remain within seventy-five (75) feet of the nonconforming residential structure~~ shall conform to design standards contained in Chapter 153, Site Review Regulations, § 153-15.

[15] Solar/~~Green Roof Standard: •~~ green roof standard:

- All buildings must be solar ready~~.~~
- ~~[14]~~ Commercial and mixed~~-~~use buildings that are 25,000 ~~sq. ft~~square feet or more must also incorporate solar panels and/or a green roof on at least 30 ~~percent~~% of the roof area.

~~[15] Development within the IT District shall conform to design standards contained in Chapter 153, entitled Site Review, Chapter 153-15.~~

Conditional Use Permit Criteria

The following uses shall be allowed if a ~~Conditional Use Permit~~conditional use permit is granted by the ~~PLANNING BOARD~~Planning Board upon a finding that the following criteria are met:

~~*SELF-SERVICE STORAGE FACILITY*~~

Self-storage facility:

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

B. No storage unit ~~BUILDING~~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~~street.

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C. Hours of operation shall be limited to 9 ~~am~~:00 a.m. to ~~9pm.~~9:00 p.m., Monday through Friday, and 10 ~~am~~:00 a.m. to 6 ~~pm~~:00 p.m. on Saturday and Sunday.

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

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

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

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

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

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

Helicopter take offs and landings:

A. There shall be a distance of ~~one thousand (~~1,000~~)~~ feet between any existing residential structure and any proposed helicopter landing pad.

B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.

C. The facility shall be accessory to the principal use located on the lot.

D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

Educational ~~Institution, Post Secondary~~institution, post-secondary:

A. The school is a trade/vocational/career technical school.

B. The school is accredited by the State of New Hampshire.

~~B.~~ **Personal ~~Service Establishments~~service establishments:**

A. The use is part of a larger retail/office or service center.

B. The use is complimentary to the adjacent advanced manufacturing or assembly uses.

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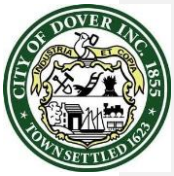
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City of Dover Gateway District

[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 9-14-2022 by Ord. No. 2022.08.10-010; 8-9-2023 by Ord. No. 2023.07.012-008]

The information included in this table represents the requirements for development in this district; see ~~Section~~ § 170-20 for additional requirements. ~~(Adopted 12/9/2009 per O-2009.09.09-15 and Amended on 08-09-2023 by Ord. No. 2023.07.12-008).~~

~~STATEMENT OF PURPOSE~~

Statement of Purpose

A gateway is an area that marks a transition point where you move from one existing condition to another. In terms of land use, Gateways generally indicate transition points from a less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (~~multi-story~~multistory buildings, civic buildings, etc.). In Dover, the primary Gateways (Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently, residential activity is located above ground-floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.

Dimensional Regulations*

Principal Building	
Lot size	N/A
Lot coverage	50% max
Frontage build-out	60% min.
Front primary build to line	5 ft. min - 20 ft. max
Front secondary build to line	5 ft. min - 20 ft. max
Side setback	10 ft. min
Rear setback	15 ft. min
Outbuilding	
Front setback	20 ft. min + bldg. setback
Side setback	10 ft. min
Rear setback	15 ft. min
Private Frontages	
Common yard	Permitted
Porch and fence	Permitted
Terrace/light well	Permitted
Stoop	Permitted
Shopfront/awning	Permitted
Gallery	Not permitted
Height of Building	
Principal building	4 story max, 2 story min#
Outbuilding/accessory	2 story max

Parking Location Standards (See § 153-14)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

Permitted Uses

Use	
Residential	Permitted; density: 4,000 sf per unit**#
Lodging	Permitted, up to 12 rooms. Must be 150 ft. from residential. 13 or more rooms are permitted with CUP.
Day care	Adult and child permitted, institutional not permitted.
Professional services and offices	Permitted#
Eating and drinking establishments	Permitted#
Retail/personal services	Permitted#
Industrial	Permitted on Broadway via CUP
Civic	Permitted
Drive-thru services	Not permitted
Other	Via conditional use permit

* CUP (§ 170-20B) may be used to adjust standards.

C. **Footnotes**

~~(1)~~[1] If ~~as 4~~a four-story building is proposed, screening (year-round landscaping or solid fence) is required near property lines shared with adjacent properties where the building height is less than 4 stories, in order to create a visual buffer.

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DIMENSIONAL REGULATIONS*

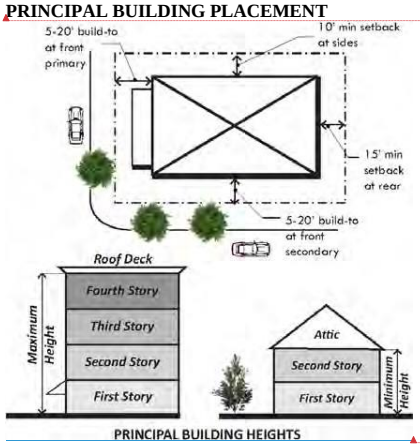
Principal Building	
Lot Size	N/A
Lot Coverage	50% max
Frontage Build-Out	60% min.
Front Primary BUILD TO LINE	5 ft. min - 20 ft. max
Front Secondary BUILD TO LINE	5 ft. min - 20 ft. max
Side Setback	10 ft. min
Rear Setback	15 ft. min
Outbuilding	
Front Setback	20 ft. min + bldg. setback
Side Setback	10 ft. min
Rear Setback	15 ft. min
Private Frontages	
Common Yard	Permitted
Porch and Fence	Permitted
Terrace/Lightwell	Permitted
Stoop	Permitted
Shopfront/Awning	Permitted
Gallery	Not permitted
Height of Building	
Principal Building	4 story max, 2 story min #
Outbuilding/Accessory	2 story max

PERMITTED USES * [1]

Use	
Residential	Permitted, density: 4,000 sf. per unit**#
Lodging	Permitted, up to 12 rooms. Must be 150' from residential. 13 or more rooms are permitted with CUP.
Daycare	Adult and child permitted. Institutional not permitted.
Professional Services & Offices	Permitted #
Eating & Drinking Establishments	Permitted #
Retail/Personal Services	Permitted #
Industrial	Permitted on Broadway via CUP
Civic	Permitted
Drive-Thru Services	Not Permitted
Other	Via Conditional Use Permit

*CUP (

PRINCIPAL BUILDING PLACEMENT



PRINCIPAL BUILDING HEIGHTS

Sign Regulations

Sign Size and Quantity	
Total signs permitted	2
Total area of all signs	24 sf
Sign Type	
Freestanding	Permitted - 16 ft. max ht.
Projecting	Permitted - 10 ft. min. above sidewalk, 25 ft. max height, 24 sq. ft. max.
Wall/awning	Permitted
Temporary	Permitted per § 170-50O(1)

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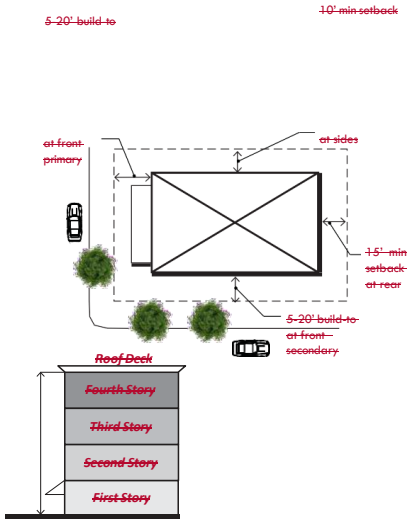
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PRINCIPAL BUILDING HEIGHTS

SIGN REGULATIONS

**CUP (170-20B) may be used to adjust standards.*

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	24 sf
Sign Type	
Freestanding	Permitted- 16 ft. max ht.
Projecting	Permitted- 10 ft. min. above sidewalk, 25 ft. max height, 24 sq. ft. max.
Wall/Awning	Permitted
Temporary	Permitted per 170-32.Q (1)

PARKING LOCATION STANDARDS (SEE 153-14)

Downtown Architectural Standards*

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

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~~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~~Building 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~~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~~Dover's CBD Architectural Design Guidelines.

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

~~STREETSCAPE STANDARDS~~

Required Ground Floor Standards:

- No less than 30% of the ~~façade~~facade shall be windows.
- A pedestrian entrance shall be required at the street side or front ~~façade~~facade.
- 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 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~~green roof standard:
  - All buildings must be solar ready.
  - Commercial and mixed-use buildings that are 25,000 ~~sq ft~~square feet 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~~is encouraged.
- Other integrated green infrastructure elements are encouraged.
- Approved public art is encouraged.

* ~~*~~CUP ~~(~~(§ 170-20B) may be used to adjust standards.

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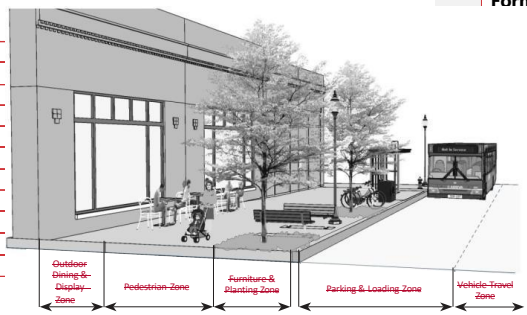
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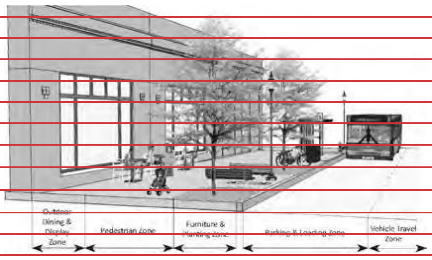
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Streetscape Standards

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~~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~~Dover's CBD Architectural Design Guidelines.



- Sidewalks ~~shall~~are encouraged to be brick and shall be a 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~~ground cover or shrubs, no bare ground permitted. Low ~~Impact Development~~ 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'~~ five-foot-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~~is 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~~nonresidential project.
- Lighting and mechanical equipment standards per § 170-~~20(E)~~ 20E(3)(d).



** Density: 3,000 ~~sf~~ square feet per unit if part of a mixed-use building with 35 ~~percent~~% nonresidential uses; 2,000 ~~sf~~ square feet per unit if rents conform to HUD fair market rent rates for Dover, as published by the New Hampshire Housing Finance Authority.

~~Rooming houses and manufactured homes are considered other uses.~~

Rooming houses and manufactured homes are considered other uses.

~~*~~* CUP ~~(~~(§ 170-20B) may be used to adjust standards.

~~STREETSCAPE ELEMENTS~~

Streetscape Elements

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On Dover Point Road ~~and~~ within 300 feet of the center line of New ~~Roches- ter~~Rochester Road, and for lots on Rutland Street.

- Building ~~Height~~height is limited to 2 ~~Stories~~stories, unless a structure on adjacent property is 3 stories, in which case this may be matched.
- Residential is limited to ~~Single Family~~single-family and ~~Two Family Dwelling~~two-family dwelling units, unless part of a permitted mixed-use building.
- Professional ~~Service & Office, Eating and Drinking Establishments~~service and office, eating and ~~Retail/Personal Services~~drinking establishments and retail/personal services are limited to 2,000 ~~sf~~square feet per unit.

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Hospital (H) District

Added: 11-28-12 by Ord. No. 2012-11.14-24, Amended on 06-22-2016 by Ord. No. O-2016.06.08 – 010 ,on 12-26-2016 by Ord. No. 2016.10.12-015

Permitted Uses

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- ACCESSORY DWELLING UNIT
- ADULT DAY CARE
- ASSEMBLY HALL
- ASSISTED LIVING FACILITY [3]
- Bank
- BED and BREAKFAST
- CHILD CARE FACILITY
- Clinic
- CONGREGATE CARE [4]
- CONTINUING CARE COMMUNITY FACILITY [3]
- Dwelling, 2 Family
- DWELLING, SINGLE FAMILY
- EDUCATIONAL INSITUTION, POST SECONDARY
- EDUCATIONAL INSITUTION, K-12
- ELDERLY ASSISTED CARE [5]
- Funeral Parlor
- Hospital
- NURSING HOME [4]
- OFFICE
- PUBLIC RECREATION
- Public Utility [6]
- ROOMING HOUSE

LOT	
Minimum LOT Size	10,000 sf
Maximum LOT COVERAGE	50%
Minimum FRONTAGE	100 ft
PRINCIPAL BUILDING	
Front SETBACK	12 ft
Abut a Street SETBACK	12 ft
Side SETBACK	10 ft
Rear SETBACK	15 ft
OUTBUILDING/ACCESSORY USE	
Front SETBACK	12 ft
Front Secondary SETBACK	12 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	65 ft max
OUTBUILDING	40 ft max

Uses Permitted by Conditional Use Permit

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- Eating and Drinking Establishment
- Retail Store
- GROUP HOME FOR MINORS

City of Dover

Hospital (H) District

[Ord. No. 2016.12-015 (adopted October 26, 2015); Amended 6-22-2016 by Ord. No. 2016.06.08-010; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Adult day care
- Assembly hall
- Assisted living facility [3]
- Bank
- Bed-and-breakfast
- Child-care facility
- Clinic
- Congregate care [4]
- Continuing care community facility [3]
- Dwelling, two-family
- Dwelling, single-family
- Educational institution, postsecondary
- Educational institution, K-12
- Elderly assisted care [5]
- Funeral parlor
- Hospital
- Nursing home [4]
- Office
- Public recreation
- Public utility [6]
- Rooming house

Uses Permitted by Conditional Use Permit

- Eating and drinking establishment

Dimensional Regulations [1] [2]

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	50%
Minimum frontage	100 ft
Principal Building	
Front setback	12 ft
Abut a street setback	12 ft
Side setback	10 ft
Rear setback	15 ft
Outbuilding/Accessory Use	
Front setback	12 ft
Front secondary setback	12 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	65 ft max
Outbuilding	40 ft max

Size	**H District**
Total signs permitted	1 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	12 sf
Type	
Freestanding	Permitted, provided that the principal building is set back at least 20 ft (if multiple tenants, max size is 4 sf per tenant; max ht 8 ft)
Projecting	Not permitted
Wall/awning	Permitted (max ht 16 ft above ground elevation, or to bottom of sills of first level of windows above the first floor, whichever is lowest)

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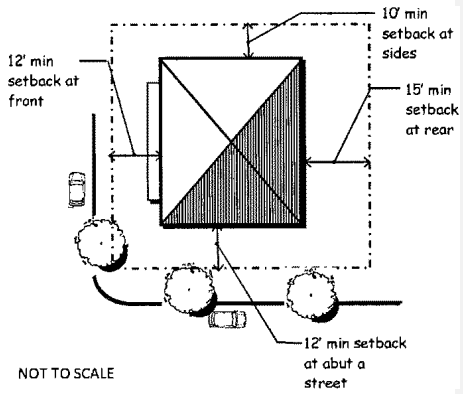
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Temporary	Permitted

- Retail store
- Group home for minors

Sign Regulations

Principal Building Placement



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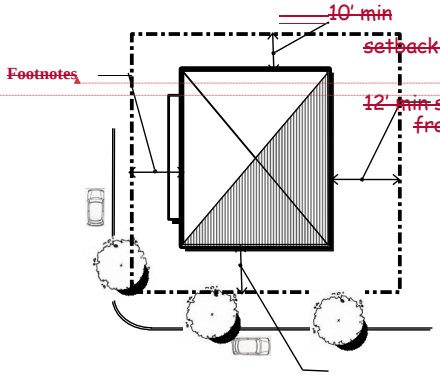
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Dimensional Regulations [1] [2]

Principal Building Placement



Footnotes

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~~sides~~

~~15' min setback at rear~~

~~Sign Regulations~~

~~Size~~	~~H District~~
~~Total signs permitted~~	~~1~~ ~~(per tenancy, and is for lot (excluding development identification signs))~~
~~Total area permitted~~	~~12 sf~~
~~Type~~	
~~FREESTANDING~~	~~permitted, provided that the principal building is set back at least 20 ft~~ ~~(if multiple tenants, max size is 4 sf per tenant; max ht 8 ft)~~
~~PROJECTING~~	~~not permitted~~
~~WALL/ Awning~~	~~permitted~~ ~~(max ht 16 ft above ground elevation, or to bottom of sills of first level of windows above the first floor, whichever is lowest)~~
~~Temporary~~	~~permitted~~

~~NOT TO SCALE~~

~~12' min setback at abut a street~~

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Footnotes

Footnotes

[1] [1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland minimum nonwetland portion of any newly created lot shall be contiguous contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH New Hampshire Code of Administrative Rules — Env-Wt 101.87 113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 percent % of the minimum lot size required.

[3] [3] An ASSISTED LIVING FACILITY or CONTINUING CARE COMMUNITY assisted living facility or continuing care community facility shall be serviced by municipal sewer and have a density of one 1 unit requirement per 2,000 square feet of lot area. Parking lots and service areas are screened from abutting residential uses and the facility shall obtain a license from the State of New Hampshire.

[4] [4] A CONGREGATE CARE Facility congregate care facility shall require a minimum lot size of 1,000 sq. ft. per unit and a NURSING HOME Facility nursing home facility shall require a minimum lot size of 1,000 sq. ft. per bedroom. [Amended 09-15-93 by Ord. [5] No. 19-93]

[5] An ELDERLY ASSSITED CARE FACILITY elderly assisted care facility larger than 6 bedrooms shall meet the density of one 1 bedroom per 2,500 sq. ft. Provide parking and service areas that are screened from abutting resi-dential residential uses. Also, the maximum number of bedrooms and residents residents allowed in a facility may be increased provided the in-crease increase is found not to be detrimental to the surrounding proper-ties properties and conforms with parking standards in Chapter § 170-44 (Off-Street Parking). 56 (off-street parking). Furthermore, any increase to an existing struc-ture structure must be contained within or contiguous to the original structure.

[6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

Conditional Use Permit Criteria

[6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visu-al screen from any structures and storage within.

Conditional Use Permit Criteria

Eating and Drinking Establishment: An Eating eating and Drinking Establish-ment drinking establishment shall be allowed if a Conditional Use Permit conditional use permit is granted by the Planning Board upon a finding that the following criteria are met:

A. The Eating eating and Drinking Establishment drinking establishment shall contribute to a NEIGHBORHOOD neighborhood feel and be pedestrian -friendly.

B. The Eating eating and Drinking Establishment drinking establishment shall be no larger than 2,000 square feet.

C. The Eating eating and Drinking Establishment drinking establishment shall not include DRIVE-IN SERVICE drive-in service.

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D. The required parking may be reduced by ~~fifty percent (50%)~~ 50% if on-street parking is available in the neighborhood.

E. All ~~onsite~~on-site parking shall be screened from abutting residential ~~LOTS~~lots.

F. Any loading or unloading of products shall not disrupt ~~NEIGHBORHOODS~~neighborhoods or traffic flow.

G. The proposed use shall be compatible with the surrounding ~~NEIGHBORHOOD~~neighborhood.

~~H.~~ Hours of operation shall be limited to 6 ~~am~~:00 a.m. to 10 ~~pm~~:00 p.m., Sunday ~~–~~

H. through Thursday, and 6 ~~am~~:00 a.m. to 11 ~~pm~~:00 p.m., Friday and Saturday.

I. If a new building is proposed for the use, it shall be a minimum of ~~two~~2 stories.

J. The applicant shall provide proof that ~~they have~~he/she has conducted a ~~Preliminary Code Review~~preliminary code review for an ~~Eating~~eating and ~~Drinking Establish-ment~~drinking establishment with the Inspection Services ~~Office~~Division.

Retail Store: A ~~Retail Store~~retail store shall be allowed if a ~~Conditional Use Per-mit~~conditional use permit is granted by the Planning Board, upon a finding that the following criteria are met:

A. The store shall contribute to a ~~NEIGHBORHOOD~~neighborhood feel and be ~~pe-destrian~~ pedestrian-friendly.

B. The store shall be no larger than 2,000 square feet.

~~B.~~A. ~~The store shall be no larger than 2,000 square feet.~~

C. The store shall not include ~~DRIVE-IN SERVICE~~drive-in service.

D. The required parking may be reduced by ~~fifty percent (50%)~~ 50% if on-street parking is available in the neighborhood.

E. All ~~onsite~~on-site parking shall be screened from abutting residential ~~LOTS~~lots.

F. Any loading or unloading of products shall not disrupt ~~NEIGHBORHOODS~~neighborhoods or traffic flow.

G. The proposed use shall be compatible with the surrounding ~~NEIGHBORHOOD~~neighborhood.

~~H.~~ Hours of operation shall be limited to 6 ~~am~~:00 a.m. to 9 ~~pm~~:00 p.m., Sunday ~~–~~

H. through Thursday, and 6 ~~am~~:00 a.m. to 10 ~~pm~~:00 p.m., Friday and Saturday.

I. If a new building is proposed for the use, it shall be a minimum of ~~two~~2 stories.

~~**GROUP HOME FOR MINORS:** GROUP HOME FOR MINORS~~**Group Home for Minors:** Group home for minors shall be subject to the following conditions:

A. The group home site shall be compatible with abutting uses.

B. The group home shall be located in areas of transitional land use or mixed land uses.

C. Parking and service areas shall be screened from abutting ~~resi-dential~~residential uses, unless the abutter chooses to not want said ~~screen-ing~~screening.

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D. Open space shall be maintained on the property in an amount comparable to the neighborhood.

