



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, September 2, 2009**
Meeting Time: **7:00 pm**

1. REVIEW ZONING AMENDMENTS AND RELATED CODE CHANGES

2. CITIZEN'S FORUM

Citizens are invited to speak on the subject matter of the Workshop. Statements shall be limited to five minutes.

3. ADJOURN



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Agenda Item#:

Ordinance Number: **O – yyyy.mm.dd -**

Ordinance Title: Updating the Dover