E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

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~~**Little Bay Waterfront (LBW) District**~~

~~*Added: 11-28-12 by Ord. No. 2012-11.14-24, Amended 06-22-2016 by Ord. No. O-2016.06.08—010, on 12-26-2016 by Ord. No. 2016.10.12-015*~~

ZONING

170 Attachment 12

City of Dover

Little Bay Waterfront (LBW) District
[Ord. No. 2016.12-015 (adopted October 26, 2015); Amended 6-22-2016 by Ord. No. 2016.06.08-010; 10-13-2021 by Ord. No. 2021.09.08-006]

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Permitted Uses

- Accessory dwelling unit
- Assembly hall
- Bank
- Barbershop and beauty shop
- Bed-and-breakfast
- Child-care facility
- Commercial recreation
- Dwelling, three- to four-family [3]
- Dwelling, two-family
- Dwelling, single-family
- Eating and drinking establishment [4]
- Educational institution, postsecondary
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [5]
- Marina
- Office
- Personal service establishment
- Public utility [6]
- Retail store
- Water-related education/resource center
- Waterborne passenger transportation facility

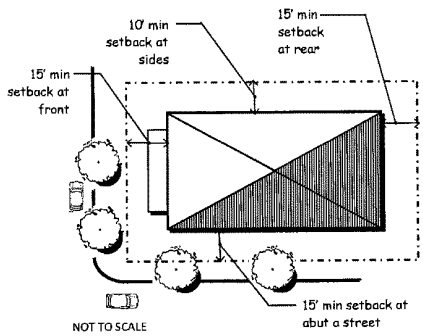
Dimensional Regulations [1][2]

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	50%
Minimum frontage	75 ft
Principal Building	
Front setback	15 ft
Abut a street setback	15 ft
Side setback	10 ft
Rear setback	15 ft
Outbuilding/Accessory Use	
Front setback	15 ft
Abut a street setback	15 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	40 ft max
Outbuilding	40 ft max

Sign Regulations

Size	**LBW District**
Total signs permitted	1 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 ft of sign area for each 3 ft of linear business frontage
Type	
Freestanding	Permitted, provided that the principal building is set back at least 20 ft (max ht 16 ft or 12 sf in area regardless of the number of individual tenants within the building)
Projecting	Permitted (max size 8 sf)
Wall/awning	Permitted (max size 16 sf; max ht 16 ft or to the bottom of the sills of the first level of windows above the first floor, whichever is lowest)
Temporary	Permitted

Principal Building Placement



~~*Little Bay Waterfront (LBW) District Regulations Summary*~~

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Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size	10,000 sf
Maximum LOT COVERAGE	50%
Minimum FRONTAGE	75 ft
PRINCIPAL BUILDING	
Front SETBACK	15 ft
Abut a Street SETBACK	15 ft
Side SETBACK	10 ft
Rear SETBACK	15 ft
OUTBUILDING/ACCESSORY USE	
Front SETBACK	15 ft
Abut a Street SETBACK	15 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	40 ft max
OUTBUILDING	40 ft max

Principal Building Placement

DOVER CODE

Footnotes

- ACCESSORY DWELLING UNIT
- ASSEMBLY HALL
- Bank
- Barber and Beauty Shop
- BED AND BREAKFAST
- CHILD CARE FACILITY
- COMMERCIAL RECREATION
- DWELLING, 3-4 Family [3]
- DWELLING, 2 Family
- DWELLING, SINGLE FAMILY
- Eating and Drinking Establishment [4]
- EDUCATIONAL INSTITUTION, POST SECONDARY
- FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [5]
- MARINA
- OFFICE
- PERSONAL SERVICE ESTABLISHMENT
- Public Utility [6]
- Retail Store
- WATER RELATED EDUCATION/RESOURCE CENTER
- WATERBORNE PASSENGER TRANSPORTATION FACILITY

10' min setback at sides

15' min setback at rear

1 5' min setback at abut a street

NOT TO SCALE

Size	LBW District
Total signs permitted	1 (per tenancy, and is for lot (excluding development identification signs))
Total sign area permitted	1 sf of sign for each 2 ft of linear business FRONTAGE
Type	
FREESTANDING	permitted, provided that the principal building is set back at least 20 ft (max ht 16 ft or 12 sf in area regardless of the number of individual tenants within the building)
PROJECTING	permitted (max size 8 sf)
WALL/ Awning	permitted (max size 16 sf; max ht 16 ft or to the bottom of the sills of the first level of windows above the first floor, whichever is lowest)
Temporary	permitted

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~~Little Bay Waterfront (LBW) District~~

~~Amended: 10-13-21 by O – 2021.09.08 - 006~~

~~[1]~~ [1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[2]~~ [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum ~~non-wetland~~nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~—~~Env-Wt~~-~~ 101.~~87~~113 and the 1987 Federal Manual ~~For~~for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[3]~~ [3] Provided that the lot contains at least ~~ten thousand (~~10,000~~)~~ square feet per dwelling unit.

~~[4]~~ [4] If fully enclosed with no drive-in service.

~~[5]~~ [5] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met~~:~~. Chickens: ~~No~~no more than ~~six (~~6~~)~~ chickens and no roosters, with ~~three (~~3~~)~~ square feet of chicken coop and ~~twenty (~~20~~)~~ square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be ~~twenty (~~20~~)~~ feet from any property line. Sheep or goats: ~~one~~1 animal per 10,000 square feet of lot area, with a maximum of ~~six (~~6~~)~~ animals; ~~ten (~~10~~)~~ square feet of shelter and ~~thirty~~30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

~~(30) square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be thirty (30) feet from any property line.~~

~~[6]~~ [6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

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~~Office (O) District~~

~~Amended: 11-28-12 by Ord. No. 2012-11.14-24, 06-22-2016 by Ord. No. O-2016.06.08--010, on 12-26-2016 by Ord. No. 2016.10.12-015~~

ZONING

170 Attachment 13

City of Dover

Office (O) District

[Ord. No. 2016.12-015 (adopted October 26, 2015); Amended 6-22-2016 by Ord. No. 2016.06.08-010; 10-13-2021 by Ord. No. 2021.09.08-006]

~~Permitted Uses~~

- ~~ACCESSORY DWELLING UNIT~~
- ~~ADULT DAY CARE~~
- ~~ASSEMBLY HALL~~
- ~~Bank~~
- ~~BED and BREAKFAST~~
- ~~CHILD CARE FACILITY~~
- ~~Clinic~~
- ~~CONGREGATE CARE [3]~~
- ~~Dwelling, 2 Family~~
- ~~Dwelling, 3-4 Family [4]~~
- ~~DWELLING, SINGLE FAMILY~~
- ~~EDUCATIONAL INSITUTION, POST SECONDARY~~
- ~~EDUCATIONAL INSITUTION, K-12~~
- ~~FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [5]~~
- ~~Funeral Parlor~~
- ~~NURSING HOME [3]~~
- ~~OFFICE~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility [6]~~
- ~~ROOMING HOUSE~~

~~Uses Permitted by Conditional Use Permit~~

- ~~ASSISTED LIVING FACILITY~~
- ~~CONTINUING CARE COMMUNITY FACILITY~~
- ~~ELDERLY ASSISTED CARE~~
- ~~GROUP HOME FOR MINORS~~

~~Uses Permitted by Special Exception~~

- ~~Eating and Drinking Establishment~~
- ~~Retail Store~~

~~Dimensional Regulations [1][2]~~

~~LOT~~	
~~Minimum LOT Size~~	~~10,000 sf~~
~~Maximum LOT COVERAGE~~	~~50%~~
~~Minimum FRONTAGE~~	~~100 ft~~
~~PRINCIPAL BUILDING~~	
~~Front SETBACK~~	~~12 ft~~
~~Abut a Street SETBACK~~	~~12 ft~~
~~Side SETBACK~~	~~10 ft~~
~~Rear SETBACK~~	~~15 ft~~
~~OUTBUILDING/ACCESSORY USE~~	
~~Front SETBACK~~	~~12 ft~~
~~Abut a Street SETBACK~~	~~12 ft~~
~~Side SETBACK~~	~~10 ft~~
~~Rear SETBACK~~	~~10 ft~~
~~HEIGHT OF BUILDING~~	
~~PRINCIPAL BUILDING~~	~~45 ft max~~
~~OUTBUILDING~~	~~40 ft max~~

Permitted Uses

- Accessory dwelling unit
- Adult day care
- Assembly hall
- Bank
- Bed-and-breakfast
- Child-care facility
- Clinic
- Congregate care [3]
- Dwelling, two-family
- Dwelling, three- to four-family [4]
- Dwelling, single-family
- Educational institution, postsecondary
- Educational institution, K-12
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [5]
- Funeral parlor
- Nursing home [3]
- Office
- Public recreation
- Public utility [6]
- Rooming house

Uses Permitted by Conditional Use Permit

- Eating and drinking establishment
- Retail store

Sign Regulations

Size	O District
Total signs permitted	1 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	12 sf
Type	
Freestanding	Permitted, provided that the principal building is set back at least 20 ft (if multiple tenants, max size 4 sf per tenant; max ht 8 ft)
Projecting	Not permitted
Wall/awning	Permitted (max height 16 ft above ground elevation, or to bottom of sills of first level of windows above first floor, whichever is lowest)
Temporary	Permitted

~~Dimensional Regulations [1] [2]~~

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	50%
Minimum frontage	100 ft
Principal Building	
Front setback	12 ft
Abut a street setback	12 ft
Side setback	10 ft
Rear setback	15 ft
Outbuilding/Accessory Use	
Front setback	12 ft
Abut a street setback	12 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	45 ft max
Outbuilding	40 ft max

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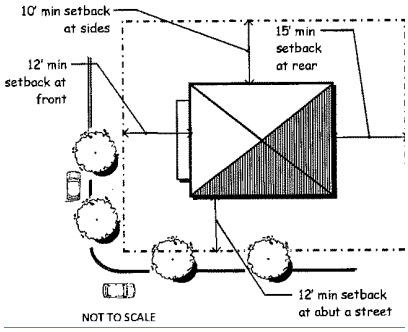
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Principal Building Placement

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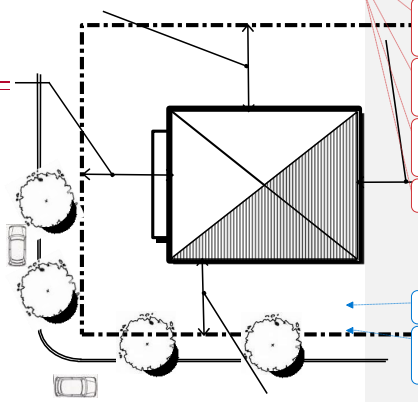


Principal Building Placement

~~10' min setback at sides~~

~~15' min setback at rear~~

~~12' min setback at front~~



~~12' min setback at abut a street~~

~~NOT TO SCALE~~

Footnotes

[1]

~~Size~~	~~O District~~
~~Total signs permitted~~	~~1~~ ~~(per tenancy, and is for lot (excluding development identification SIGNS))~~
~~Total area permitted~~	~~12 sf~~
~~Type~~	
~~FREESTANDING~~	~~permitted, provided that the principal building is set back at least 20 ft~~ ~~(if multiple tenants, max size 4 sf per tenant; max ht 8 ft)~~
~~PROJECTING~~	~~not permitted~~
~~WALL/ Awning~~	~~permitted~~ ~~(max height 16 ft above ground elevation, or to bottom of sills of first level of windows above first floor, whichever is lowest)~~
~~Temporary~~	~~permitted~~

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~~Footnotes~~

~~[1]~~ Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[2]~~ [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum ~~non-wetland~~nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual ~~For~~for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[3]~~ [3] A ~~CONGREGATE CARE FACILITY~~congregate care facility shall require a minimum lot size of 1,000 ~~sq. ft.~~square feet per unit, and a ~~NURSING HOME Facility~~nursing home facility shall require a minimum lot size of 1,000 ~~sq.ft.~~square feet per bedroom.

~~[4]~~ [4] Provided that the lot ~~contain~~contains at least ~~five thousand (~~5,000~~)~~ square feet for each dwelling unit. Dwelling units are allowed only in the second story or higher of a newly constructed structure.

~~[5]~~ [5] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met: Chickens: ~~No~~no more than ~~six (~~6~~)~~ chickens and no roosters, with ~~three (~~3~~)~~ square feet of chicken coop and ~~twenty (~~20~~)~~ square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be ~~twenty (~~20~~)~~ feet from any property line. Sheep or goats: ~~one~~1 animal per 10,000 square feet of lot area, with a maximum of ~~six (~~6~~)~~ animals; ~~ten (~~10~~)~~ square feet of shelter and ~~thirty (~~30~~)~~ square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be ~~thirty (~~30~~)~~ feet from any property line.

~~[6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.~~

~~**Conditional Use Permit Criteria**~~

[6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

Conditional Use Permit Criteria

~~Eating and Drinking Establishments:~~ ~~An~~ **Eating and Drinking Establishment**: An eating and drinking establishment shall be allowed if a ~~Conditional Use Permit~~conditional use permit is granted by the Planning Board upon a finding that the following criteria are met:

A. The ~~Eating~~eating and ~~Drinking Establishment~~drinking establishment shall contribute to a ~~NEIGHBORHOOD~~neighborhood feel and be pedestrian-friendly.

B. The ~~Eating~~eating and ~~Drinking Establishment~~drinking establishment shall be no larger than 2,000 square feet.

C. The ~~Eating~~eating and ~~Drinking Establishment~~drinking establishment shall not include ~~DRIVE-IN SERVICE~~drive-in service.

D. The required parking may be reduced by ~~fifty percent (~~50~~%)~~% if on-street parking is available in the neighborhood.

E. All ~~onsite~~on-site parking shall be screened from abutting residential ~~LOTS~~lots.

F. Any loading or unloading of products shall not disrupt ~~NEIGHBORHOODS~~neighborhoods or traffic flow.

G. The proposed use shall be compatible with the surrounding ~~NEIGHBORHOOD~~neighborhood.

H. Hours of operation shall be limited to 6 ~~am~~:00 a.m. to 10 ~~pm~~:00 p.m., Sunday through Thursday, and 6 ~~am~~:00 ~~H.~~ a.m. to 11 ~~pm~~:00 p.m., Friday and Saturday.

I. If a new building is proposed for the use, it shall be a minimum of ~~two~~2 stories.

J. The applicant shall provide proof that ~~they have~~he/she has conducted a ~~Preliminary Code Review~~preliminary code review for an ~~Eating~~eating and ~~Drinking Establishment~~drinking establishment with the Inspection Services ~~Office~~Division.

Retail Store: A ~~Retail Store~~retail store shall be allowed if a ~~Conditional Use Permit~~conditional use permit is granted by the Planning Board upon a finding that the following criteria are met:

A. The store shall contribute to a ~~NEIGHBORHOOD~~neighborhood feel and be pedestrian-friendly.

B. The store shall be no larger than 2,000 square feet.

C. The store shall not include ~~DRIVE-IN SERVICE~~drive-in service.

~~D.~~ The required parking may be reduced by ~~fifty percent (~~50~~%)~~% if on-street

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D. parking is available in the neighborhood.
E. All ~~onsite~~on-site parking shall be screened from abutting residential ~~LOTS~~lots.
F. Any loading or unloading of products shall not disrupt ~~NEIGHBORHOODS~~neighborhoods or traffic flow.
G. The proposed use shall be compatible with the surrounding ~~NEIGHBORHOOD~~neighborhood.
H. Hours of operation shall be limited to 6 ~~am~~:00 a.m. to 9 ~~pm~~:00 p.m. Sunday ~~–~~through Thursday, and 6 ~~am~~:00 a.m. to 10 ~~pm~~:00 p.m. Friday and Saturday.
I. If a new building is proposed for the use, it shall be a minimum of ~~two~~2 stories.

Special Exception Criteria ~~[~~(see § 170-~~52(C)~~59C(3) for additional regulations)~~]~~

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 2,000 square feet of lot area in the O District.

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C. Parking lots and service areas are screened from abutting residential uses.

~~ASSISTED LIVING FACILITY:~~

D. The facility shall obtain a license from the State of New Hampshire.

Continuing Care Community Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 2,000 square feet of lot area in the O District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

~~CONTINUING CARE COMMUNITY FACILITY:~~

~~A. The facility shall be serviced by municipal sewer.~~
~~B.~~A. ~~The density per unit requirement is 2,000 square feet of lot area in the O District.~~
~~C.~~A. ~~Parking lots and service areas are screened from abutting residential uses.~~
~~D.~~A. ~~The facility shall obtain a license from the State of New Hampshire.~~

~~ELDERLY ASSISTED CARE HOME:~~ ELDERLY ASSISTED CARE HOME**Elderly Assisted Care Home:** Elderly assisted care home is allowed by ~~Special Exception~~ special exception in accordance with the densities and provisions stated below:

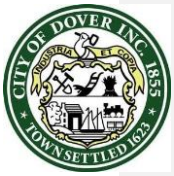
A. ~~ELDERLY ASSISTED CARE HOMES~~Elderly assisted care homes larger than 6 bedrooms shall meet the following density requirements: ~~In~~in the O District at a density of ~~one~~1 bedroom per 2,500 sq. ft.
B. Provided that parking and service areas are screened from abutting residential uses.
C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased, provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in ~~Chapter~~§ 170-~~44 (Off Street Parking~~56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

~~GROUP HOME FOR MINORS: GROUP HOME FOR MINORS~~**Group Home for Minors:** Group home for minors shall be subject to the following conditions:

A. The group home site shall be compatible with abutting uses.
B. The group home shall be located in areas of transitional land use or mixed land uses.
C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.
D. Open space shall be maintained on the property in an amount comparable to the neighborhood.
E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

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City of Dover

CBD Transit Oriented Development Sub-District
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The information included in this table represents the requirements for development in this sub-district; see Section § 170-20 for additional requirements (Adopted 12/9/2009 per O-2009.09.09 15, Amended 09/11/2019 per O-2019.08.28-12).

STATEMENT OF PURPOSE

Statement of Purpose

This is an area ripe for redevelopment. This area west of Chestnut Street was once the home of coal yards, warehouses, and other supporting structures for the rail line that passes through it. The rail line will be the key to its future success as well. In combination with the associated transporationtransportation center, transportation is the key to future development here. It is envisioned that this could be an area of very dense development along the banks of the Cochecho River. A wide variety of uses is intended here, with residences dominating upper levels, and retail and commercial activity dominating lower levels.

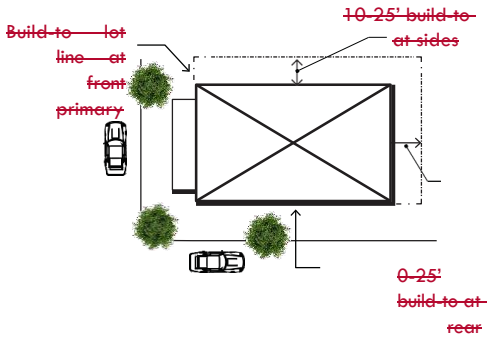
PERMITTED USES*

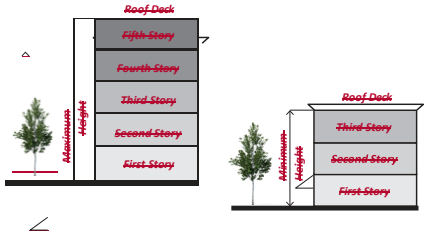
Use	
Residential	Permitted but not on Ground Floor, except as existing use
Lodging	Permitted
Professional Services & Offices	Permitted
Eating & Drinking Establishments	Permitted
Retail/Personal Services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-Thru Services	Not permitted
Other	Via Conditional Use Permit

DIMENSIONAL REGULATIONS*

Principal Building	
Lot Size	N/A
Lot Coverage	75% 100%
Frontage Build-Out	80% min.
Front Primary BUILD-TO-LINE	0 ft. min 0 ft. max
Front Secondary BUILD-TO-LINE	0 ft. min 0 ft. max
Side Setback	10 ft. min, 25 ft max
Rear Setback	0 ft. min, 25 ft. max
Outbuilding	
Front Setback	Not permitted
Side Setback	Not permitted
Rear Setback	Not permitted
Private Frontages	
Common Yard	Not permitted
Porch and Fence	Not permitted
Terrace/Lightwell	Not permitted
Stoop	Permitted
Shopfront/Awning	Permitted
Gallery	Permitted
Height of Building	
Principal Building	5 story max, 3 story min
Outbuilding/Accessory	Not permitted

PRINCIPAL BUILDING PLACEMENT





Parking Location Standards (See § 153-14)

(170-20B) may be used to adjust standards.

PARKING LOCATION STANDARDS (SEE

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~~149-14)~~

New, construction, resulting in additional square footage, or an increase in residential units, must comply with parking standards for the new portion of the building only.

~~PRINCIPAL BUILDING HEIGHTS~~

~~SIGN REGULATIONS~~

~~Sign Size & Quantity~~	
~~Total signs permitted~~	~~2~~
~~Total area of all signs~~	~~1 sf per lf of frontage- area may be increased if mill motif is adhere to~~
~~Sign Type~~	
~~Freestanding~~	~~Not permitted~~
~~Projecting~~	~~Permitted- 10 ft. min. above sidewalk, 25 ft. max height, 24 sq. ft. max.~~
~~Wall/Awning~~	~~Permitted- 40 sq. ft. max.~~
~~Temporary~~	~~Permitted per 170-32.Q (1)~~

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~~ARCHITECTURAL STANDARDS*~~ ~~STREETSCAPE STANDARDS~~

~~Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Buildings~~

Permitted Uses*

Use	
Residential	Permitted but not on ground floor, except as existing use
Lodging	Permitted
Professional services & offices	Permitted
Eating & drinking establishments	Permitted
Retail/personal services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-thru services	Not permitted
Other	Via conditional use permit

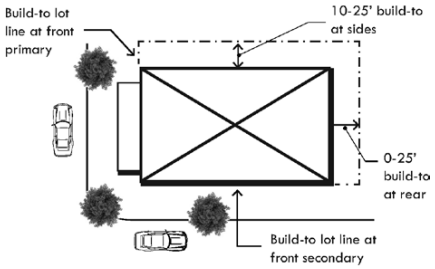
*CUP (§ 170-20B) may be used to adjust standards.

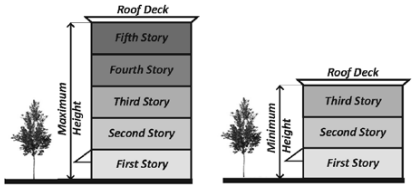
Dimensional Regulations*

Principal Building	
Lot size	N/A
Lot coverage	75% - 100%
Frontage build-out	80% min
Front primary build-to line	0 ft. min - 0 ft. max
Front secondary build-to line	0 ft. min - 0 ft. max
Side setback	10 ft. min, 25 ft. max
Rear setback	0 ft. min, 25 ft. max
Outbuilding	
Front setback	Not permitted
Side setback	Not permitted
Rear setback	Not permitted
Private Frontages	
Common yard	Not permitted
Porch and fence	Not permitted
Terrace/lightwell	Not permitted
Stoop	Permitted
Shopfront/awning	Permitted
Gallery	Permitted
Height of Building	
Principal building	5 story max, 3 story min
Outbuilding/accessory	Not permitted

*CUP (§ 170-20B) may be used to adjust standards

PRINCIPAL BUILDING PLACEMENT





PRINCIPAL BUILDING HEIGHTS

Sign Regulations

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	1 sf per lf of frontage - area may be increased if mill motif is adhered to
Sign Type	
Freestanding	Not permitted
Projecting	Permitted - 10 ft. min above sidewalk, 25 ft. max height, 24 sq. ft. max
Wall/Awning	Permitted - 40 sq. ft. max
Temporary	Permitted per § 170-50O(1)

Architectural Standards*

Preserving and enhancing the architectural tradition, history and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Building designs and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate and 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~~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~~Dover's CBD Architectural Design Guidelines.

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

Required Ground Floor Standards:

~~Required Ground Floor Standards:~~

- No less than 30% of the ~~façade~~facade shall be windows.
- A pedestrian entrance shall be required at the street side or front ~~façade~~facade.
- No more than 80% of any street ~~façade~~facade shall be for parking.
- The use of ground floor exterior lighting on the building should offer a feeling of warm security, and increase safety for 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 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.
- Solar/~~Green Roof Standard~~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 a green roof on at least 30 ~~percent~~% of the roof area.

Optional Standards:

- Use of architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- 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~~is~~ encouraged.
- Other integrated green infrastructure elements are encouraged.

*CUP ~~(~~(§ 170-20B) may be used to adjust standards.

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Streetscape Standards

Streetscape standards were crafted to ensure streets in transportation-oriented, mixed-use areas of the CBD accommodate pedestrians and bicyclists and facilitate alternative transportation travel. All street elements must be consistent with Dover ~~Streetscape~~streetscape and ~~Landscape Standards.~~landscape standards. For more information on streetscape standards, please see Section 3 of Dover's CBD Architectural Design Guidelines.

~~on streetscape standards, please see Section 3 of Dover's CBD Architectural Design Guidelines.~~

- Sidewalks shall be brick and a 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~~ground cover or shrubs, no bare ground permitted. Low ~~Impact Development~~ impact development techniques such as rain gardens, bioretention areas, tree boxes and other green infrastructure techniques shall be incorporated into these landscaped areas and be maintained to ensure 5 ~~feet~~ -foot-wide walkways.
- 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, at a minimum, be provided as follows:
  - 1 bench for every 75 feet of frontage.
  - At least 1 waste bin at each block corner.
  - At least 1 bike rack per project plus 10% of the parking spaces provided for bike storage.

~~of the parking spaces provided for bike storage.~~

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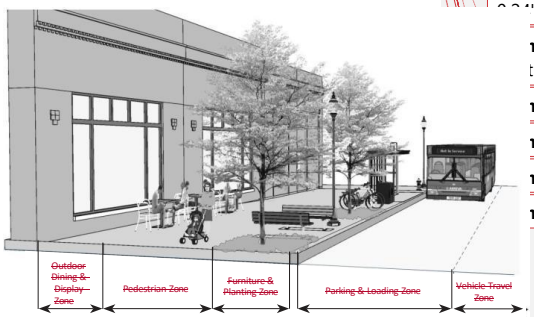
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- Lighting and mechanical equipment standards per § 170-~~20(E)~~(20E(3) ()(d).

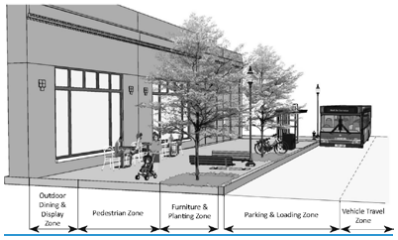
*CUP ((§ 170-20B) may be used to adjust standards.

~~STREETSCAPE ELEMENTS~~



~~ADULT BOOKSTORE, VIDEO STORE, OR CABARET~~

STREETSCAPE ELEMENTS



Adult Bookstore, Video Store, or Cabaret

These uses are subject to the following conditions:

- An ~~Adult Bookstore, Video Store or Cabaret~~ adult bookstore, video store or cabaret shall be at least 500 feet from a parcel of land containing an existing residential use.
- An ~~Adult Bookstore, Video Store or Cabaret~~adult bookstore, video store or cabaret shall be at least ~~1000~~1,000 feet from a parcel of land containing a school, church, community park or public recreational area.
- No adult ~~Bookstore, Video Store~~bookstore, video store or ~~Cabaret~~cabaret shall be permitted within ~~1000 ft.~~1,000 feet of an existing similar use.
- The proposed use shall comply with all other state statutes and ~~city~~City ordinances and

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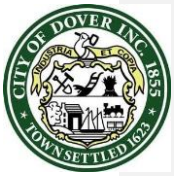
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CBD Mixed Use Sub-District

[Amended 9-11-2019 by Ord. No. 2019.08.28-12]

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The information included in this table represents the requirements for development in this sub-district; see *Section* § 170-20 for additional requirements *(Adopted 12/9/2009 per O-2009.09.09-15, Amended 09/11/2019 per O-2019.08.28-12).*

STATEMENT OF PURPOSE

Statement of Purpose

This is an area in transition. Once the homes of the mills' mills' managers and the community's community's professionals and successful merchants, shipbuilders, sea captains, and others, these stately Victorian buildings are a tribute to Dover's Dover's financial success during the height of the mill economy. These elegant structures lend grace to the community. While some of the existing buildings remain as single-family residences, others are being converted to apartments and offices. As new structures replace older ones, they should follow the setback and massing of earlier structures. Residences in these newer buildings should be restricted to upper levels. Landscaping is an important element of this district, in both the public and private arenas.

PERMITTED USES*

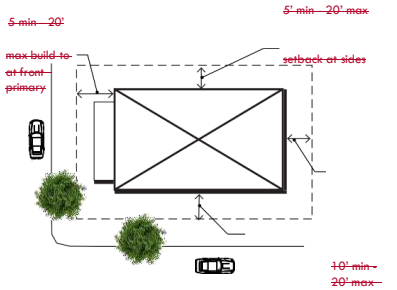
Use	
Residential	Permitted, but not on GROUND FLOOR except in existing STRUCTURES; density allowed at 5,000 sf. per unit, 10 units max
Lodging	Permitted, up to 12 rooms w/ stays up to 14 days
Professional Services & Offices	Permitted
Eating & Drinking Establishments	Not permitted
Retail/Personal Services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-Thru Services	Not permitted
Other	Via Conditional Use Permit

**CUP (170-20B) may be used to adjust standards.*

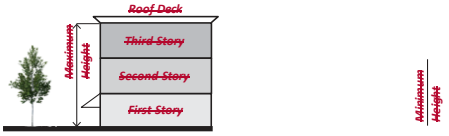
DIMENSIONAL REGULATIONS*

Principal Building	
Lot Size	N/A
Minimum Lot Coverage	50%
Frontage Build-Out	60% min.
Front Primary BUILD TO LINE	5 ft. min - 20 ft. max
Front Secondary BUILD TO LINE	5 ft. min - 20 ft. max
Side Setback	5 ft. min - 20 ft. max
Rear Setback	10 ft. min - 20 ft. max
Outbuilding	
Front Setback	20 ft. min
Side Setback	5 ft. min
Rear Setback	5 ft. min
Private Frontages	
Common Yard	Permitted
Porch and Fence	Permitted
Terrace/Lightwell	Permitted
Stoop	Permitted
Shopfront/Awning	Permitted
Gallery	Not permitted
Height of Building	
Principal Building	3 story max, 2 story min
Outbuilding/Accessory	2 story max

PRINCIPAL BUILDING PLACEMENT







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~~CUP (170-20B) may be used to adjust standards.~~

~~**PARKING LOCATION STANDARDS (SEE 149-14)**~~

Dimensional Regulations*

Principal Building	
Lot size	N/A
Lot coverage	75% - 100%
Frontage build-out	80% min.
Front primary build-to line	0 ft. min - 0 ft. max
Front secondary build-to line	0 ft. min - 0 ft. max
Side setback	10 ft. min, 25 ft. max
Rear setback	0 ft. min, 25 ft. max
Outbuilding	
Front setback	Not permitted
Side setback	Not permitted
Rear setback	Not permitted
Private Frontages	
Common yard	Not permitted
Porch and fence	Not permitted
Terrace/lightwell	Not permitted
Stoop	Permitted
Shopfront/awning	Permitted
Gallery	Permitted
Height of Building	
Principal building	5 story max, 3 story min
Outbuilding/accessory	Not permitted

Parking Location Standards (See § 153-14)

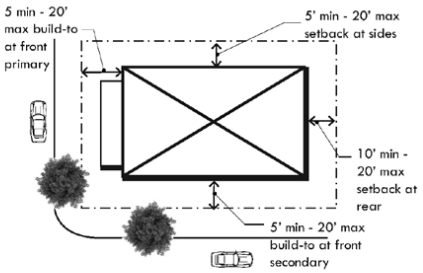
New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

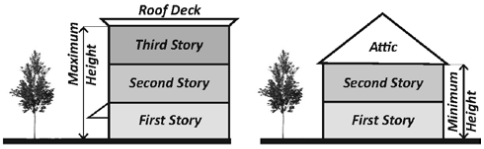
Permitted Uses*

Use	
Residential	Permitted, but not on ground floor except in existing structures; density allowed at 5,000 sf per unit, 10 units max
Lodging	Permitted, up to 12 rooms w/ stays up to 14 days
Professional services & offices	Permitted
Eating & drinking establishments	Not permitted
Retail/personal services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-thru Services	Not permitted
Other	Via conditional use permit

*CUP (§ 170-20B) may be used to adjust standards.

PRINCIPAL BUILDING PLACEMENT





PRINCIPAL BUILDING HEIGHTS

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~~PRINCIPAL BUILDING HEIGHTS~~

Sign Regulations

~~SIGN REGULATIONS~~

~~Sign Size & Quantity~~	
~~Total signs permitted~~	~~2~~
~~Total area of all signs~~	~~12 sf~~
~~Sign Type~~	
~~Freestanding~~	~~Not permitted~~
~~Projecting~~	~~Not permitted~~
~~Wall/Awning~~	~~Permitted, area may be increased if Mill, Motif is adhered to.~~
~~Temporary~~	~~Permitted per 170-32.Q (1)~~

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~~ARCHITECTURAL STANDARDS*~~

Sign Regulations

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	1 sf per lf of frontage - area may be increased if mill motif is adhered to
Sign Type	
Freestanding	Not permitted
Projecting	Permitted - 10 ft. min above sidewalk, 25 ft. max height, 24 sq. ft. max
Wall/awning	Permitted - 40 sq. ft. max
Temporary	Permitted per § 170- 50O(1)

CUP (§ 170-20B) may be used to adjust standards.

Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Building designs ~~Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Buildings designs~~ and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate, and 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~~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~~Dover's CBD Architectural Design Guidelines.

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

Required Ground Floor Standards:

~~**Required Ground Floor Standards:**~~

- No less than 30% of the ~~façade~~facade shall be windows.
- A pedestrian entrance shall be required at the street side or front ~~façade~~facade.
- 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 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

~~STREETSCAPE STANDARDS~~

edge of their sites, to ensure the unity of those streets and to encourage and facilitate pedestrian activity.

- Utility elements shall be screened in an aesthetically pleasing manner.
- Garages shall not face the street.
- Solar/~~Green Roof Standard~~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 a green roof on at least 30 ~~percent~~% of the roof area.

Optional Standards:

- Use of architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- Use of elements that accentuate and/or provide coverage at the entry such as canopy, porch, recessed entry, etc. ~~are~~ is 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~~is encouraged.
- Other integrated green infrastructure elements are 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 have a relationship with adjacent buildings, accommodate pedestrians and bicyclists, and are compatible with the character of ~~Dover's~~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.

~~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.~~

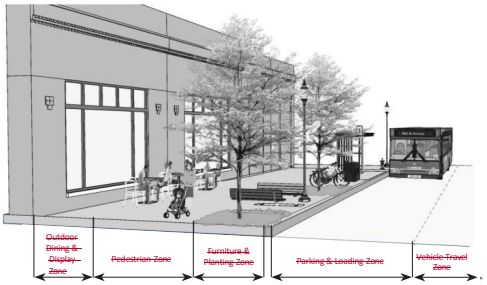
- Sidewalks shall be brick and a minimum of 5 feet wide.
- ~~Street trees shall be planted at an average spacing of 25 to 30 feet on center. Planting method shall allow for maximum root zone space where possible. Existing healthy street trees shall be protected, if possible.~~
- ~~Unpaved ground area along the frontage shall be planted with appropriate~~ 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.
- ~~groundcover~~ Unpaved ground area along the frontage shall be planted with appropriate ground cover or shrubs, no bare ground or mulch- only areas permitted. Low- ~~Impact Development~~ impact development techniques such as rain gardens, bioretention areas, tree boxes and other green infrastructure techniques shall be incorporated into these landscaped areas.

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- 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, at a minimum, 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~~ nonresidential project.
- Lighting and mechanical equipment standards per § 170-~~20(E)(~~20E(~~3)~~)(d).
- Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their buildings and maintain in such a way so that the walkway is cleared.
- Approved public art is encouraged.
- ~~Approved public art is encouraged.~~

*CUP ~~(~~ (§ 170-20B) may be used to adjust standards.

~~**STREETSCAPE ELEMENTS**~~



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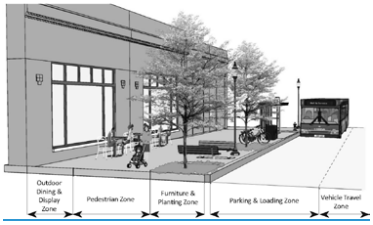
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STREETSCAPE ELEMENTS



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CBD Residential Sub-District

[Amended 9-11-2019 by Ord. No. 2019.08.28-12]

Statement of Purpose

North of the Downtown core are neighborhoods of smaller homes, once the residences of mill employees, shopkeepers, and others for whom the close proximity to the Downtown was an important feature. Smaller in scale than the more ornate homes in the Mixed Use District, many of these buildings still present considerable architectural detailing. Many of them have outbuildings at the rear of the property. The continued use of these areas as residential neighborhoods is important, both to the city's heritage and to achieving the smart growth and low carbon impact goals of the ~~master~~ Master ~~plan~~Plan. Where new structures are added, they should mimic the placement, scale, and building materials of the older homes.

Dimensional Regulations*

Principal Building	
Lot size	N/A
Minimum lot coverage	40%
Minimum frontage	75 ft.
Frontage build-out	40% min
Front primary build-to line	8 ft. min - 15 ft. max
Front secondary build-to line	8 ft. min - 10 ft. max
Side setback	10 ft.
Rear setback	15 ft.
Outbuilding	
Front setback	20 ft. min + bldg. setback
Side setback	5 ft. min
Rear setback	5 ft. min
Private Frontages	
Common yard	Permitted
Porch and fence	Permitted
Terrace/lightwell	Not permitted
Stoop	Permitted
Shopfront/awning	Not permitted
Gallery	Not permitted

Height of Building	
Principal building	3 story max, 2 story min
Outbuilding/accessory	2 story max

CUP (§ 170-20B) may be used to adjust standards.

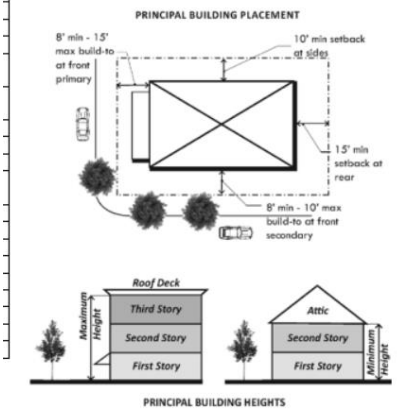
~~PARKING LOCATION STANDARDS (SEE 149-14)~~Parking Location Standards (See § 153-14)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

Permitted Uses*

Use	
Residential	Permitted
Lodging	Permitted, up to 12 rooms w/ stays up to 14 days
Professional services & offices	Via conditional use permit
Eating & drinking establishments	Not permitted
Retail/personal services	Via conditional use permit
Industrial	Not permitted
Civic	Permitted
Other	Via conditional use permit

*CUP (§ 170-20B) may be used to adjust standards.



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The information included in this table represents the requirements for development in this sub-district; see Section § 170-20 for additional requirements (Adopted 12/9/2009 per O-2009.09.09-15, Amended 09/11/2019 per O-2019.08.28-12).

STATEMENT OF PURPOSE

DIMENSIONAL REGULATIONS*

Principal Building	
Lot Size	N/A
Minimum Lot Coverage	40%
Minimum Frontage	75 ft.
Frontage Build-Out	40% min.
Front Primary BUILD TO LINE	8 ft. min - 15 ft. max
Front Secondary BUILD TO LINE	8 ft. min - 10 ft. max
Side Setback	10 ft.
Rear Setback	15 ft.
Outbuilding	
Front Setback	20 ft. min + bldg. setback
Side Setback	5 ft. min
Rear Setback	5 ft. min
Private Frontages	
Common Yard	Permitted
Porch and Fence	Permitted
Terrace/Lightwell	Not permitted
Stoop	Permitted
Shopfront/Awning	Not permitted
Gallery	Not permitted
Height of Building	
Principal Building	3 story max, 2 story min
Outbuilding/Accessory	2 story max

PERMITTED USES*

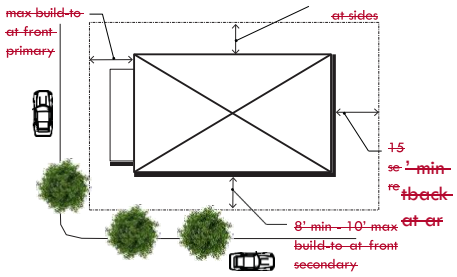
Use	
Residential	Permitted
Lodging	Permitted, up to 12 rooms w/ stays up to 14 days
Professional Services & Offices	Via Conditional Use Permit
Eating & Drinking Establishments	Not permitted
Retail/Personal Services	Via Conditional Use Permit
Industrial	Not permitted
Civic	Permitted
Other	Via Conditional Use Permit

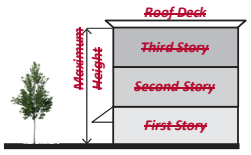
*CUP (170-20B) may be used to adjust standards.

PRINCIPAL BUILDING PLACEMENT

8' min - 15'

setback





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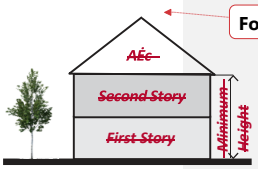
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PRINCIPAL BUILDING HEIGHTS

Sign Regulations

Sign Size & Quantity	
Total signs permitted	1
Total area of all signs	16 sf
Sign Type	
Freestanding	Not permitted
Projecting	Permitted - 10 ft. min above sidewalk, 25 ft. max height, 24 sf max size
Wall/awning	Permitted - 16 ft. max height or to bottom of 2nd floor window sills, whichever is lowest
Temporary	Not permitted

SIGN REGULATIONS

Sign Size & Quantity	
Total signs permitted	1
Total area of all signs	16 sf.
Sign Type	
Freestanding	Not permitted
Projecting	Permitted- 10 ft. min above sidewalk, 25 ft. max ht, 24 sf. max size
Wall/Awning	Permitted- 16 ft. max ht, or to bottom of 2nd floor window sills, whichever is lowest
Temporary	Not permitted

Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community.

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~~ARCHITECTURAL STANDARDS*~~

~~Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community.~~ ~~Buildings~~Building designs and materials should enhance the appearance of Dover, reinforce pedestrian character, where appropriate, and 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~~standards are not intended to stifle creativity or variety, but produce designs respectful of place and context. For more information, please see Section ~~2~~3 of ~~Dover's~~Dover's CBD Architectural Design Guidelines.

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

~~Required Ground Floor Standards:~~

Required Ground Floor Standards:

- No less than 30% of the ~~façade~~ facade shall be windows.
- A pedestrian entrance shall be required at the street side or front ~~façade~~facade.

Required Building Standards:

- Building designs shall be harmonious with neighboring structure in terms of mass, width, height, proportion, spacing, and setback.
- Building designs shall consider the quality of the pedestrian environment.
- Garage doors shall be relatively unobtrusive.
- Utility elements shall be screened in an aesthetically pleasing manner.

~~STREETSCAPE STANDARDS~~

Optional Standards:

- Desirable materials include wood (clapboard and shakes), brick, stone, and contemporary materials that are harmonious and compatible with the aesthetic of the sub-district and its neighboring structures.
- Use of architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- 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~~is encouraged.

*CUP (§ 170-20B) may be used to adjust standards.

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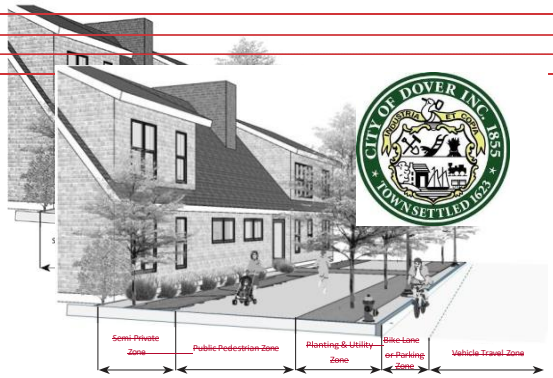
Streetscape Standards

Streetscape standards were crafted to ensure streets in residential areas of the CBD are walkable, accommodate pedestrians and bicyclists, and are compatible with the character of ~~Dover's~~Dover's neighborhoods. All street elements must be consistent with Dover ~~Streetscape~~streetscape and ~~Landscape Standards.~~landscape standards. For more information on streetscape standards, please see Section ~~3~~2 of ~~Dover's~~Dover's CBD Architectural Design Guidelines.

- Sidewalks shall be a minimum of 5 feet wide.
- Projects shall be designed to maintain and enhance the quality of pedestrian, bicycle and vehicular facilities and circulation and safety on affected public streets.
- Lighting and mechanical equipment standards per ~~§ 170-20(E)(3)(d).~~§ 170-20E(3)(d).
- 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 ground cover~~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 or mulch-only ground areas permitted. ~~Low Impact Development~~ impact development techniques such as rain gardens, bioretention areas, tree boxes and other green infrastructure techniques shall be incorporated into these landscaped areas.
- Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their buildings but maintain them in a way to not block the walkways.

*CUP ~~(~~§ 170-20B) may be used to adjust standards.

STREETSCAPE ELEMENTS



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City of Dover

CBD General Sub-District–
[Amended 9-11-2019 by Ord. No. 2019.08.28-12]

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The information included in this table represents the requirements for development in this sub-district; see ~~*Section*~~§ 170-20 for additional requirements ~~*(Adopted 12/9/2009 per O-2009.09.09-15, Amended 09/11/2019 per O-2019.08.28-12).*~~

equal to the calculated average setback minus five (5) feet.

~~STATEMENT OF PURPOSE~~

Statement of Purpose

From the late ~~1700's~~1700's, when Dover began to shift from a farming community to a manufacturing center, the land and blocks in and around Washington and Main Streets and Central Avenue have been the ~~community's~~community's commercial core. Both redevelopment and new development should reflect that 250-year history. A wide array of retail and commercial activity should be encouraged here. Residential activity should be encouraged on the upper floors of buildings. ~~New construction, where needed, should follow the pattern of existing development in terms of building placement, building height, and the use of durable construction materials.~~

~~Public spaces are~~needed, should follow the pattern of existing development in term

building height, an construction materia important

here, and ~~should be encouraged and s~~ maintained

properly.

~~DIMENSIONAL REGULATIONS*~~

Dimensional Regulations*

Principal Building	
Lot Size	N/A
Lot Coverage	75%
Frontage Build-Out	70% min
Front Primary BUILD TO LINE	(1)
Front Secondary BUILD TO LINE	(1)
Side Setback	0 ft. min - 24 ft. max
Rear Setback	10 ft. min
Outbuilding	
Front Setback	Not permitted
Side Setback	Not permitted
Rear Setback	Not permitted
Private Frontages	
Common Yard	Not permitted
Porch and Fence	Not permitted
Terrace/Lightwell	Not permitted
Stoop	Permitted
Shopfront/Awning	Permitted
Gallery	Permitted
Height of Building	
Principal Building	5 story max, 2 story min
Outbuilding/Accessory	Not permitted

*CUP (§ 170-20B) may be used to adjust standards

(1) The property owner shall calculate the average front setbacks of all lots within the same zone located on the same side of the street, 250 feet in each direction from the center of the front lot line. This front setback dimension shall be considered to be a build-to-line. Structures may be constructed within 5 feet plus or minus of the average. Porches or steps may be located an additional 5 feet beyond the front façade of the structure. Expansions to existing structures shall be subject to a minimum setback

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~~PERMITTED USES*~~

~~Use~~	
~~Residential~~	~~Permitted, but not on GROUND FLOOR except in an existing use~~
~~Lodging~~	~~Permitted~~
~~Professional Services & Offices~~	~~Permitted~~
~~Eating & Drinking Establishments~~	~~Permitted~~
~~Retail/Personal Services~~	~~Permitted~~
~~Industrial~~	~~Not permitted~~
~~Civic~~	~~Permitted~~
~~Drive-Thru Services~~	~~Not permitted~~
~~Other~~	~~Via Conditional Use Permit~~

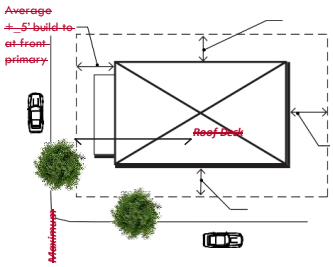
Use	
Residential	Permitted, but not on GROUND FLOOR except in an existing use
Lodging	Permitted
Professional Services & Offices	Permitted
Eating & Drinking Establishments	Permitted
Retail/Personal Services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-Thru Services	Not permitted
Other	Via Conditional Use Permit

*CUP (170-20B) may be used to adjust standards.

*CUP (§ 170-20B) may be used to adjust standards.

~~PRINCIPAL BUILDING PLACEMENT~~

~~Principal Building~~	
~~Lot Size~~	~~N/A~~
~~Lot Coverage~~	~~75%~~
~~Frontage Build-Out~~	~~70% min~~
~~Front Primary BUILD-TO LINE~~	~~(1)~~
~~Front Secondary BUILD-TO LINE~~	~~(1)~~
~~Side Setback~~	~~0 ft. min - 24 ft. max~~
~~Rear Setback~~	~~10 ft. min~~
~~Outbuilding~~	
~~Front Setback~~	~~Not permitted~~
~~Side Setback~~	~~Not permitted~~
~~Rear Setback~~	~~Not permitted~~
~~Private Frontages~~	
~~Common Yard~~	~~Not permitted~~
~~Porch and Fence~~	~~Not permitted~~
~~Terrace/Lightwell~~	~~Not permitted~~
~~Stoop~~	~~Permitted~~
~~Shopfront/Awning~~	~~Permitted~~
~~Gallery~~	~~Permitted~~
~~Height of Building~~	
~~Principal Building~~	~~5 story max, 2 story min~~
~~Outbuilding/Accessory~~	~~Not permitted~~



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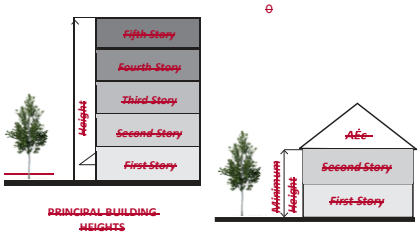
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0' 24' max setback at sides

' min. setback at rear

Average +_5' build-to plt front secondary

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SIGN REGULATIONS

Permitted Uses*

*CUP (170-20B) may be used to adjust standards.

"(1) The property owner shall calculate the average front SETBACKSsetbacks of all LOTSlots within the same zone located on the same side of the STREET, two hundred fifty (street, 250) feet in each direction from the center of the front LOT LINElot line. This front SETBACKsetback dimension shall be considered to be a BUILD TO LINE. STRUCTURESbuild-to line. Structures may be constructed within five (5) feet plus or minus of the average. Porches or steps may be located an additional five (5) feet beyond the front façadefacade of the STRUCTUREstructure. Expansions to existing STRUCTURESstructures shall be subject to a minimum SETBACKsetback equal to the calculated average SETBACKsetback minus five (5) feet."

PARKING LOCATION STANDARDS (SEE 149-14)

Parking Location Standards (See § 153-14)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

Outbuilding/accessory

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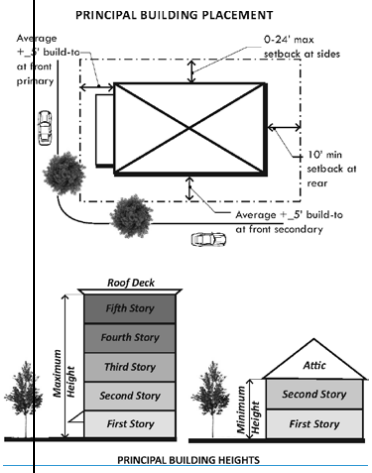
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Sign Regulations

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	1 sf per lf of frontage , area may be increased if Mill Motif is adhered to
Sign Type	
Freestanding	Not permitted
Projecting	Permitted , 10 ft min above sidewalk, 25 ft max ~~ht~~height, 24 sf
Wall/~~Awning~~awning	Permitted, 40 sf max
Temporary	Permitted per § 170-~~32.Q~~ 50O(1)

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~~ARCHITECTURAL STANDARDS*~~

Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Building~~Preserving, and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Buildings~~ designs and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate, and 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~~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~~Dover's CBD Architectural Design Guidelines.

~~STREETSCAPE STANDARDS~~

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

~~Required Ground Floor Standards.~~

~~Required Ground Floor Standards:~~

- No less than 80% of the ~~façade~~facade shall be windows.
- A pedestrian entrance shall be required at the street side or front ~~façade~~facade.
- For new construction only, ~~non-residential~~nonresidential uses shall be on the ground floor level.
- Ground floor exterior lighting on the building is encouraged and should offer a feeling of warm security and increased 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 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.
- Garages shall not face the street.
- Solar/~~Green Roof Standard~~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 a green roof on at least 30 ~~percent~~% of the roof area.

Optional Standards:

- Use of architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- Ornamental roof features that exceed the allowed building height are subject to the CUP process.
- Use of elements that accentuate and/or provide coverage at the entry such as canopy, porch, recessed entry, etc~~. are~~.. is encouraged.
- LEED standards or an equivalent standard ~~are~~is encouraged.
- Energy- efficient design techniques, LEED standards, or an equivalent standard ~~are~~is encouraged.
- Other integrated green infrastructure elements are encouraged.

*CUP ~~(~~(§ 170-20B) may be used to adjust standards.

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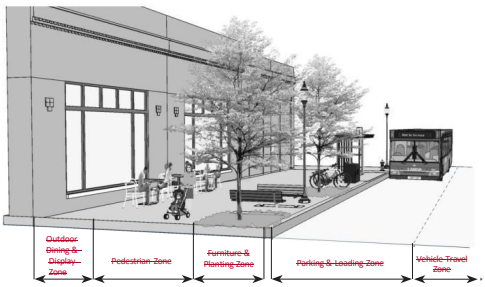
Streetscape Standards

Streetscape standards were crafted to create a vibrant, walkable downtown area that facilitates pedestrian activity. The experience each person will have with the street, the sidewalk, the buildings, and the surrounding environment is what helps define the unique character of a place. All street elements must be consistent with Dover ~~Streetscape~~streetscape and ~~Landscape Standards~~landscape standards. For more information on streetscape standards, please see Section 3 of ~~Dover's~~Dover's CBD Architectural Design Guidelines.

- Sidewalks shall be brick and a 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~~ground cover or shrubs, no bare ground or mulch-only areas permitted. Low ~~Impact Development~~-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'~~5-foot-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 provided as follows:
  - 1 bench for every 75 feet of frontage.
  - At least 1 waste bin at each block corner.
  - 1 bike rack per project.
- Lighting and mechanical equipment standards per § 170-~~20(E)~~20E(3)(d).
- Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their buildings.
- Approved public art is encouraged.

*CUP ((§ 170-20B) may be used to adjust standards.

~~STREETSCAPE ELEMENTS~~



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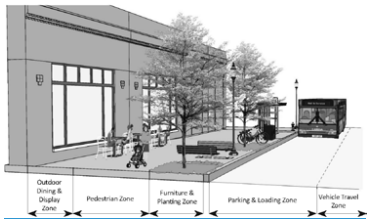
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STREETSCAPE ELEMENTS



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City of Dover

Cochecho Waterfront District (CWD)
[Amended 6-22-2016 by Ord. No. 2016.06.08-010; 9-11-2019 by Ord. No. 2019.08.28-012; 8-12-2020 by Ord. No. 2020.07.22-009; 8-9-2023 by Ord. No. 2023.07.012-008]

Permitted Uses [8]

- ~~Bank~~
- ~~BED and BREAKFAST~~
- ~~CHILD CARE FACILITY~~
- ~~COMMERCIAL PARKING FACILTIY~~
- ~~COMMERCIAL RECREATION~~
- ~~Dwelling, 2 Family [4]~~
- ~~Dwelling, 3 To 4 Family [4]~~
- ~~DWELLING, MULTI FAMILY [4]~~
- ~~DWELLING, SINGLE FAMILY [5]~~
- ~~Eating and Drinking Establishments [6]~~
- ~~EDUCATIONAL INSTITUTION, POST SECONDARY~~
- ~~HOTEL/RETAIL~~
- ~~MARINA~~
- ~~OFFICE~~
- ~~PERSONAL SERVICE ESTABLISHMENT~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility [7]~~
- ~~Retail Store~~
- ~~Theater~~
- ~~WATER RELATED EDUCATION/RESOURCE CENTER~~
- ~~WATERBORNE PASSENGER TRANSPORTATION FACILITY~~

- Bank
- Bed-and-breakfast
- Child-care facility
- Commercial parking facility
- Commercial recreation
- Dwelling, two-family [4]
- Dwelling, three- to four-family [4]
- Dwelling, multifamily [4]
- Dwelling, single-family [5]
- Eating and drinking establishments [6]
- Educational institution, postsecondary
- Hotel/retail
- Marina
- Office
- Personal service establishment
- Public recreation
- Public utility [7]
- Retail store
- Theater
- Water-related education/resource center
- Waterborne passenger transportation facility

Uses Permitted by Special Exception

- Conversion of existing dwelling to accommodate additional residential units [5]
- Helicopter Take Offs & Landings

Sign Regulations

Size	CWD District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each linear foot of business frontage
Type	
Freestanding	Permitted, provided that the principal building is set back at least 5 ft (max size is 60 sf, max height is 16 ft)
Projecting	Permitted (max size 24 sf, min ht 10 ft above sidewalk, max ht is 25 ft above sidewalk)
Wall/Awning	Permitted (max size 40 sf)
Temporary	Permitted (max height is 3 ft, max size 6 sf; see § 170-50E for additional regulations)

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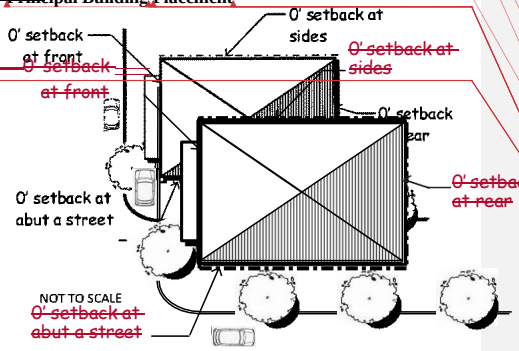
Dimensional Regulations [1]

LOT	
Minimum LOT Size	N/A
Maximum COVERAGE [2]	75%
Minimum FRONTAGE	N/A
PRINCIPAL BUILDING	
Front SETBACK	0 ft
Abut a Street SETBACK	0 ft
Side SETBACK	0 ft
Rear SETBACK	0 ft
OUTBUILDING/ACCESSORY USE	
Front SETBACK	0 ft
Abut a Street SETBACK	0 ft
Side SETBACK	0 ft
Rear SETBACK	0 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	55 ft max
OUTBUILDING	55 ft max

Lot	
Minimum lot size	N/A
Maximum coverage [2]	75%
Minimum frontage	N/A
Principal Building	
Front setback	0 ft
Abut a street setback	0 ft
Side setback	0 ft
Rear setback	0 ft
Outbuilding/Accessory Use	
Front setback	0 ft
Abut a street setback	0 ft
Side setback	0 ft
Rear setback	0 ft
Height of Building	
Principal building	55 ft max
Outbuilding	55 ft max

*: Deviations from these requirements are permitted by Condi- tional Use Permit conditional use permit subject to the requirements of Section § 170- 20.B 20B(1), where applicable.

Principal Building Placement



NOT TO SCALE

Sign Regulations

Size	CWD District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification SIGNS)]
Total area permitted	1 sf for each lineal foot of business FRONTAGE
Type	
FREESTANDING	permitted, provided that the principal building is set back at least 5 ft (max size is 60 sf, max height is 16 ft)
PROJECTING	permitted (max size 24 sf, min ht 10 ft above sidewalk, max ht is 25 ft above sidewalk)
WALL/ Awning	permitted (max size 40 sf)
Temporary	permitted (max height is 3 ft, max size 6 sf; see 170-32(E)(3) for additional regulations)

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Footnotes

[1] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetlandnonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NHNew Hampshire Code of Administrative Rules —Env-Wt- 101.87113 and the 1987 Federal Manual Forfor Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent% of the minimum lot size required.

[2] Lots located in the Cochecho Waterfront District (CWD) and located Southsouth of the Cochecho River may have a maximum lot coverage of 100%. [Added 1-22-2003 by Ord. No. 35].

[3] Any new construction along the existing CWD/R-12 zoning boundary (as described herein*) shall conform to the following setbacks:

- Structures and buildings shall be set back a minimum of seventy-five (75) feet from said boundary.
- Pavement and parking shall be set back a minimum of twenty-five (25) feet from said boundary. [Added 1-22-2003 by Ord. No. 35].

*Boundary runs from the northwest corner of Tax Assessor's Map K lot 3; thence turning and running southerly until the southern property line of Tax Assessor'sAssessor's Map K lot 4-B, and turning and running westerly along a line 400'400' parallel to Henry Law Avenue until meeting Assessor'sAssessor's Map 22 lot 41-3, running northerly to intersection with Assessor'sAssessor's Map 22 lot 42, and running westerly along the southern property line of said lot for a distance of approximately 980 feet to the northeast corner of Tax Assessor's Map 22 lot 33; thence running westerly to the northeast corner of Tax Assessor's Map 22 lot 12.

[4] Provided that the lot contains at least one thousand (1,000) square feet of land area for each dwelling unit and that each dwelling unit contains at least six hundred (600) square feet of gross floor area.

[5] Single-family units are only allowed if adjoined to other residential or non-residentialnonresidential uses in the same structure. Single-family detached units are not allowed. [Amended 1-22-2003 by Ord. No. 35].

[6] If fully enclosed with no drive-in service.

[7] Public utility facilities shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within. [Amended 10-28-88 by Ord. No. 18-88]

[8] Shall follow Solar/Green Roof Standardsolar/green roof standard:

- All buildings must be solar ready.
- Commercial and mixed-use buildings that are 25,000 sq ftsquare feet or more must also incorporate solar panels and/or a green roof on at least 30 percent% of the roof area.
- Solar shall not affect the view of the river for nearby prop rights-of-way.
- Architecture shall complement the Design Guidelines Cochecho Waterfront Development.
- Approved public art is encouraged.

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Special Exception Criteria ([see § 170-52(C)(59C(3) for additional regulations)]

Helicopter Take-offsTakeoffs and Landings: Helicopter take offs and landings are allowed as a special exception subject to the following conditions:

A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.

pad.

B. Except in the case of an emergency, no helicopter take-offstakeoffs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.

C. The facility shall be accessory to the principal use located on the lot.

D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

E. The conditions for granting a Special Exception,special exception contained in Chapter§ 170-52 C59C(3),) must also be satisfied.

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170 Attachment 19

City of Dover

Sign Diagrams
Part I

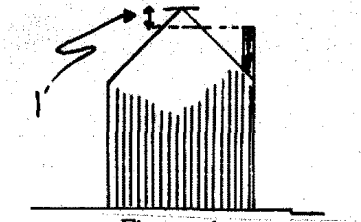


Figure 1

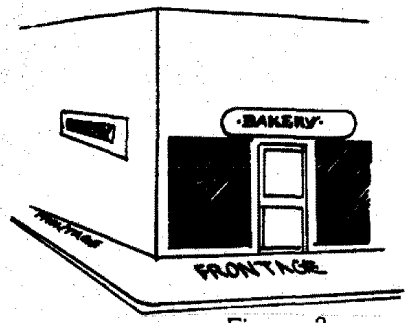


Figure 3

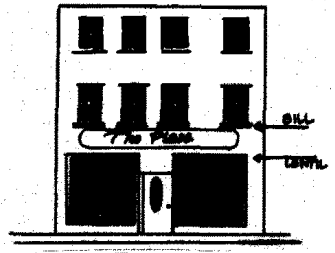


Figure 2

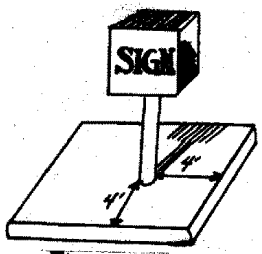


Figure 4

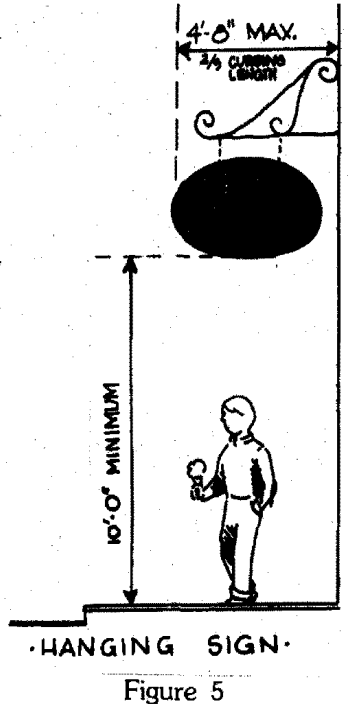


Figure 5

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City of Dover

Sign Diagrams
Part II

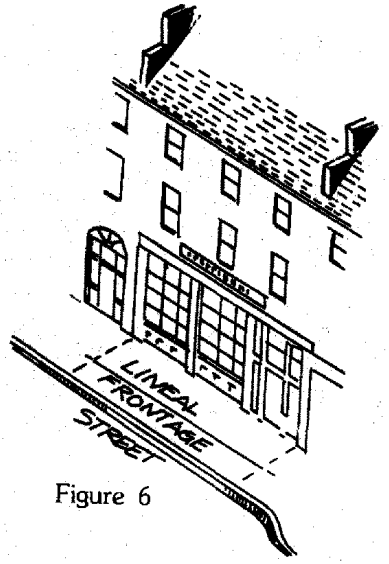


Figure 6

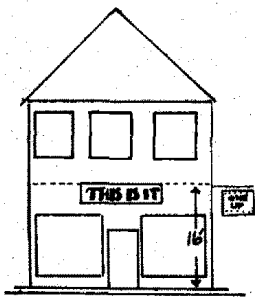
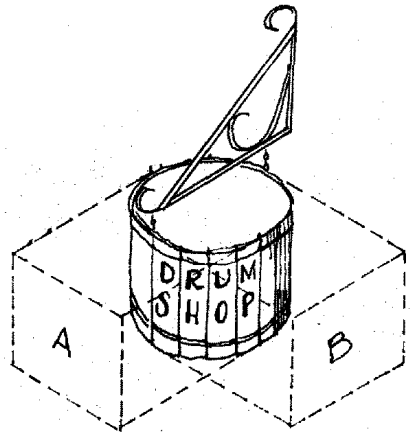


Figure 7



SIGN AREA = $\frac{A+B}{2}$
Figure 8



Figure 9

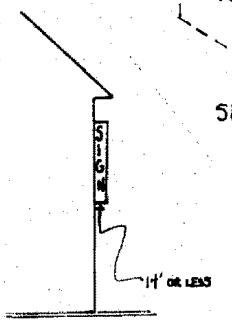


Figure 10

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City of Dover

Sign Diagrams
Part III

In Figure A, the sign above the shop front has been placed as high as it would be allowed in this particular instance: just below the sills of the second story windows. It is also as wide as is allowed: the full width of the building's sign frontage. The result is a jarring relationship between the sign and the building's facade. Nothing on the sign seems to line up with anything that is part of the building itself: the window sills appear to rest on top of the sign, the lintel (the horizontal beam over the shop front) is partly covered. The total effect is one of everything being slightly off balance.

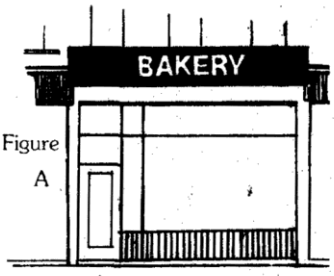


Figure A

Figures B, C and D, on the other hand, show three (3) different ways in which the same sign idea can be made to relate successfully to the rest of the building.

In Figure B, the sign becomes part of the architecture of the building by being lowered and reduced slightly in depth so it appears as a facing to the lintel, which was half covered in Figure A. This is a good solution if there is enough depth to the lintel to permit the use of legible-size letters.

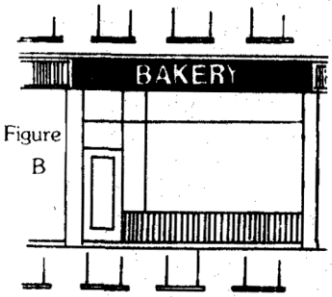


Figure B

Another approach, where the lintel is quite shallow, is shown in Figure C. Here the sign is integrated with the shop front by being enclosed within the frame of the building, which is outlined by the side walls and the lintel itself. This solution is particularly effective where the frame of the shop front is relatively high and may allow the use of a deeper sign than that shown in Figure B. Being placed lower, the sign may also be more legible from the street.

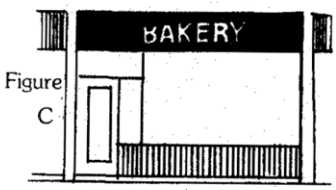


Figure C

In Figure D, the sign is in the form of applied or painted letters, with the building lintel itself as the background. If carefully designed and executed, this treatment not only respects the building but enhances it; unlike signs mounted on boards, the open letters do not totally obscure any part of the building, and they cause the least interruption to the continuity of the building's architecture, which can be seen through and around the letters. The individually attached letters also give a sense of permanence to the business they advertise.

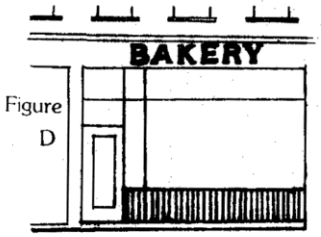


Figure D

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Figure E shows the basic framework or pattern of the buildings that form the street front as they were originally conceived in terms of solid and void, or wall and hole. Despite the fact that the window and door holes of the different buildings do not line up exactly, which provides variety and adds to the interest of the street, there is quite a strong feeling of continuity and unity in the row of structures since they all have the same basic elements.

Figure F, shows how the even rhythm of these basic elements (the shop front holes and the windows in the lower floors of the buildings) can be almost completely obliterated by the jumble of shop signs of widely varying shapes, sizes and heights.

In Figure G, the basic pattern of the street front has been retained by the simple fact that the shop fronts and their signs have stayed within the frames provided by the buildings. (The one exception is the sign on the right, because it is composed of individual letters applied directly to the buildings itself.) Three (3) of the shop fronts, quite different in the character of their signs and entrances, are now seen to form the ground floor of the same building, the sort of thing that helps create a feeling of continuity along the street.

Figure E

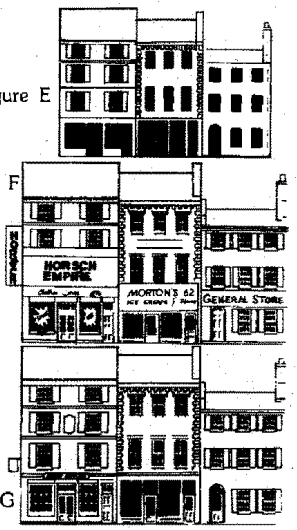


Figure F

Figure G

It should be noted that the marked improvement to the street front shown in Figure G has been achieved without any sacrifice in the effectiveness of individual signs. Although the signs are smaller in size, they are actually easier to read because they are of cleaner and simpler design. This emphasizes another important point: Legibility and effectiveness do not depend on size alone, but also on design.

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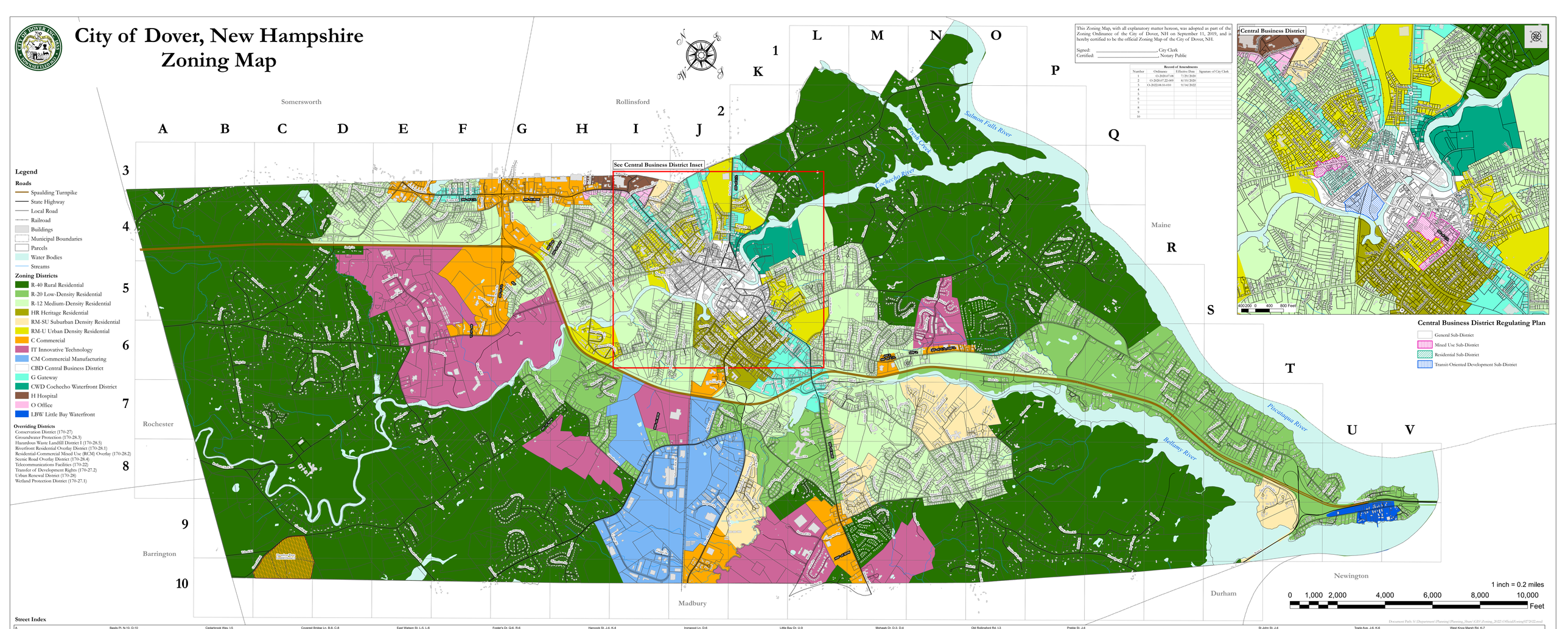
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City of Dover, New Hampshire
Zoning Map



This Zoning Map, with all explanatory matter hereon, was adopted as part of the Zoning Ordinance of the City of Dover, NH on September 11, 2019, and is hereby certified to be the official Zoning Map of the City of Dover, NH.

Signed: _____, City Clerk

Certified: _____, Notary Public

Record of Amendments

Number	Ordinance	Effective Date	Signature of City Clerk
1	O-2020-07-06	7/29/2020	
2	O-2020-07.22-009	8/19/2020	
3	O-2022-08.10-010	9/14/2022	
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Central Business District

Central Business District Regulating Plan

- General Sub-District
- Mixed Use Sub-District
- Residential Sub-District
- Transit-Oriented Development Sub-District

1 inch = 0.2 miles

0 1,000 2,000 4,000 6,000 8,000 10,000 Feet

Legend

Roads
- Spaulding Turnpike
- State Highway
- Local Road
- Railroad

Buildings
Municipal Boundaries
Parcels
Water Bodies
Streams

Zoning Districts
- R-40 Rural Residential
- R-20 Low-Density Residential
- R-12 Medium-Density Residential
- HR Heritage Residential
- RM-SU Suburban Density Residential
- RM-U Urban Density Residential
- C Commercial
- IT Innovative Technology
- CM Commercial Manufacturing
- CBD Central Business District
- G Gateway
- CWD Cocheco Waterfront District
- H Hospital
- O Office
- LBW Little Bay Waterfront

Overriding Districts
Conservation District (170-27)
Groundwater Protection (170-28.3)
Hazardous Waste Landfill District 1 (170-28.5)
Riverfront Residential Overlay District (170-28.1)
Residential-Commercial Mixed Use (RCM) Overlay (170-28.2)
Scenic Road Overlay District (170-28.4)
Telecommunications Facilities (170-22)
Transfer of Development Rights (170-27.2)
Urban Renewal District (170-29)
Wetland Protection District (170-27.1)

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Country Club Estates Dr, L-2, L-3
County Farm Cross Rd, B-6, B-7, C-7, C-8
County Farm Rd, B-8, C-8, D-7, D-8, E-6, E-7
Court St, K-5, L-5, M-5
Covered Bridge Ln, B-8, C-8
Cranbrook Ln, E-4, F-4
Crawford Dr, L-6
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Crestview Dr, G-5
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Crown Pointe Dr, L-7
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Deerfield Dr, L-9, M-9
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Dunns Bridge Ln, L-8, M-8
Durham Rd, L-7, L-8, L-9, M-9, M-10
Durrell St, J-4

E
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Ela St, J-3, J-4
Elliott Park, M-6
Elm St, K-5
Elmview Cir, L-6
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Emerald Ln, G-8, G-9, H-9
Emery Ln, O-4
Emmet St, L-6
Erik Dr, D-7
Essex Rd, K-3, K-4
Evans Dr, G-6
Everett St, J-4
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F
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Fairview Ave, K-3
Fairway Dr, K-3, L-3
Falcon Dr, M-4
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Federal St, K-5
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Fieldstone Dr, S-5, C-5
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First St, J-5
Fisher St, K-5
Flanders Ct, J-4
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Florence St, L-4, J-4
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Foxboro Dr, L-6, L-7
Frances Dr, J-5
Freedom Dr, G-5
Freeman Ct, J-4
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Freshet Rd, L-10, M-10
Friesian Dr, J-6

G
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Garden Ln, N-7, N-8, O-7, O-8
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Gulf Rd, K-3, L-2, L-3, M-2, N-1, N-2, O-1
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H
Hale St, K-3
Hall St, H-3
Ham St, J-4
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Hampshire Cir, H-6
Hancock St, J-4, K-4
Hanson St, K-5
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Heitman Ave, I-4
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Hickory Ln, M-9
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Hillside Dr, H-4
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Hooper Dr, S-3
Horne St, I-4, I-5
Hotel Dr, F-3, F-4
Hough St, I-4, I-5, J-4
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I
Independence Dr, O-5, O-6
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Industrial Park Rd, I-8, J-8
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Iona Ave, I-6
Ironwood Ln, D-6
Isaac Lucas Cir, P-4, P-5
Ivans Ln, P-6

J
Jackson Brook Ter, C-7
Jacqueline Dr, N-5
Jay Dr, L-6, L-7
Jefferson Dr, I-3, I-4
Jenness St, L-6
Julia Dr, N-5
Juniper Dr, M-7

K
Karen's Way, C-4
Katie Ln, N-7
Keating Ave, L-6, M-6
Kelly Dr, L-7, M-7
Kennedy Dr, M-6
Kent Ave, M-6
Kirkland St, K-6
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L
Labrador Ln, C-5, D-5
Lake St, F-3
Lakeview Dr, F-3
Lancaster St, L-6
Landing Way, R-7, S-6, S-7
Lang Rd, L-7
Leathers Ln, N-7
Leighton Rd, V-9
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M
Madelyn Dr, N-5
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O
Oak Hill Dr, H-4
Oak St, I-3, I-4, J-3, K-3
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Parker St, K-6
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Scenic Dr, J-5
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T
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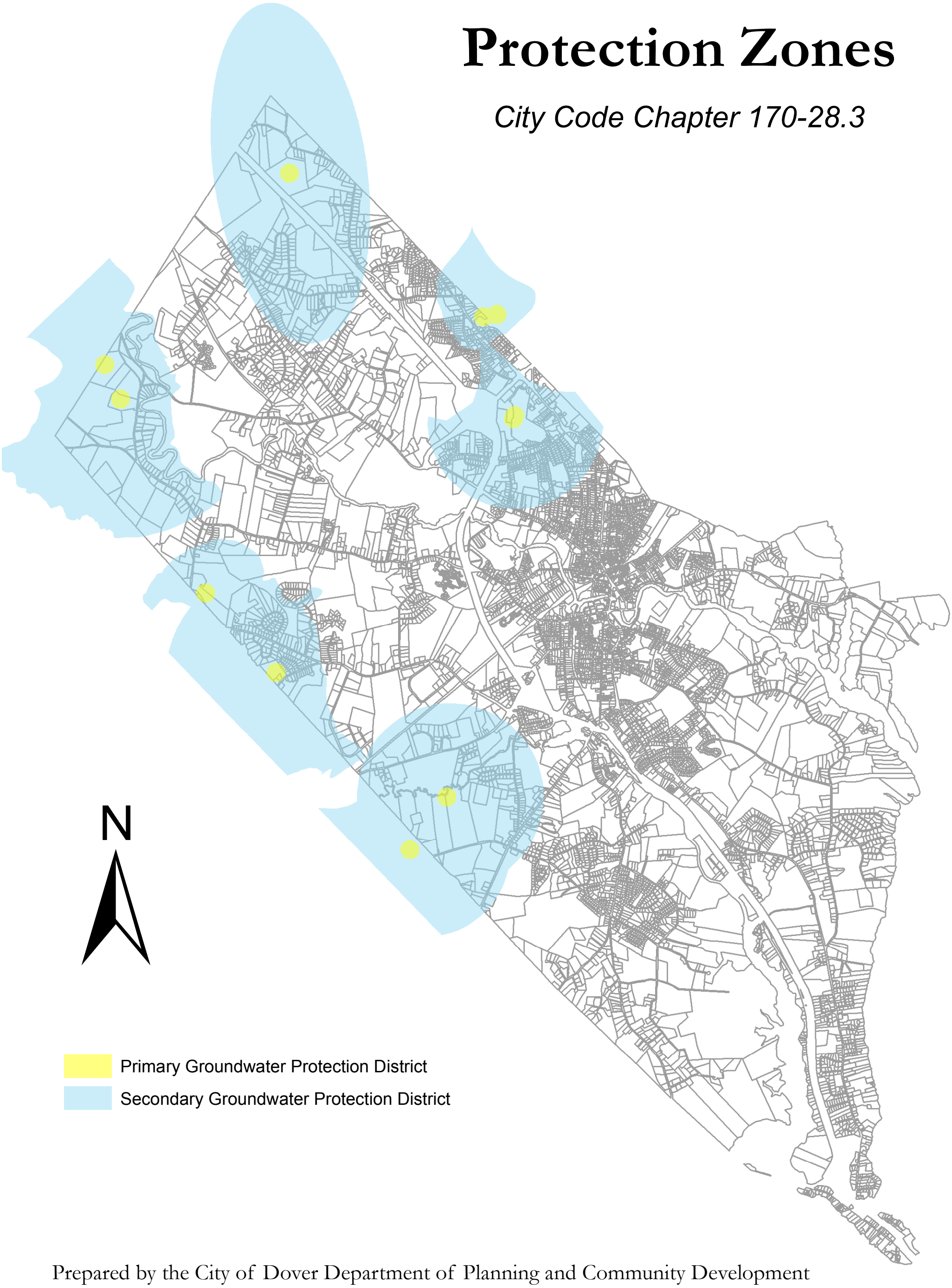
Y
Young St, K-5

Z
Zeland Dr, K-8

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Groundwater Protection Zones

City Code Chapter 170-28.3



Prepared by the City of Dover Department of Planning and Community Development

April 15, 2015

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall, 288 Central Ave, Dover, NH.
Meeting Date:	**Tuesday, August 27, 2024**
Meeting Time:	**7:00 pm**

Members Present: Gina Cruikshank (Chair), Mark Speidel (Vice-Chair), Ken Mavrogeorge, George DeBoer, Melina Gambino, Fergus Cullen (Councilor), Kyle Pimental
Members Not Present (excused): Erinn Kaspari, Tom Clark, Jeff Sanborn (Alternate), Mallory Strange (Alternate)
Staff Present: Donna Benton, Planning Director, David Carpenter, Community Development Planner, Erin Bassegio, Assistant City Planner/Outreach Coordinator

Gina Cruikshank (Chair) called the meeting to order at 7:01p.m. and clarified the items on the agenda.

1. CITIZENS' FORUM

Citizens Forum Open
No one spoke
Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- July 23, 2024 Regular Meeting Minutes

Motion F. Cullen moved to approve the regular meeting minutes of July 23, 2024 as submitted. Seconded by: M. Gambino. Vote: U/A

3. OLD BUSINESS

A. Public hearing and possible recommendation of amendments to Chapter 170, entitled "Zoning" of the code of the City of Dover. Amendments include updating terms, and titles, as well as revising numbering and formatting. The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under Planning Board meeting materials.*

D. Benton explained that the proposed amendments to Chapter 170 were posted following Board approval on July 23 and the Board can now hold a public hearing for feedback and recommend the amendments for approval to the City Council. Chapter 170 is the final chapter of the code to be digitized. D. Benton outlined 3 minor edits to the R-20 table she recommends the Planning Board recommend be amended which included:

-Conversion to 2 family" should refer to footnote [6], but it references [5].
-"Dwelling, Two-Family" should reference footnote [7], but it shows [6].
- "Dwelling, 3-4 Fam" should reference footnote [7], not [6].

Public hearing opened.
No one spoke
Public hearing closed.

Board members discussed suggested edits, comments and questions.

Motion: M. Speidel moved to recommend for City Council approval the amendments to Chapter 170, entitled "Zoning" of the code of the City of Dover with staff and board member recommended edits. Seconded by G. DeBoer. Vote: U/A

4. NEW BUSINESS

A. Public Hearing of the draft substantial amendments to the FY23 and FY24 CDBG Annual Action Plans. All persons wishing to speak on the proposed substantial amendments are urged to attend. *

D. Benton explained that the City is proposing to amend the FY23 and FY24 Action Plans to reallocate available Community Development Block Grant funds.

Community Development Planner Dave Carpenter explained the proposed substantial amendments and recommended actions for funding and the background and reasoning for them.

M. Speidel asked some clarifying questions about the current amount of funds.

Public hearing opened.
Bob Arnold and Jamie Swan, Community Action shared details about each of the projects for which they have applied for funding at each of their sites.

D. Carpenter answered some follow-up questions from the board.

Susan Ford, My Friends Place has submitted four applications for review and explained the projects.

D. Carpenter further explained and clarified his request in front of the board tonight regarding the projects for approval and the funding amounts.
Public hearing closed.

D. Carpenter addressed board and staff questions.

Motion: M. Speidel moved to recommend for City Council approval the draft substantial amendments to the FY23 and FY24 CDBG Annual Action Plans per the staff recommendations with changes to My Friends Place allocation from $20,000 to $36,000 in FY23 and increase the FY23 overall pool by $16,000. Seconded by G. DeBoer. Vote: U/A

B. Consideration and acceptance of a Lot Line Adjustment for Shawn L. Arkwell & Drew Family Revocable Trust, Assessor's Map F, Lots 6 and 8, zoned R-40, located at 258 Tolend Road and Tolend Road. *(LOTA-2024-0010)

D. Benton explained that the applicant is proposing a lot line adjustment to revise the lot lines between abutting properties, located at 258 Tolend Rd., Map F, Lot 6, and an abutting vacant parcel on Tolend Road, Map F, Lot 8, adding approximately 30,354 sf. from the vacant parcel to the 258 Tolend Rd. For both lots, the frontage and compliance with the underlying R-12 zoning regulations will remain the same.

As a Lot Line Adjustment, this application did not appear before the TRC.

Michael Menary, CivilWorks represented the application and explained the request.

Motion: M. Gambino moved to accept the application and declared no regional impact. Seconded by: F. Cullen**.** Vote: U/A

Public hearing opened.
An email from Tracey Lauder, 250 Tolend Rd was read into the record.
Public hearing closed.

STAFF RECOMMENDATION- Lot Line Adjustment:
Chapter 157-17 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

Subsequent Conditions to Be Met Prior to Signing of Plans:

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
   a. Planning File Number #LOTA-2024-0010
   b. The owners' signatures (both properties)
   c. The LLS stamp and signature
   d. Minimum building setbacks or build-to lines on all lots

Motion: M. Gambino moved to approve the Lot Line Adjustment with conditions detailed by staff. Seconded by F. Cullen. Vote: U/A

The Chair announced Items 4C & D would be heard together.

C. Consideration and acceptance of a Conditional Use Permit for Andrew Koellmer & Natalie A. Hoginski, Assessor's Map L, Lot 14-L, zoned R-20, located at 59 Spur Road. (Proposal is to construct an addition to a residential home, creating 256 square feet of permanent impact to the Conservation District). *(COND-2024-0021)

D. Consideration and acceptance of a Lot Line Adjustment for Andrew Koellmer & Natalie A. Hoginski and Natalie Koellmer, Assessor's Map L, Lots 14-P and 14-L, zoned R-20, located at 3 & 59 Spur Road. *(LOTA-2024-0008)

D. Benton explained that the applicant is proposing an addition to the existing structure on the subject property. The proposed project is limited to the addition which will create approximately 256 square feet of permanent impact to the Conservation District.

The applicant has also applied for a NHDES Minimum Expedited Wetlands Permit as the proposed project is within the 100' Tidal Buffer and is in conformance with "Minimum Impact Projects."

The Conservation Commission reviewed and endorsed the application at their August 12, 2024 meeting.

The applicant is also submitting a proposed lot line revision to revise the lines between two parcels they own, one of which is located at 3 Spur Rd., Map L, Lot 14-P, and the other at 59 Spur Rd., Map L, Lot 14-L, with the intent of adding approximately 3,500 square feet from 3 Spur Rd. to 59 Spur Rd. For both lots, the frontage and compliance with the underlying R-20 zoning regulations will remain the same.

Michael Menary, CivilWorks represented the application and explained the request.

Motion: G. DeBoer moved to accept both applications and declared no regional impact. Seconded by: F. Cullen**.** Vote: U/A

Public hearing opened.

An email from Bevan Bloemendaal, 53 Spur Rd and Anthony Jackson, 55 Spur Rd was read into the record.
Public hearing closed.

STAFF RECOMMENDATION: Conditional Use Permit
The Conservation District ordinance §170.27.C provides for Conditional Use Permits to allow impacts to the Conservation District if standards related to demonstration that the use is essential to the productive use of land, a soil erosion and sedimentation control plan is submitted, state and federal approvals have been applied for, and a written review by the Conservation Commission has been sought.

Planning Staff feels that the applicant considered and met all of the criteria as specified in §170.27.C per their narrative. The impacts created by the proposed project will be limited to the square footage of the addition. The project does not involve any impacts to wetlands and a NH Natural Heritage Bureau (NHB) review was conducted that resulted in no record of any habitats or endangered wildlife. The applicant has also submitted a NHDES Minimum Expedited Wetlands Permit for the project which has been reviewed and endorsed by the Conservation Commission.

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and to approve the Conditional Use Permit with the following subsequent conditions, as the plans meet the standards outlined:

Subsequent Conditions to Be Met Prior to Issuance of a Conditional Use Permit:
1. Approval of LOTA-2024-0008;
2. Copies of the NHDES Minimum Expedited Wetlands Permit submitted to the Planning Department.
3. Outstanding application fees are paid.

Motion M. Speidel moved to approve the Conditional Use Permit with the subsequent conditions. Seconded by M. Gambino. Vote: U/A

STAFF RECOMMENDATION- Lot Line Adjustment:
Chapter 157-17 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

Subsequent Conditions to Be Met Prior to Signing of Plans:
1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
    a. Planning File Number #LOTA-2024-0008
    b. The owner's signatures
    c. The LLS stamp and signature

Motion: M. Speidel moved to approve the Lot Line Adjustment with conditions detailed by staff. Seconded by G. DeBoer. Vote: U/A

E. Consideration and acceptance of a Conditional Use Permit for Edward John Williams III & Lydia N. Williams, Assessor's Map L, Lot 44, zoned R-20, located at 167 Spur Road. (Proposal is for 6,114 s.f. of total disturbance within the Conservation District for the re-development of the residential lot). *(COND-2024-0022)

D. Benton explained that the applicant is proposing to redevelop an existing lot which would create approximately 2,798 square feet of permanent impact and approximately 3,316 square feet of temporary construction impact to the previously developed 100' Tidal Buffer Zone. The proposed work would include the demolition of the existing residential structure, construction of a new home, re-configuration of the existing driveway, patio, deck, grading, utility connections, and associated landscaping.

The Conservation Commission reviewed and endorsed the application at their August 12, 2024 meeting.

Steve Riker, Hayley Ward, represented the application and explained the request. DES accepted the application as complete and it is under their review. He further addressed stormwater, pervious pavers and impervious surfaces.
He addressed questions from the board regarding the pavers and their maintenance, easement, vulnerability assessment, and conservation district and wetland buffers.

Motion: M. Speidel moved to accept the application and declared no regional impact. Seconded by: K. Mavrogeorge**.** Vote: U/A

Public hearing opened.
Ray Bardwell, 199 Spur Rd is concerned about the lack of sewage disposal systems along that road. There is nothing yet in writing, though the owner has agreed verbally to sign a contract for use of the system he designed for the road which is in the deed and will transfer. He gave additional information about the abutting property and the water issues there. He doesn't see a leach field on the plans, would like the owner to sign the contract or even better, hook up to City sewer if it is an option.

Chris Leveck, the Builder, clarified the owner is willing and desires to tie into Mr. Bardwell's system.

Deena Mottola 171 Spur Rd had questions about the proposal including: footprint of house and water/drainage and the effects on abutters.

Mr. Riker addressed public comment: yes, the proposed footprint is larger than the existing footprint; water, sea-level rise and stormwater plans.
Additional clarifications and discussion were made about the impervious surface percentages before and after and what items they include, setback difference before and after, non-mowed buffer area and delineation, private sewer line tie in, ground water rise, footprint/ square footage and size of proposed project.
Public hearing closed.

STAFF RECOMMENDATION: Conditional Use Permit

The Conservation District ordinance §170.27.C provides for Conditional Use Permits to allow impacts to the Conservation District if standards related to demonstration that the use is essential to the productive use of land, a soil erosion and sedimentation control plan is submitted, state and federal approvals have been applied for, and a written review by the Conservation Commission has been sought.

Planning Staff feels that the applicant considered and met all of the criteria as specified in §170.27.C per their narrative.

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and to approve the Conditional Use Permit with the following subsequent conditions, as the plans meet the standards outlined:

Subsequent Conditions to Be Met Prior to Issuance of a Conditional Use Permit:

1. Copies of the approved NHDES Standard Dredge and Fill Wetlands Permit shall be submitted to the Planning Department.
2. Stormwater management plan be submitted and approved by the City Engineer.
3. Provide revised plan for Planning Board Chair signature that indicates porous pavers for driveway to Spur Rd and patio, update impervious surface area table, and wetland placards be shown every 25' from edge of river to closest point of building, along edges of the delineated wetland.

Motion M. Gambino moved to approve the Conditional Use Permit with the subsequent conditions. Seconded by K. Mavrogeorge. Vote: U/A

The Chair announced Items 4F & G would be heard together.

F. Consideration and acceptance of a Conditional Use Permit for Heath J. Todd Revocable Trust, Assessor's Map M, Lot 104, zoned R-40, located at Back Road. (Proposal is to create an access drive to the developable portion of the lot where a single home and accessory structures are to be built, permanently impacting 8,880 square feet of wetlands and 29,176 square feet of the 50-foot wetland buffer. There are also 151 square feet of temporary impact to wetlands). *(COND-2024-0023)

G. Consideration and acceptance of a Conditional Use Permit for Heath J. Todd Revocable Trust, Assessor's Map M, Lot 104, zoned R-40, located at Back Road. (Proposal is to have 1,110 square feet of permanent impact and 73 square feet of temporary impact are proposed to the Conservation District associated with a patio path, patio and access to a proposed tidal docking structure). *(COND-2024-0027)

D. Benton explained that the applicant is proposing to construct a driveway from Back Road to the developable portion of the subject parcel and to construct a patio, patio path, and access to a proposed tidal docking structure.

The proposed driveway will primarily be constructed on a 20'-wide strip of the subject parcel and total approximately 3,440± linear feet. The driveway is proposed to be gravel except for 40± linear feet leading to the proposed residence, which will be paved.

The proposed driveway will create 8,880± square feet of permanent impacts to wetlands and 29,176± square feet of permanent impacts to the 50-foot wetland buffer. There are also 151± square feet of temporary impact to wetlands.

The proposed accessory structure and access paths will create 1,110± square feet of permanent impact to the Conservation District. There are also 73± square feet of temporary impact.

The Conservation Commission reviewed and endorsed the applications at their August 12, 2024 meeting. One of the conditions for approval is that the item go before TRC for stormwater review.

Mike Parsont, Stable Growth Environmental represented the application explaining he is the wetlands scientist and permits have been submitted to DES. He explained the proposal in detail and noted they did get letters of consent from two of the three abutters. They have put in the waiver request to address the other abutter. He addressed the eight wetland crossings – six are currently highly disturbed and are in an area they don't control. One of the six is a utility easement in place. He addressed the two crossings and the buffer zones on the property.

M. Parsont and John Warden, Beals Associates addressed board questions including: driveway width, grading and not enough documentation provided (cross sections) to support the driveway and grading plan, driveway material, culvert materials, fire access, sewer and water plan/ fire suppression, storm water systems/infiltration ponds and impervious surfaces leading to them, Alteration of Terrain permit and information to be provided for it, abutter easement idea, impacts by previous owners being restored.

Board members discussed whether the best action is to table the item until it has gone through TRC, or vote tonight on the CUP and make TRC and NH DES approvals conditions of approval.

Motion: G. DeBoer moved to table the application for TRC review. Seconded by: K. Mavrogeorge**.** Vote: 6-1 in favor with F. Cullen opposed.

D. Benton clarified since it wasn't tabled to a date certain, new abutters notices will be mailed before the Planning Board hears the item again.

H. Consideration and acceptance of a Conditional Use Permit for 17-19 Summer Street Properties, LLC, Assessor's Map 12, Lot 35-1, zoned HR, located at Locust Street. (Proposal is to build a 2,400 s.f four (4) unit building in the Heritage District.) *(COND-2024-0020)

I. Consideration and acceptance of a Site Review for 17-19 Summer Street Properties, LLC, Assessor's Map 12, Lot 35-1, zoned HR, located at Locust Street. (Proposal is to build a 2,400 s.f. residential building consisting of (4) four, (2) two bedroom units, improved driveway access, parking, utilities and drainage improvements.) *(SITE-2024-0003)

The Vice Chair announced Items 4H and I have been requested to be continued.

Motion: M. Speidel moved to continue the items to October 8, 2024. Seconded by: K. Mavrogeorge. Vote: U/A

J. ~~Consideration and acceptance of an Amendment to a Site Plan for Wooden Ruler Realty, LLC, Assessor's Map 6, Lot 40, zoned CBD-G, located at 42-44 Third Street. (Proposal is to modify the building design and amend conditions of approval, numbers 13 and 19 in regards to parking). *(WAIV-2024-0012)~~ This item will not be heard.

K. Consideration and acceptance of a Site Review for Berry Surveying & Engineering (Owners: Pillar Imaging, LLC), Assessor's Map 31, Lot 11, zoned CBD-T, located at 1 Grove Street. (Proposal is for the construction of a 25-space parking lot.) *(SITE-2024-0007)

D. Benton explained that the applicant is proposing the construction of a 25-space parking lot on the subject parcel. Hampshire Controls Corp. occupies the building on the parcel. Hampshire Controls Corp. is proposing to expand the number of employees working from the facility, the existing operation employs 8

people, with an expansion to 25 employees desired. The available parking has been determined as not adequate for current and future operations.
As part of the project, the current gravel parking area on the north side of the building will be replaced with a sidewalk and landscaping.

Five waivers are also being proposed requesting relief from submission requirements and design elements.

The Technical Review Committee reviewed the application at their July 28, 2024 meeting.

Kevin Poulin, Berry Surveying and Engineering represented the application and highlighted the request and each of the waivers.

Motion: M. Speidel moved to accept the application and declared no regional impact. Seconded by: K. Mavrogeorge**.** Vote: U/A

Public hearing opened.
No one spoke
Public hearing closed.

STAFF RECOMMENDATION - Waivers/Relief:
§153-21 of the Site Plan Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

Planning Staff believes the applicant's rationale for the waivers meets criterion (1) and waiving such standards and requirements is not contrary to the spirit or intent of the ordinance.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to grant the waivers with the following subsequent condition:

Subsequent Condition to be Met Prior to the Signing of the Plans:

1. Add a note that the Planning Board found the criteria of Chapter 153-21 have been met and the Board approved the following waivers:
   §153-14A(3)(f)[2], submission of a Site-Specific Soils Map.
   §153-14D(6)(b), minimum two-way parking lot aisle access width of 24'. §153-14G(2)(a), interior landscaping of 5% for a parking lot of 21-50 spaces.
   §153-14G(3)(a), perimeter landscaping with trees 35 ft. on center, shrubs with 5 ft. on center.
   §157-40B(5), three-foot minimum pipe cover.

Motion: M. Speidel moved to grant the waiver requests with subsequent condition set by staff as strict conformity would pose an unnecessary hardship. Seconded by: F. Cullen. Vote: U/A

STAFF RECOMMENDATION- Site Plan:
The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to approve the Site Plan with the following subsequent conditions:

Subsequent Conditions to Be Met Prior to Signing of the Plans:

1. Submit final plans (including CAD) with owner's signature and all professional stamps and signatures.
2. Pest control specialist review the site and determine in writing to the Planning Department if a pest control plan is necessary.

Subsequent Conditions to Be Met Prior to Construction:

3. A site construction sign with the contact information for the general contractor must be displayed in a location approved by the City Engineer or Planning Director;
4. If pest control plan is necessary, it shall comply with Chapter 153-10.G.

Subsequent Conditions to Be Met Prior to Completion:

5. Payment of Water and Sewer Investment Fees if applicable at time or request of service.
6. Issuance of Certificate of Completion;
7. Payment of Impact Fees as noted in the invoice attached to the Decision Letter unless a change is made to the impact fee policy; and
8. Surety or other form of security acceptable to the City is provided for any unfinished work.
9. Design engineer to submit a construction certification letter to the City ensuring construction was completed in accordance with the plans and specifications approved by the City of Dover.
10. Cross access, utility and drainage easements recorded at Strafford County Registry of Deeds.
11. Roof drains disconnected from sewer.

Motion: M. Gambino moved to approve the Site Plan with subsequent conditions set by staff as it meets criteria. Seconded by: F. Cullen. Vote: U/A

L. Discussion of Impact Fees. *

D. Benton reviewed the discussions that the Planning Board has had on the topic of Impact Fees and staff considerations following the 2024 analysis that was completed on the City of Dover's Impact Fees. Three courses of action were explained for the Board to consider for the next steps.

• Option 1:
The Board may choose to receive the draft impact fee memo from Fougere Planning but not necessarily accept the findings, therefore leaving the impact fee ordinance and policy status quo.

• Option 2:
The Board may choose to revise impact fee levels to the suggested amounts per the draft report/study. Statutorily, the Planning Board is the entity to set the impact fee amounts, thus it has the authority to make these changes It should be noted, that the revenue derived from the adjusted impact fees would be less than the costs for administering the program.

• Option 3:
The Board may choose to vote to recommend that the City Council amend the Zoning Ordinance to remove the collection of impact fees. This option may help towards the City's recently adopted Vision including more attainable housing as well as the City Council's goals of attainable housing. This option also lessens the burden of staff to educate, calculate, invoice, collect, spend, and analyze impact fees. Should the Board choose to direct effort towards Option 3, then staff will provide potential amendments to the Ordinance for the Planning Board to review and post similar to other Zoning Amendments, hold a public hearing, and then recommend potential amendments to City Council. The Planning Board could decide on a transition policy

including effective date and affected parties to help ensure this change is as fair as possible to recently approved/invoiced developments.

Discussion and clarification occurred on the amount of funds brought in through impact fees (various methods) and the amount of funds spent managing the impact fees. Also discussed were the varying methods researched to determine the fee structure.

Discussion occurred about how impact fees affect approved housing projects and whether to abandon all impact fees or continue them when and where it makes sense and at the Planning Board's discretion and how that might logistically work. Varying opinions and examples given by all board members.

Continued discussion on timeline and logistics of specific project-based improvements to the City rather than generic impact fees- conversations should start at TRC level/ become part of staff recommendations at Planning Board level.

Public hearing opened.
Email from Todd Baker was received as has already been discussed during board discussion.
Public hearing closed.

D. Benton noted staff can draft some zoning amendments to bring back to the board for review and posting. Other requests include more details about what option 3 will look like and if zeroing out the impact fee will cause a deficit.

Continued discussion occurred about the options the Board can take and the benefits and drawbacks for each.

Discussion occurred about how to collect needs for Police, Fire, etc. as part of TRC, what could be requested, and what should or shouldn't be requested.

Request made for staff to draft 1 amendment relating to option 1 and 1 amendment relating to option 2.

There was general consensus to see draft amendment language for option 3 and as well as an option for a moratorium on impact fees.

5. STAFF COMMENTS

- TRCs since last meeting:
    - (August 1st) TDR Site Review for Brian Slovenski, Assessor's Map L, Lot 111, zoned R-20, located at 306 Dover Point Road. (Proposal is to construct 2 duplexes and a single-family dwelling). SITE-2024-0008
    - (August 8th) TDR Site Review for Dover Development, LLC 80%, Robert V. Paolini, 20%, Assessor's Map 40 Lot 25, zoned C, located at 52 Old Rochester Road. (Proposal is to construct two (2) residential buildings with a total of 48, one (1) bedroom units, and 87 parking spaces. One (1) related Conditional Use Permit application and Transfer of Development Rights Request would also appear before the Planning Board). (SITE-2024-0009)
- Upcoming TRCs:
    - (August 29th) Site Review for Del Sol Dover, LLC Assessor's Map G Lot 2-1-2, zoned CM, located at Crosby Road. (Proposal is to construct one (1) 9,600 s.f. warehouse building with

associated parking and infrastructure and an 807' paved extension of Crosby Road). (SITE-2024-0010)
    - (August 29th) Site Review for Chauvin Arnoux, Inc., Assessor's Map G, Lot 1-L, zoned CM, located at 15 Faraday Drive. (Proposal is to construct one (1) 2,356 s.f. storage building). (SITE-2024-0011)
- Next Planning Board meeting 9/24/24 – cancelling the 9/10/24 meeting

6. MEMBER COMMENTS

- K. Pimental
    - Not here 9/24/24 meeting
- The Chair signed the following:
    - Site Plan Amendment and Development Agreement for McIntosh Dover at 23 Cataract Ave. (158 total units including 78 HUD rent-restricted units)
    - Verizon Tower on Tolend Rd
- M. Speidel
    - Not here 9/24/24
    - Term expires at the 1st meeting in Oct- Board will need a new Vice Chair

7. ADJOURNMENT

Motion: M. Speidel moved to adjourn at 10:33pm. Seconded by K. Mavrogeorge. Vote: U/A

DRAFT

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2024.08.28 - 150**
Resolution Re: FY2025 CIP Appropriation for School Technology Equipment Non-Debt Financed Project

WHEREAS: On December 12, 2012, the City Council established a capital reserve fund titled School Technology Capital Reserve fund for the purpose of acquisition of technology equipment or improvements that has been identified as a project with the City's annual Capital Improvements Program; and

WHEREAS: The School District has identified the need to enhance the technological resources available to staff to improve educational outcomes and operational efficiency; and the School Board recognizes the critical importance of maintaining up-to-date technology equipment for staff to support the instructional and administrative needs of the district; and

WHEREAS: At their August 19, 2024 meeting, the Dover School Board adopted a resolution to seek approval from the City Council for an appropriation of $621,075.00 for School Technology Equipment and the project to be financed by a transfer from the School Technology Capital Reserve; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The following capital outlay is appropriated as part of the FY2025 Capital Improvements Program for the purpose of School Technology Equipment, so designated, and the Finance Director is authorized to transfer the funds from the respective Reserve Funds in the amounts listed.

		Proposed			
Item #	Description	Appropriation	Funding	Department	Fund
1	Technology Equipment	$621,075	School Technology Capital Reserve	School Department	Trust
	Total	$621,075			

NOTE: This Resolution Requires a Public Hearing and Vote of 2/3 Majority of members of the City Council per C6-6 of the City Charter.

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: Jerrica Vansylyvong-Bizier, City Clerk

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2024.08.28 - 150**
Resolution Re: FY2025 CIP Appropriation for School Technology Equipment Non-Debt Financed Project

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 S. April Ritcher, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2024.08.28 - 150**
Resolution Re: FY2025 CIP Appropriation for School Technology Equipment Non-Debt Financed Project

RESOLUTION BACKGROUND MATERIAL:
This resolution makes an appropriation for a FY2025 Capital Improvements Program project in the amount of Six Hundred Twenty-One Thousand Seventy-Five dollars ($621,075.00) for School Technology Equipment.

The School Technology Department has developed a comprehensive capital improvement plan that includes the acquisition of new laptops for staff members to replace outdated equipment.

Funds are available in the School Technology Capital Reserve Fund specifically designated for such capital improvements.

The following table reflects the amount to be appropriated from the School Technology capital reserve and the available balance as of 6/30/2024:

Description	Proposed Appropriation	Balance 6/30/2024
Trust Reserve Funds CIP		
School Technology Capital Reserve	$621,075	$1,190,280
Totals	$621,075	

Over the last four years, the Dover School District has purposefully accumulated $1,190,280 in the School Technology Capital Reserve Fund to intentionally lessen the impact of aggressively adopting a 1:1 student and staff device program. These funds were required to develop and maintain a fiscally responsible replacement cycle for the 4,685 laptops that were purchased and leased with Federal Funds during the COVID pandemic. Working with the technology department we have made a point to keep the costs associated with financing these devices as low as possible while having little to no impact on the school district's annual budget cycle. The chart on the following page demonstrates the school district's plan to move forward at a lower annual cost than prior years 2020 to 2024.

At their August 19, 2024 meeting, the Dover School Board adopted a resolution to seek approval from the City Council for an appropriation of $621,075.00 for School Technology Equipment and the project to be financed by a transfer from the School Technology Capital Reserve.

RESOLUTION

RE: FY2024-2025 CAPITAL IMPROVEMENT PROGRAM APPOPRIATION REQUEST

WHEREAS, on December 12, 2012, the Dover City Council established a capital reserve fund titled School Technology Capital Reserve fund for the purpose of acquisition of technology equipment or improvement that has been identified as a project with the City's annual Capital Improvements Program; and

WHEREAS, the Dover School District has identified the need to enhance the technological resources available to staff to improve educational outcomes and operational efficiency;

WHEREAS, the School Board recognizes the critical importance of maintaining up-to-date technology equipment for staff to support the instructional and administrative needs of the district;

WHEREAS, the Technology Department has developed a comprehensive capital improvement plan that includes the acquisition of new laptops for staff members to replace outdated equipment;

WHEREAS, funds are available in the School Technology Capital Reserve Fund specifically designated for such capital improvements;

WHEREAS, the lease for the District's staff laptops is set to expire on December, 31st, 2024.

NOW, THEREFORE, BE IT RESOLVED THAT HEREIN IS A FORMAL REQUEST FROM THE DOVER SCHOOL BOARD TO THE MAYOR AND DOVER CITY COUNCIL THAT:

The following capital outlays are appropriated as part of the FY2025 Capital Improvements Program for the purposes so designated and the Finance Director is authorized to transfer the funds from the respective Reserve Funds in the amounts listed.

Item #	Description	Proposed Appropriation	Funding	Department	Fund
1	Technology Equipment	$621,075	School Technology Capital Reserve	School Department	Trust
	Total	$621,075			

SUBMITTED BY:

Robin Trefethen, Chairperson

Carolyn Mebert, Vice Chairperson

Michelle Clancy, Secretary

Maggie Fogarty

Elizabeth Goldman

Micaela Demeter

Craig Flynn

August 19, 2024

Resolution Background:

Over the last four years, the Dover School District has purposefully accumulated $1,190,280 in the School Technology Capital Reserve Fund to intentionally lessen the impact of aggressively adopting a 1:1 student and staff device program. These funds were required to develop and maintain a fiscally responsible replacement cycle for the 4,685 laptops that were purchased and leased with Federal Funds during the COVID pandemic. Working with the technology department we have made a point to keep the costs associated with financing these devices as low as possible while having little to no impact on the District's annual budget cycle. The chart on the following page demonstrates the District's plan to move forward at a lower annual cost than prior years 2020 to 2024.

Student Devices	4-Year Cycle		TRANSITION YEAR	4-Year Replacement Cycle			
	Purchase 12/2020	Lease 12/2020	Purchase 1/2023	Purchase 7/2024	Purchase 7/2025	Purchase 7/2026	Purchase 7/2027
Tablets	GR K 300						
Chromebooks	GR 1-8 2,250		GR 1,5,9, CTC 1,025	GR 1,5,9, CTC 900	GR 1,5,9, CTC 850	GR 1,5,9, CTC 850	GR 1,5,9, CTC 850
Laptops		GR 9-12 1,500					
Device Tot:	2,550	1,500	1,025	900	850	850	850
Acquisition Cost:	$ 883,800.00		$458,550.00	$ 387,000.00	$ 365,500.00	$ 365,500.00	$ 365,500.00
Annual Payment:							
Staff Devices							
		Lease 12/2020	Purchase 1/2023	Purchase 7/2024	Purchase 7/2024	Purchase 7/2024	Purchase 7/2024
Laptops		All Staff 635	4	625			
Device Tot:		2,135	4	625			
Acquisition Cost:		$1,752,835.00	$ 4,040.00	$ 621,075.00			
Annual Payment:		$ 431,640.00		$ -		$ -	
4 Yr. Cost Total		$1,726,560.00		$ -		$ -	
$ DIFF		$ 26,275.00		$ -		$ -	
	Student Devices	4,050	Student Devices 1,025			Student Devices	4,475
	Staff Devices	635	Staff Devices 4			Staff Devices	629
	Total Devices	4,685	Total Devices 1,029			Total Devices	5,104
	Acquisition Cost	$2,636,635.00	Acquisition Cost 458,550			Acquisition Cost	$2,567,165.00
	Cost Per Year - 4 Years	$ 659,158.75				Cost per year - 5 Years	$ 513,433.00

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

CITY OF DOVER

Resolution Number: **R – 2024.09.11 - 152**
Resolution Re: B25012 Fire Inspection Services

WHEREAS: A Sealed (RFP) Request for Proposal # B25012 was issued and received for Fire Inspection Services for the City and School Departments on August 21, 2024 at 2:00 pm. A pre-bid meeting was conducted on August 8th, 2024 with two vendors attending Requested were hourly rates and product costs for as needed repairs and equipment items outside inspection services; and

WHEREAS: The City received two responses and the evaluating team made of city and school personnel is recommending to award to Minuteman Security & Life Safety. This vendor has history with the city and schools for these services and has submitted the proposal and costs deemed most advantageous to the City and School. The RFP requested one-year agreement with the option to renew for two additional one-year terms contingent upon funding and vendor satisfaction. Anticipated annual costs may exceed $25,000 threshold for FY25, thereby requiring council approval.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The Purchasing Agent is hereby authorized to issue a Purchase Orders to Minuteman Security & Life Safety of Manchester, NH for Fire Inspection Services at updated rates provided in conjunction with B25012. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
xxxx.x.xxxxx.4431.xxxxx.xx	Various Departments BLDG Maint	493,491.92	296,960.48

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

Sponsored by: Mayor Robert Carrier, By Request

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R – 2024.09.11 - 152**
Resolution Re: B25012 Fire Inspection Services

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 S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R – 2024.09.11 - 152**
Resolution Re: B25012 Fire Inspection Services

RESOLUTION BACKGROUND MATERIAL:

The City of Dover/Dover Schools requested pricing and availability of fire protection systems' inspection services, as well as the cost for as needed repairs and equipment items outside inspection services. All fire alarm system testing services shall be accomplished as required by National Fire Alarm Code (NFPA 72, Chapter 7), all sprinkler inspection services in accordance with NFPA 13 and NFPA 25, all kitchen hood suppression systems in accordance with NFPA 96 & 17A and manufacturer recommendations and any local and state fire codes to ensure code compliance and operating fire protection systems. In addition, the contractor shall be responsible to clean all smoke detectors as required by NFPA 72. All fire extinguisher unit testing services shall be accomplished as required by NFPA 10 portable fire extinguishers. All carbon monoxide system testing services shall be accomplished as required NFP 720. Lastly, all extinguishers will have a "Hydrostatic Test" every 12 years as required by NFPA 10.

Bid Information:

A Sealed Request for Bid B5012 was issued and received for Fire Inspection Services for the City and School Departments on August 21, 2024 at 2:00 pm.

Award Information:

A purchase order will be issued to the vendor selected to authorize expenditures as outlined in this resolution.

Purchasing Information:

Type:	Purchase Order	**Advertised:**	Yes
Invitations Mailed:	165	**Number of Responses:**	2
Warranty:	Per manufacturer	**Terms:**	Net 30, FOB Dover
Work Bonded:	No	**Contract:**	Yes
Prices will hold for:	One year	**Estimated Delivery:**	As needed
Recommended Award to:	Minuteman Security & Life Safety	**Fund:**	GF
Other Approvals Required:	No	**References Checked:**	Satisfactory
Previously Worked for City:	Yes	**Reason for Council Approval:**	Purchase to exceed the $25,000 amount requiring Council approval subsequent to a bid solicitation

B25012 Bid Documents and Vendor List

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R -2024.09.11 - 153**
Resolution Re: Approval of Lease Agreement with Community Solutions, Inc.

WHEREAS: Community Solutions, Inc., a non-profit corporation, seeks to enter into a three (3) year lease agreement, with the option to renew for two (2) additional three (3) year terms, with the City of Dover regarding the operation of a program to facilitate life skills, enhance responsible citizenship, and increase overall well-being; and

WHEREAS: The location of the leased premises would be Room 321 at the McConnell Center, which together contain 683 square feet; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL:

The City Manager is authorized to finalize and sign a lease agreement between the City of Dover and Community Solutions, Inc. for rental of Room 321, for three years with the option to renew for two additional three-year terms.

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:	Jerrica Vansylyvong-Bizier City Clerk		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R -2024.09.11 - 153**
Resolution Re: Approval of Lease Agreement with Community Solutions, Inc.

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 S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

See draft Lease Agreement between the parties. The McConnell Center Advisory Committee is expected to approve this lease at its meeting on September 23, 2024.

CITY OF DOVER

288 CENTRAL AVENUE
DOVER, NH 03820
WWW.DOVER.NH.GOV
603.516.6000

LEASE AGREEMENT

THIS LEASE AGREEMENT made this ____ day of_____, 2024, by and between **COMMUNITY SOLUTIONS, INC.** of 340 West Newberry Road, Bloomfield, CT 06002, a non-profit corporation, (hereinafter referred to as "LESSEE"), and the **CITY OF DOVER**, New Hampshire, of 288 Central Avenue, Dover, County of Strafford and State of New Hampshire 03820 (hereinafter referred to as "LESSOR").

W I T N E S S E T H :

That IN CONSIDERATION of the mutual promises contained herein, and FOR OTHER GOOD AND VALUABLE CONSIDERATION contained herein, the parties agree as follows:

1. Description and Term.

That the LESSOR does hereby demise and lease to the LESSEE the Space within the City's McConnell Center located at 61 Locust Street, Dover, New Hampshire, which Space is intended to contain 683 square feet and more particularly identified as room 321 (the "Space").

In conjunction with the use of the Space, LESSEE shall have the right to use available parking in the McConnell Center/Library parking lot for LESSEE' employees in the adjacent City Parking lot to the rear of the Public Library during LESSEE's normal operations, subject to applicable law and regulations. Additionally, parking spaces may be available on streets adjacent to the McConnell Center. It is agreed parking spaces will not be reserved and are available on a first come first served basis with no signage designating parking spaces to the LESSEE. The LESSOR does not guarantee the availability of any parking spaces at any time. Parking may be subject to change, amendment, or relocation for good cause at the sole discretion of the City of Dover.

The term of LESSEE's Lease Agreement shall be for three (3) years beginning on September 1, 2024 and ending on August 30, 2027. There shall be an option to renew for two (2) additional three (3) year terms at the LESSEE'S request pursuant to Paragraph 7.

Monthly rent shall be paid the first of each month to the City of Dover. If a term commences on a day other than the 1st of a month, that month's rent shall be prorated based on the number of days in the month. The first year's rent charges are based upon space allocation of 683 square feet and calculated using the following components:

Component	Rate	Assessment Annual	Monthly
Fixed Rent	**$ 6.50**	**$ 4,439.50**	**$ 396.96**
Capital Reserve	**$ 0.40**	**$ 275.20**	**$ 22.77**
Utilities*	$ **8.61**	**$ 5,880.63**	**$ 490.06**
Other as agreed	**$ 0.00**	**$ 0.00**	**$ 0.00**
Total Rent Assessment	**$15.51**	**$10,593.33**	**$ 882.78**

(*) Utilities costs are variable based upon actual costs as outlined in Section 2.

2. Operations and Maintenance.

The LESSEE shall be responsible for payment of all Utilities costs associated with the Space, including electricity, water, gas, heat and shared custodial, snow removal and associated supplies. Utilities costs of this Lease Agreement is established at $8.61/sf and will be paid as part of the monthly total rent invoice. Thereafter these costs shall be revised annually and prorated per square foot based upon the City's proposed operating budget for the coming fiscal year. The total square footage of leased space in the McConnell Center is 53,899 square feet. The annual revision of Utilities costs shall occur in March and take effect the following July 1st.

3. Condition of Premises.

The LESSOR leases the Space "as is". LESSEE shall be solely responsible for all associated costs for desired original and future build-out of the Space; and plans for such build-out must be reviewed for potential approval by LESSOR. LESSEE shall be solely responsible for insuring all improvements and contents of the Space and shall name LESSOR as an additional insured.

LESSOR shall, at its own expense, maintain and keep the building in good structural order and repair including, but not limited to, all partitions, doors, windows, fixtures and equipment. In addition, LESSOR shall, at its own expense, make normal repairs and maintain performance of the leased Space, as needed, including, without limitation, the replacement of broken glass, interior repainting, the repair of floors, and the keeping of windows and doors watertight. LESSOR shall also, at its expense, maintain in good operating condition all plumbing, electrical, heating, sprinkling, air conditioning and other utility systems. All items herein mentioned shall be maintained in as good order and repair as they were at the date of the commencement of the term of this Lease Agreement, reasonable wear and damage by accident, fire or other insured against casualty and covered by said insurance excepted. LESSEE and LESSOR will perform a walk through to evaluate condition of the Space prior to occupancy.

LESSOR agrees to maintain the Space in condition fit for its intended use and to make all necessary repairs of which LESSOR is aware, including adequate heat and water, and a sound physical structure. Furthermore, LESSOR will maintain the grounds and remove the common area rubbish and maintain and keep reasonably free from snow and ice the parking areas, sidewalks and entrances/exits to building.

4. Access to Premises.

The LESSOR shall also have the right to enter upon the Space at all reasonable times to inspect same and to expel the LESSEE if the LESSEE shall fail to comply with or breach in any way this Lease Agreement. The LESSOR shall provide the LESSEE with reasonable notice of any inspections of or visits to the Space.

5. Unavoidable Casualty and Eminent Domain.

In the event of an unavoidable casualty, including fire, not arising as a result of the negligence or intentional conduct of the LESSEE whereby the Space or any portion of it is destroyed or damaged so as to be unfit for use or occupancy, the LESSOR specifically reserves the option of terminating this Lease Agreement. However, that in the event of total destruction or damage which is the equivalent of total destruction, this Lease Agreement shall automatically terminate.

In the event the Space shall be taken either under threat of eminent domain or by eminent domain proceedings in whole, then this Lease Agreement shall be terminated and the rent shall be pro-rated and returned to the LESSEE as of the date of such taking. A condemnation award shall belong exclusively to the LESSOR.

6. Use.

The LESSEE shall only use the Space in compliance with the City's ordinances, rules and regulations. Additionally, the Space shall be used for charitable non-profit purposes only. No residential use shall be permitted.

7. Renewal of Lease Agreement.

At least sixty (60) days but no earlier than one hundred twenty (120) days prior to the expiration of the initial term of this Lease Agreement or the expiration of an additional term, the LESSEE shall notify the LESSOR in writing of the LESSEE's intention to exercise its option to extend the term of the Lease Agreement for an additional period as set forth in Section 1 herein.

8. Subletting and Assignment.

LESSEE shall neither sublet nor assign the Space or the associated parking spaces under any circumstances without prior written consent by the LESSOR.

9. Personal Property.

In the event that at the end of the term or upon any earlier termination of this Lease Agreement including, but not limited to, termination for failure of the LESSEE to perform as required hereunder, there remains personal property of the LESSEE in the Space, the LESSOR is authorized to dispose of said property after giving written notice of its intent to do so to the LESSEE at the last known address of the LESSEE.

10. Default/Early Termination.

In the event the LESSEE fails to perform its obligations under this Lease Agreement, this Lease Agreement is defaulted, and the LESSOR is entitled to immediate occupation and possession of the Space and the associated parking spaces. If the LESSEE shall default in the observance or performance of any conditions or covenants on LESSEE's part to be observed or performed, under or by virtue of any provisions of this Lease Agreement, the LESSOR, without being under any obligation to do so and without thereby waiving such default, may remedy such default at the expense of the LESSEE. If the LESSOR makes any expenditure or incurs any obligations for payment in connection therewith including, but not limited to, attorney's fees, such sums paid or obligations incurred shall be paid to the LESSOR as additional rent. In the event that there is damage to the Space due to the LESSEE's actions or inactions, or the LESSEE fails to make any utility payments when due, the Lease Agreement may be immediately terminated at the option of the LESSOR.

Both the LESSEE and the LESSOR shall have the right to terminate this Lease Agreement for any reason upon giving at least three (3) months written notice to the other party.

11. Indemnification.

LESSEE agrees to pay, and to protect, defend (with counsel acceptable to the City), indemnify and save harmless LESSOR from and against any and all liabilities, losses, damages, costs, expenses (including all reasonable attorney's fees and expenses), causes of action, allegations, suits, claims, demands or judgments of any nature whatsoever arising from:

(i) any injury to, or the death of, any person(s);

(ii) any damage to property or to the Space;

(iii) any act or omission of LESSEE or its agents, officers or employees;

(iv) violation by LESSEE of any agreement or condition of this Lease Agreement; or

(v) violation by LESSEE of any law, ordinance or regulation affecting the Space or

any part thereof or the ownership and occupancy thereof.

12. Insurance.

General liability/casualty and property insurance shall continue to be maintained on the subject property by the LESSOR. LESSEE shall procure and maintain in force, at its expense, during the term of this Lease Agreement, and any extensions of such term, liability and property damage insurance for the LESSEE's leased Space to be considered primary and non-contributory coverage. Said insurance to be in limits of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in the aggregate. LESSOR has no obligation for any loss to LESSEE's personal property. Proof of LESSEE's insurance shall be supplied to the LESSOR at the time of occupancy and LESSEE shall provide certificates for any renewal no later than ten (10) business days prior to the expiration of said policy. The LESSOR shall be listed as "Additional Insured" on the policy and proof of insurance certificate. The insurance coverage procured by LESSEE shall cover the LESSOR with the same scope of coverage provided to the LESSEE without subjecting the LESSOR to any different or additional terms, conditions, limitations or exclusions. A condition of the insurance coverage shall be thirty (30) days' notice to the LESSOR upon cancellation of the policy.

13. Liens and Encumbrances.

LESSEE will not create or allow any lien, encumbrance or charge on the LESSEE's Space or on the McConnell Center or on the rents or income therefrom which may be superior to the LESSOR's rights hereunder.

14. Parties Bound.

This Lease Agreement and its addendums is binding upon the heirs, executors, administrators and assigns of the parties hereto and constitutes the entire agreement between the parties.

15. Notice.

All notices by either party to be given with respect to this Lease Agreement shall be in writing and shall be given by first class mail to the addresses stated above.

16. Modification of Lease Agreement.

This Lease Agreement contains the entire agreement between the parties and shall not be modified in any manner except by an instrument in writing executed by the both parties.

17. Section Headings.

The section headings throughout this instrument are for convenience and reference only, and the words contained herein shall in no way be held to explain, modify or amplify, or aid in the interpretation, construction or meaning of the provisions of the Lease Agreement.

18. Severability.

Any determination that any provision of this Lease Agreement or any application thereof is invalid, illegal or unenforceable in any respect in any instance shall not affect the validity, legality or enforceability of such provision in any other instance or the validity, legality or enforceability of any other provision of this Lease Agreement.

19. Laws Governing.

The parties agree that the laws of the State of New Hampshire will govern all disputes under this Lease Agreement and determine all rights hereunder.

20. Security Deposit.

Upon execution of this Lease Agreement, LESSEE deposits with LESSOR $_____ as security for the performance by LESSEE of the terms of this Lease Agreement to be returned to LESSEE, with interest, following the full and faithful performance by LESSEE of this Lease Agreement. In the event of damage to the Space caused by LESSEE or LESSEE's agents or visitors, LESSOR may use funds from the deposit to repair, but is not limited to this fund and LESSEE remains liable.

21. Merger.

This Lease Agreement contains all terms and conditions agreed upon by the parties hereto and no other agreements or representations, oral or otherwise, regarding the subject matter of this Lease Agreement shall be deemed to exist, provided, however, that any subsequent modifications or agreements affecting this Lease Agreement shall be in writing and signed by the parties hereto.

22. Taxes.

Pursuant to RSA 72:23, I, LESSEE agrees to pay all properly assessed current and potential real and personal property taxes no later than the due date. LESSEE is obligated by the foregoing to pay real and personal property taxes on structures or improvements added by the LESSEE. Failure of the LESSEE to pay the duly assessed personal and real estate taxes when due shall be cause to terminate said Lease by the LESSOR.

23. Immunity

Nothing within this Lease Agreement is intended to benefit or create an obligation to a third-party. Nothing within this Lease Agreement shall be deemed to constitute a waiver of any existing immunity of the City of Dover, which immunities are hereby reserved to the City of Dover. This covenant shall survive the termination of this Lease Agreement's conclusion.

IN WITNESS WHEREOF, the parties have hereunto executed this Lease Agreement on the date set forth above.

COMMUNITY SOLUTIONS, INC.
By: Marlene S. Thomas, Chief Financial Officer

_____	_____
Witness	Duly Authorized
_____	_____
Sign and Print	Sign and Print

CITY OF DOVER
By: J. Michael Joyal, Jr., City Manager

_____	_____
Witness	Duly Authorized
_____	_____
Sign and Print	Sign and Print

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R – 2024.09.11 - 154**
Resolution Re: Amending and Restating Schedule A to City of Dover Policy Governing Flag Display

WHEREAS: The City's buildings display the United States flag, the State of New Hampshire flag, the City of Dover flag, and, at times, other special flags or banners; and

WHEREAS: By resolution passed on October 22, 2022 (R-2022.10.12-212), the City Council adopted a formal policy for displaying flags with respect to all City (non-school) buildings, after which a series of approved flags were added via approval of the Mayor's Report.

WHEREAS: Now, the City wishes to restate the full list of approved flags and amend and update Appendix A to the City's policy to include two new approved flags/occasions: (1) the Recovery Month occurring each September; and (2) Indigenous Peoples' Day falling each October.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

Appendix A to the City's flag policy is restated and updated to include the aforesaid two new flags, as shown in the accompanying "City of Dover Policy, FLAG DISPLAY", all of which therein appearing are hereby approved and adopted. This policy and amended Appendix A shall remain in effect until further action of the City Council.

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:	Jerrica Vansylyvong-Bizier City Clerk		

DOCUMENT HISTORY:

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

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R – 2024.09.11 - 154**
Resolution Re: Amending and Restating Schedule A to City of Dover Policy Governing Flag Display

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

For reference, previously approved flags have been added to Appendix of the policy at various council meetings by way of approving the Mayor's Report. The Greek Flag was added March 22, 2023. The Pride Flag was added May 24, 2023. The Juneteenth Flag was also added May 24, 2023. The Indonesian Flag was added August 23, 2023. With this resolution, two new flags are added to Appendix A in recognition of Recovery Month (September) and Indigenous Peoples' Day (October).

City of Dover Policy
FLAG DISPLAY

1. PURPOSE

It is the intent of the City of Dover to establish a City-wide policy concerning the City's display of flags upon flagpoles and on or in all City buildings (excluding school buildings). This policy is also intended to clarify and make express that flag displays on permanent flagpoles or on mounted fixtures on City property are governmental speech that expresses the views and values of the City of Dover.

2. REFERENCE

The United States Flag Code is codified at 4 U.S.C. § 1 et seq. New Hampshire's statutory provisions governing the display of the federal and state flags are codified within RSA chapter 3-E (concerning the United States flag) and RSA 3:2, :3, and :4. New Hampshire's statutory provisions governing the POW-MIA flag are codified within RSA 3:3-a and RSA 3:3-b.

3. APPLICATION

This Policy applies to flags upon permanent flagpoles and mounted flags on or in all buildings owned or controlled by the City of Dover (except school buildings) and all individuals employed by or who volunteer with the City of Dover, unless a provision of the policy conflicts with a contract or statute (e.g., Collective Bargaining Agreement, Civil Service Rule, or Memorandum of Understanding). This policy does not apply to flags carried by or on an individual, attached to a personal conveyance (e.g., vehicle or bicycle), or other such personal and transient flag displays.

4. GUIDANCE

a. Display and Care of Flags: The City's display and care of the United States flag and the New Hampshire flag on any flagpole or mount, on or in any City (non-school) building, shall follow the Federal and State of New Hampshire Flag Codes. The City's display and care of the City flag on any flagpole or mount, on or in any City (non-school) building, shall be likewise governed by the same provisions of the United States Flag Code and in like manner to the United States flag, to the extent consistent with the United State Flag Code. The City's display and care of the POW-MIA Flag on any flagpole or mount, on or in any City (non-school) building,

shall follow the provisions set forth in RSA 3:3-a and RSA 3:3-b at the local level, in like manner as the State level, to the extent consisted with the aforesaid statutes.

b. Display of Additional Flags Indoors or Outdoors: In addition to the above flags, the City may display other "Special Flags or Banners" on either the flagpole located on the left side of Dover City Hall or the other available flagpoles, if approved pursuant to this Policy. Given that displays of Special Flags or Banners are considered governmental speech, the City reserves the right and discretion to control which, if any, other "Special Flags or Banner" the City will display on a City flagpole. Accordingly, such Special Flags or Banners may only be displayed by the City upon prior approval by the Dover City Council. Requests for a Special Flag or Banner must be made in writing to the Dover City Council.

c. Examples of Special Flags or Banners that may be displayed by the City on a City flagpole with prior approval include, but are not limited to, Sister City flags, Heritage Month flags (e.g., Black History Month, Pride Month, Asian/Pacific American History, National Hispanic Heritage, and Indigenous peoples' heritage), flags received in recognition of awards, flags received from visiting groups, or flags celebrating or designating an event or accomplishment.

    1. When approving a Special Flag or Banner, the City Council shall consider and make a determination that the Special Flag or Banner symbolizes and expresses an important, local governmental message/speech by meeting at least one or more of the following criteria:
        a. Whether the United States or State of New Hampshire has recognized the flag though statute or proclamation;
        b. Whether the flag or banner represents an organization dedicated to the public good for the Citizens of Dover;
        c. Whether the flag or banner represents a National, State, or City interest;
        d. Whether the flag is an historic American flag that has or continues to have a primary positive message of American history and unity;
        e. Whether the flag or banner promotes unity and community with another city, state, country, or other jurisdiction; or
        f. Whether the flag represents a positive interest or value worthy of public, governmental recognition.
    2. Unless otherwise stated or determined by the City Council, all Special Flags or Banners shall be flown or displayed by the City for a limit ofthirty (30) calendar days.

ii. Any Special Flag or Banner display by the City on a flagpole at City Hall

must not be larger than the flag of the United States of America and must be located beneath the flag of the United States of America when flown on the same halyard.

d. Appendix A to this policy lists any Special Flags or Banners with standing approval by the City Council, and if applicable, the annually recurring dates the flags may be flown.
e. Display of the Flags at Half-Staff
    i. All flags shall be flown at half-staff as prescribed or consistent with Flag Code and Protocol or as directed by the proper federal or state officials.
    ii. In addition to any federal or state protocols or directions, the Mayor (or designee) may order the City of Dover flag to be flown at half-staff for one week under the following circumstances:
        1. On the death of any of the following individuals:
            a. Dover Mayor, ex-Mayor, or Mayor-elect;
            b. Current member of City Council or City Clerk;
            c. Current head of any City Department;
            d. Any other local official, City employee, citizen, or other individual deemed by the Mayor to have made significant contributions to the benefit and welfare of the City and Citizens of Dover.
        2. Any instance where a City of Dover employee has been killed in the line of duty or has died as a direct result of injuries incurred while in the performance of official duties.
    iii. The City Manager shall state the reason or name of the individual in whose honor the flag or flags have been lowered to half-staff in his or her weekly report.

5. EFFECTIVE DATE AND AMENDMENTS

This policy shall take effect upon passage by the Dover City Council. Any amendments to this policy must be approved by vote of the Dover City Council.

Appendix A
Schedule of Special Banners or Flags with Standing Approval

Annual DATE	**FLAG**
March 25th	Greek Flag (Independence)
June 1	Pride Flag
June 19	Juneteenth Flag
	Indonesian Flag
September	Recovery Flag
October	Indigenous Peoples' Day

APPOINTMENTS COMMITTEE REPORT **September 11, 2024**

New Appointments:
Aleka Munroe – Dover Arts Commission – Alternate Member (term: 9/11/2024 to 12/14/2025)
Ebenezer Yeboah – Committee for Racial Equity and Inclusion – Regular Member (term: 9/11/2024 to 3/22/2026)
Deb Cough – Committee for Graffiti Management – Alternate Member (term: 9/11/2024 to 9/11/2027)

Resignations:
Otis Perry – Zoning Board of Adjustment
Lina Shayo – Committee for Racial Equity and Inclusion
Amy Perry – Conservation Commission
Timothy Dargan – Dover Business and Industrial Development Authority

Removal due to absenteeism:
Anne Kotlus – Open Lands Committee

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R - 2024.09.11 - 155**
Resolution Re: Commemorating Indigenous People's Day, Native American Day, and Juneteenth and Recognizing Laws 2024, Chapter 182's (HB 1014) Requirements In Relation to Same

WHEREAS: Columbus Day and certain other holidays are recognized officially by the State of New Hampshire within RSA 288:1; and

WHEREAS: Locally, via resolution or proclamation, the City of Dover also designates certain commemorative days that the state may not have recognized officially as holidays, namely Indigenous People's Day (second Monday in October), Juneteenth (June 19th), and Native American Heritage Day (occurring this year on November 29th); and

WHEREAS: Dover's local holidays are not meant to replace any official holiday in RSA 288:1, but instead call attention to the diversity of American culture and history; and

WHEREAS: The recent passing of HB 1014 (Laws 2024, Chapter 182) requires that all official communications, publications, documents, or calendars of municipalities use the appellation of state-designated holidays in RSA 288:1.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

In keeping with Laws 2024, Chapter 182, the City will ensure all of the City's official communications, publications, documents, and calendars use the appellation of state-designated holidays in RSA 288:1.

AND, FURTHER BE IT RESOLVED THAT:

The City also commemorates the importance of local holidays such as Indigenous People's Day, Juneteenth, and Native American Heritage Day.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

Sponsored by: Mayor Robert Carrier, By Request

CITY OF DOVER	CITY OF DOVER - RESOLUTION
	Agenda Item#: 13.B.1.
	Resolution Number: **R - 2024.09.11 - 155** Resolution Re: Commemorating Indigenous People's Day, Native American Day, and Juneteenth and Recognizing Laws 2024, Chapter 182's (HB 1014) Requirements In Relation to Same

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 S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

By resolution passed in 2020 (R-2020.08.26-141), the City has designated a ceremonial holiday called Indigenous People's Day to coincide and coexist with Columbus Day. From time to time the City also commemorates other important holidays, including Juneteenth and Native American Heritage Day. Such locally designated holidays are ceremonial—City offices will remain open—but aim to promote awareness, inclusion, and to call attention to a broader view of the cultures and history of the United States.

New legislation passed this year, HB 1014 (Laws 2024, Chapter 182), provides, in relevant part, as follows:

> Any municipality, town, village, or unincorporated place that adopts a holiday on a date indicated in RSA 288:1 shall use the appellation for such holiday designated in RSA 288:1 with respect to any official communication, publication, document, or calendars." With this resolution, the City commemorates all such holidays and also confirms that it will comply with the new mandate of Laws 2024, Chapter 182.

Laws 2024, Chapter 182.

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R – 2024.09.11 - 156**
Resolution Re: Amendment of FY2025 Schedule of Fees to Amend Certain Parking Rates and Fees; and to Establish Fee for RSA 91-A Large Electronic Information Requests

WHEREAS: The City adopted the FY2025 City of Dover Schedule of Fees on April 3, 2024, and;

WHEREAS: Parking Commission voted on November 21, 2023 to amend certain Parking Meter Rates and Permit Fees as presented in background section of this resolution, and;

WHEREAS: The City Council regulates parking rates and permit fees, and;

WHEREAS: The New Hampshire Legislature recently enacted a new provision in RSA 91-A (Right to Know Law) authorizing governmental entities to charge a fee for large electronic information requests.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The City Council authorizes changes to the Police Department Section of the approved FY2025 Schedule of Fees – Parking Meter Rates, Parking Monthly Permit Fees, and Parking Other Rates/Fees, to reflect amending the rates and fees, effective November 1, 2024, as noted in the Resolution Background Material section of this resolution.

AND, FURTHER BE IT RESOLVED THAT:

The City Council authorizes the establishment of Right to Know Electronic Communication Fee, in accordance with RSA 91-A:4 VIII, at $1.00 effective upon passage of this resolution.

NOTE: THIS RESOLUTION REQUIRES A PUBLIC HEARING AND 2/3 MAJORITY VOTE OF COUNCIL.

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 Wyatt City Attorney		
Recorded by:	Jerrica Vansylyvong-Bizier City Clerk		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R – 2024.09.11 - 156**

Resolution Re: Amendment of FY2025 Schedule of Fees to Amend Certain Parking Rates and Fees; and to Establish Fee for RSA 91-A Large Electronic Information Requests

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 S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

This is based on the November 21, 2024 vote of the Parking Commission for the amendment of certain Parking Meter Rates, Parking Permit Fees, and Parking Other Rates/Fees as presented in the table below.

A new provision in RSA 91-A (Right to Know Law) was recently enacted by the New Hampshire Legislature authorizing governmental entities to charge a fee for large electronic information requests. In accordance with RSA 91-A:4 VIII governmental entities can establish a fee for large volume electronic media (email/text/chat messages) RSA 91-A requests. Following the New Hampshire Municipal Association's recommendations for establishing a fee, the City proposes the fee of $1.00.

PARKING METER RATES:			
	FY25 CURRENT FEES	**PROPOSED CHANGE**	**FY25 PROPOSED FEES**
3rd, 4th, Portland Ave Parking Lots and Garage * Per Budget Resolution * Adopted by City Council * To fund parking activity fund	$1.00/hr	**$0.25/hr**	**$1.25/hour**
All On-Street Spaces; Indoor Pool, Orchard & Belknap Lots * Per Budget Resolution * Adopted by City Council * To fund parking activity fund	Hours 1 & 2: $1/hr Hours 3 & 4: $2/hr Hours 5+: $3/hr	**$0.25/hr**	**Hours 1 & 2: $1.25/hr Hours 3 & 4: $2.25/hr Hours 5+: $3.25/hr**
Pay by Phone Transaction Fee * Per Budget Resolution * Adopted by City Council * To fund parking activity fund	$0.25	**Add: "or Text"**	**Pay by Phone or Text Transaction Fee $0.25**
PARKING PERMIT FEES:			
9-11 Broadway Lot * Per City Ordinance #141-20 * Adopted by City Council * To fund Parking Activity Fund	$35/month	**$5**	**$40/month**
Care Provider * Per City Ordinance #141-18 * Adopted by City Council * To fund Parking Activity Fund	$15/month	**$5**	**$20/month**
Chapel Street * Per City Ordinance #141-20 * Adopted by City Council * To fund Parking Activity Fund	$35.00	**$5**	**$40/month**
Contractor (metered) Contractor (time limited) * Per City Ordinance #141-33 * Adopted by City Council * To fund Parking Activity Fund	$25 - Posting; Metered - Meter Rates; Timed parking $10 per day/per vehicle	**Add $10 sign change, Increase $10 Timed Parking**	**$25 - Posting; $10 sign change. Metered - Meter Rates; Timed Parking $20 per day/per space**
Designated Spaces for Electric Vehicle Charging Stations * Per City Ordinance * Adopted by City Council * To fund Parking Activity Fund	$3.50/per hour	**$0.25**	**$3.75**
Development Required Permits * Per City Ordinance #141-20 * Adopted by City Council * To fund Parking Activity Fund	$40.00	**$5**	**$45/month**

	FY25 CURRENT FEES	PROPOSED CHANGE	FY25 PROPOSED FEES
First Street * Per City Ordinance #141-18 and 141-20 * Adopted by City Council * To fund Parking Activity Fund	$45 Business $30 Resident	**$5**	**$50/Business** **$35 Resident**
Fourth Street Lot * Per City Ordinance #141-20 * Adopted by City Council * To fund Parking Activity Fund	$30/month	**$5**	**$35/month**
Fourth Street (Central to Chestnut) * Per City Ordinance #141-20 * Adopted by City Council * To fund Parking Activity Fund	$30.00	**$5**	**$35/month**
Green Street * Per City Ordinance #141-20 * Adopted by City Council * To fund Parking Activity Fund	$25 Business	**$5**	**$30/month**
Henry Law Ave * Per City Ordinance #141-20 * Adopted by City Council * To fund Parking Activity Fund	$30 month	**$5**	**$35/month**
Kirkland Street * Per City Ordinance #141-20 * Adopted by City Council * To fund Parking Activity Fund	$25.00	**$5**	**$30/month**
Main Street * Per City Ordinance #141-20 * Adopted by City Council * To fund Parking Activity Fund	$30.00	**$5**	**$35/month**
Orchard St. Garage * Per City Ordinance #141-18 and #141-20 * Adopted by City Council * To fund Parking Activity Fund	$55 Business $30 Resident	**$5**	**$60 Business** **$35 Resident**
Orchard Surface Spaces * Per City Ordinance #141-20 * Adopted by City Council * To fund Parking Activity Fund	$55 Business	**$5**	**$60/month**
Portland (Grimes) Lot * Per City Ordinance #141-20 * Adopted by City Council * To fund Parking Activity Fund	$25.00	**$5**	**$30/month**

	FY25 CURRENT FEES	PROPOSED CHANGE	FY25 PROPOSED FEES
Credit card processing fee for Permits Paid * Per City Ordinance #141-20 * Adopted by City Council * To fund Parking Activity Fund	3.00%	**Add "fines & fees"**	**Credit card processing fee for at office payments for permits, fines & fees. 3%**
Resident Visitor Pass * Per City Ordinance #141-18 * Adopted by City Council * To fund Parking Activity Fund	$20.00	**$5**	**$25/week**
School Street * Per City Ordinance #141-18 * Adopted by City Council * To fund Parking Activity Fund	$45 Business $30 Resident	**$5**	**$50 Business $35 Resident**
Second Street * Per City Ordinance #141-18 and #141-20 * Adopted by City Council * To fund Parking Activity Fund	$45 Business $30 Resident	**$5**	**$50 Business $35 Resident**
St. John Street * Per City Ordinance #141-18 and #141-20 * Adopted by City Council * To fund Parking Activity Fund	$25 Business	**$5**	**$30/month**
Third Street Lot * Per City Ordinance #141-20 * Adopted by City Council * To fund Parking Activity Fund	$45 Business	**$5**	**$50/month**
PARKING OTHER:			
Online Violation Payment * Per Budget Resolution * Adopted by City Council * Administrative penalty for violation of Dover City Code	$1.50 per ACH or 7.1% of Transaction amount for Credit Card Payment	**Change in Rate 3.00%**	**3.00%**

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2024.09.11 - 157**
Resolution Re: CDBG Substantial Amendment to the FY23 & FY24 Action Plans

WHEREAS: The City of Dover has funds available for appropriation from the FY23 & FY24 CDBG Entitlement Grants; and

WHEREAS: The Planning Department is required by HUD to prepare, and the Governing Body adopt, an "Action Plan" which is a needs assessment and detailed expenditure plan for the use of Community Development funds in meeting the needs of very-low, low, and moderate income households of Dover; and

WHEREAS: The Planning Board has reviewed proposed projects for said funds and held a public hearing on August 27, 2024 for the purpose of obtaining citizens' viewpoints on the proposed projects; and

WHEREAS: The Planning Board has reviewed the proposed projects and recommends approval of the amendments to the FY23 & FY24 Action Plans and the expenditures contained in this resolution; and

WHEREAS: The recommended disbursements of funds have been reviewed for compliance with HUD statutory requirements and for meeting national objectives; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The amendments to the FY23 and FY24 Action Plans are adopted and the City Manager is authorized to enter into sub-recipient contracts as part of the FY23 and FY24 Action Plans for expenditure of CDBG Entitlement Funds.

NOTE: This resolution requires public hearing prior to City Council vote. Resolution to be referred to public hearing on September 25, 2024 with vote to occur on that date.

Financing Appropriations		
Account	**Description**	**Appropriation**
FY23 Action Plan		
2100.1.180.46341.4835.06399.23.000.000.800	Rental Unit Rehab	($28,136.75)
2100.1.180.46348.4835.06380.23.000.000.800	Grants/Subsidy - Strafford Cty Homeless Ctr	($4,820.25)
2100.1.180.46525.4835.06622.23.000.000.800	Grants/Subsidy - Economic Development Loan	($66,843.00)
TOTAL		**($99,800.00)**
2100.1.180.46341.4753.06332.23.000.000.700	Removal of Barriers to Access - Dover Downtown	$11,000.00
2100.1.180.46341.4110.06332.23.000.000.100	Removal of Barriers to Access - Dover Downtown Admin	1,000.00
2100.1.180.46323.4835.06346.23.000.000.800	Repairs/Facility Improvements - MFP Transitional Homes	$36,000.00
2100.1.180.46323.4110.06346.23.000.000.100	Repairs/Facility Improvements - MFP Transitional Homes Admin	$1,000.00
2100.1.180.46323.4835.06335.23.000.000.800	ADA Upgrades - Covered Bridge Manor	$16,400.00
2100.1.180.46323.4110.06335.23.000.000.100	ADA Upgrades - Covered Bridge Manor Admin	$1,000.00
2100.1.180.46323.4835.06335.23.000.000.800	Air Source Heat Pump Upgrades - Covered Bridge Manor	$32,400.00
2100.1.180.46323.4110.06335.23.000.000.100	Air Source Heat Pump Upgrades - Covered Bridge Manor Admin	$1,000.00
TOTAL		**$99,800.00**
FY24 Action Plan		
2100.1.180.46311.4335.06311.24.000.000.100	CDBG - Administration	($10,185.00)
2100.1.180.46341.4835.06350.24.000.000.800	Grants/Subsidy - JT Pool Barrier Removal	($135,000.00)
2100.1.180.46341.4835.06399.24.000.000.800	Grants/Subsidy - Rental Unit Rehab	($30,000.00)
2100.1.180.46348.4835.06360.22.000.000.800	Grants/Subsidy - Welfare Security Deposits	($3,000.00)
2100.1.180.46348.4835.06361.24.000.000.800	Grants/Subsidy - Haven A Safe Place	($100.00)
2100.1.180.46525.4835.06622.24.000.000.800	Grants/Subsidy - Economic Development Loan	($28,131.00)
2100.1.180.46525.4110.06621.24.000.000.100	CDBG - DELP Administration	($23,093.00)
TOTAL		**($229,509.00)**
2100.1.180.46323.4835.06335.24.000.000.800	Roof Replacement - Covered Bridge Manor	$75,000.00
2100.1.180.46323.4110.06335.24.000.000.100	Roof Replacement - Covered Bridge Manor Admin	$1,000.00
2100.1.180.46323.4835.06380.24.000.000.700	Air Source Heat Pump Upgrades - Home for Now	$14,800.00
2100.1.180.46323.4110.06380.24.000.000.100	Air Source Heat Pump Upgrades - Home for Now	$1,000.00
2100.1.180.46323.4835.06335.24.000.000.700	Air Source Heat Pump Upgrades & Building Repair - CAP Transitional Shelter	$136,709.00
2100.1.180.46323.4110.06335.24.000.000.100	Air Source Heat Pump Upgrades & Building Repair - CAP Transitional Shelter Admin	$1,000.00
TOTAL		**$229,509.00**

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2024.09.11 - 157**
Resolution Re: CDBG Substantial Amendment to the FY23 & FY24 Action Plans

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:	Jerrica Vansylyvong-Bizier City Clerk		

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote: 8/28/2024	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does or does not pass.		

RESOLUTION BACKGROUND MATERIAL:

Amendments to the FY23 and FY24 Action Plans

An Action Plan (AP) identifies Activities that will receive CDBG funding. The following activities are added to the FY23 Action Plan and FY24 Action Plan.
Certain activities/projects approved in the original action plans for FY23 and FY24 are unable to be executed due to economic factors, permitting, or timing constraints. This allows the funding for those activities/projects to be repurposed to new activities/projects. In some instances, activities/projects approved in the original action plans for FY23 and FY24 were eligible to be completed using prior year CDBG grant funding, which results in FY23 and FY24 CDBG grant funds being eligible to be repurposed to new activities/projects.

Public Facilities Projects

Public Facilities activities added to the FY23 Action Plan:

City of Dover – Removal of Barriers to Access
Amount Requested: $11,000.00
Planning Board Recommendation: $11,000.00
Installation of ADA compliant picnic tables in downtown Dover.

My Friend's Place Transitional Shelters – Repairs/Facility Improvements
Amount Requested: $100,000.00
Planning Board Recommendation**: $36,000.00**
Furnace Replacement @ East Concord Street Shelter; Roof Replacement, Eve Repair, Bulkhead Installation and Furnace Replacement @ Hough Street Shelter.

CAP / Covered Bridge Manor – ADA Upgrades
Amount Requested: $16,400.00
Staff Recommendation: $16,400.00
ADA upgrades to the facility including grab bar handles, replacing mirrors and other upgrades to make the building ADA compliant.

CAP / Covered Bridge Manor - Air Source Heat Pump Upgrades
Amount Requested: $32,400.00
Staff Recommendation: $32,400.00
Mini split heat pump upgrade to the main dining hall and assembly area.

Public Facilities activities added to the FY24 Action Plan:

CAP / Covered Bridge Manor – Roof Replacement
Amount Requested: $75,000.00
Staff Recommendation: $75,000.00
Roof Replacement

CAP / Home for Now - Air Source Heat Pump Upgrades
Amount Requested: $14,800.00
Staff Recommendation: $14,800.00
New heat pump installation and heat pump upgrades

CAP / Transitional Shelter - Air Source Heat Pump Upgrades & Building Repair
Amount Requested: $136,709.00
Staff Recommendation: $136,709.00
Heat Pump Upgrade and exterior building improvements

ACTIVITY ADMINISTRATION

Administrative costs associated with individual Activities. Activity specific costs include contract development & administration, processing requests for reimbursement, site visits, subrecipient monitoring, environmental review, project close-out.

Activity Administration added to the FY23 Action Plan

Amount Requested: $4,000.00
Staff Recommendation: $4,000.00

City of Dover – Removal of Barriers to Access	$1,000.00
My Friend's Place Transitional Shelters – Repairs/Facility Improvements	$1,000.00
CAP / Covered Bridge Manor – ADA Upgrades	$1,000.00
CAP / Covered Bridge Manor - Air Source Heat Pump Upgrades	$1,000.00
	$4,000.00

Activity Administration added to the FY24 Action Plan

Amount Requested: $3,000.00
Staff Recommendation: $3,000.00

CAP / Covered Bridge Manor – Roof Replacement	$1,000.00
CAP / Home for Now - Air Source Heat Pump Upgrades	$1,000.00
CAP / Transitional Shelter - Air Source Heat Pump Upgrades & Building Repair	$1,000.00
	$3,000.00

Consolidated Plan Goals

The City of Dover has identified 5 Goals that serve as the core of the Dover CDBG Consolidated Plan and identify the priorities for allocations within the Annual Action Plans.

1	**Goal Name**	**Access to Services**
	Goal Description	To provide increased opportunities to residents of the City who require education, health, recreation, shelter, transportation and related human services.
2	**Goal Name**	**Renter and Homeowner Assistance**
	Goal Description	Weatherization and energy efficiency, Housing unit rehab, security deposit assistance, Lead based paint hazard.
3	**Goal Name**	**Public Improvements**
	Goal Description	Development and improvements related to facilities and housing units utilized by qualifying populations and individuals.
4	**Goal Name**	**Economic Development**
	Goal Description	Improvements, and the support of efforts, intended to promote economic development and to enhance economic opportunities for qualifying business, populations and individuals.
5	**Goal Name**	**Accessibility and Transportation**
	Goal Description	Access to social services and employment and removal of architectural barriers.

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

CITY OF DOVER

Resolution Number: **R – 2024.09.11 - 158**

Resolution Re: Authorization to Accept and Expend the NH Department of Transportation Project # 44159 (CDS) Congressionally Directed Spending Grant

WHEREAS: The City has received notice from the New Hampshire Department of Transportation (NHDOT) of a Congressionally Directed Spending (CDS) Award in the amount of $4,500,000 to be utilized for eligible costs for the Central Ave Corridor Complete Street Reconstruction Project between Stark Ave and Silver St; and

WHEREAS: The grant application requests funding in the amount of $4,500,000.00 and lists a city match of $1,125,000.00 for a total project cost of $5,625,000.00 for Design/Engineering, Construction and Construction Engineering services. A scope is outlined in the background section of this resolution; and

WHEREAS: In adhering to the requirements established by the NHDOT and per NH RSA 31:95-b and RSA 21-P:43, authorization by the City Council to apply for, accept, and expend Grant funds for eligible project costs is needed; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

In accordance with NH RSA 31:95-b and RSA 21-P:43, the City Manager is authorized to apply for, accept, and expend CDS grant funds allocated to the City of Dover for the Central Ave Corridor complete street reconstruction between Stark Ave and Silver St, and any funding received is hereby appropriated for said purposes. The City Council, in a majority vote, accepts the terms and requirements of the Grant, and authorizes the City Manager to sign all necessary paperwork for the grant as well as contract(s) with a vendor, consistent with the authority herein.

AND, FURTHER BE IT RESOLVED THAT:

In expending funds for eligible costs identified in the NHDOT CDS grant, the Purchasing Agent is hereby authorized to issue Purchase Orders as set forth in the duties and responsibilities of Dover Code Chapter V, Article III Purchasing Procedure. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
TBD	CDS Central Ave Corridor Stark / Silver	4,500,000.00	4,500,000.00
1009.1.300.43121.4715.00000.24	GF Land Improvements	281,250.00	281,250.00
4021.1.300.43155.4715.03133.21	GF Stormwater	281,250.00	281,250.00
5300.1.300.43320.4757.03565.21	Water Main Replacement Lower Central Ave	281,250.00	281,250.00
5320.1.300.43250.4757.04559.21	Sewer Main Replacement Lower Central Ave	281,250.00	281,250.00

THIS RESOLUTION REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6.

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2024.09.11 - 158**
Resolution Re: Authorization to Accept and Expend the NH Department of Transportation Project # 44159 (CDS) Congressionally Directed Spending Grant

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: Jerrica Vansylyvong-Bizier, City Clerk

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 S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2024.09.11 - 158**
Resolution Re: Authorization to Accept and Expend the NH Department of Transportation Project # 44159 (CDS) Congressionally Directed Spending Grant

Central Avenue is the main thoroughfare in Dover. This portion of the road, at the southern end, acts as a gateway for those coming to Dover from either NH Route 108, or the Spaulding Turnpike via exit 6 or 7. The portion of the road in need of reconstruction ends at the intersection of NH Route 9 and the beginning of NH Route 4, both of which follow Central Avenue to the north. This portion is NH Route 108, and is heavily traveled by multiple transportation forms, but is clearly designed for vehicle flow primarily. Vehicle traffic counts are close to 20,000 trips per day. At the same time the route is heavily traveled by pedestrians, bicyclists and mass transit. All of these forms of transit have inadequate infrastructure. The sidewalks are narrow, there are no designated signalized pedestrian crossings, except for at the ends, and the transit stops are simple parking spaces for pull off. The right of way varies in width and there is excess pavement in many areas, leading to storm water concerns and creating an unwelcoming pedestrian and bicycling experience.

As noted above, the proposed project addresses those elements and provides improved lighting and creates a more classic New England gateway feel for those visiting Dover. The ability of federal grant assistance for a multi-million-dollar project significantly helps offset the debt impact to the City.

The project will involve the full street reconstruction of the Central Avenue gateway, between Stark Avenue and Silver Street, which allows connectivity to a previously reconstructed “complete street” gateway project along Silver Street. In referring to a "complete street" approach, the intent is to holistically address multiple facets such as: road surface and storm water drainage; bicycle and pedestrian amenities; intersection improvements: enhanced lighting; and implementation of intelligent traffic signalization with options for public transit/emergency vehicle preemption.

This project is ongoing and approximately 75% complete. Final design edits are ongoing, and specific work tasks still need to be undertaken in regards to addressing federal regulatory guidelines or directives related to possible right-of-way encroachments, or impacts to private property abutters. Conceptual plans have been presented to the City’s Transportation Advisory Commission. City staff have been reviewing plans with stakeholders to help resolve any required design elements. The funds requested will be used to augment the City’s funding, which has been authorized by the City Council. The following services will be funded:

◦ Roadway Construction
◦ Water and Sewer Construction
◦ Pedestrian Scale Lighting
◦ Hardscape (Includes work at the entrance to Pine Hill Cemetery work and creation of a Gateway Park
◦ Site Furnishings (Includes Benches at Cemetery Entrance, Bike Rack, Fencing, Gate at Cemetery and Wayfinding)
◦ Landscaping (Includes trees, rain garden at gateway, planting beds and irrigation system at Cemetery)
◦ Construction Engineering

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.5.

Resolution Number: **R – 2024.09.11 - 159**

Resolution Re: Authorization to Accept and Expend the NH Department of Transportation Project #44350 (CMAQ) Congestion Mitigation & Air Quality Grant #22-12CMAQ

WHEREAS: The City has received notice from the New Hampshire Department of Transportation (NHDOT) of an award of a Congestion Mitigation & Air Quality Grant (CMAQ) in the amount of $3,000,000 to be utilized for eligible costs for State Route 108 South Corridor from Mast Rd to Daley Dr and Rte 108 Intersections with Mast Rd and Alumni Dr; and

WHEREAS: The grant application requests funding $3,000,000 and lists a city match of $600,000 for a total Project Cost of $3,600,000 for Design/Engineering, Right of Way, Construction, and Construction Engineering services. A scope is outlined in the background section of this resolution; and

WHEREAS: In adhering to the requirements established by the NHDOT and per NH RSA 31:95-b and RSA 21-P:43, authorization by the City Council to apply for, accept, and expend Grant funds for eligible project costs is needed; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

In accordance with NH RSA 31:95-b and RSA 21-P:43, the City Manager is authorized to apply for, accept, and expend CMAQ grant funds allocated to the City of Dover for the State Route 108 South Corridor Project, and any funding received is hereby appropriated for said purposes. The City Council, in a majority vote, accepts the terms and requirements of the Grant, and authorizes the City Manager to sign all necessary paperwork for the grant as well as contract(s) with a vendor, consistent with the authority herein.

AND, FURTHER BE IT RESOLVED THAT:

In expending funds for eligible costs identified in the NHDOT CMAQ grant, the Purchasing Agent is hereby authorized to issue Purchase Orders as set forth in the duties and responsibilities of Dover Code Chapter V, Article III Purchasing Procedure. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
TBD	NHDOT State Route 108 South Corridor Project	3,000,000.00	3,000,000.00
4020.1.300.43121.4751.03113.21	Congestion Mitigation Route 108	600,000.00	600,000.00

THIS RESOLUTION REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6.

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.5.

Resolution Number: **R – 2024.09.11 - 159**
Resolution Re: Authorization to Accept and Expend the NH Department of Transportation Project #44350 (CMAQ) Congestion Mitigation & Air Quality Grant #22-12CMAQ

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

Sponsored by: Mayor Robert Carrier, By Request

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 S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.5.

Resolution Number: **R – 2024.09.11 - 159**

Resolution Re: Authorization to Accept and Expend the NH Department of Transportation Project #44350 (CMAQ) Congestion Mitigation & Air Quality Grant #22-12CMAQ

RESOLUTION BACKGROUND MATERIAL:

State Route 108 is a regionally significant corridor in the Seacoast area of New Hampshire and serves as an important link between Dover and Durham. It also serves as a major commuter route for the majority of residences south of the Spaulding Turnpike, and provides access to the City's Middle and High Schools. State Route 108 has been identified as a "Critical Corridor" in the City of Dover's Master Plan as it provides an important role for commuters in the City's overall transportation network. The City of Dover and Dover School District engaged Sebago Technics (Sebago) and Alta Planning + Design (Alta) in 2016 to conduct a comprehensive traffic, safety, and pedestrian/bicycle study of the Route 108 South Corridor.

The proposed project would be the first phase to design and implement the recommendations provided in the 2016 Route 108 – South Corridor Study, and would consist of improvements along Route 108 from Mast Road to Daley Drive. Improvements to the intersections of Route 108 / Alumni Drive and Route 108 / Daley Drive will be evaluated to mitigate congestion during peak times and improve roadway safety. The traffic signal at the Route 108 / Mast Road intersection will be improved by replacing existing loop detectors with the installation of a camera system, which allows for monitoring traffic flow in real time and ultimately improving public safety response times.

Elements of Complete Street will be evaluated in the roadway design, such as improvements to pedestrian facilities, bicycle accommodations, and bus stops. The recommendations of the 2016 Route 108 – South Corridor Study aim to achieve the City's goals for the corridor of improved access, connectivity, and safety for vehicles, pedestrians, and bicyclists; the proposed project is the first phase of implementing these goals.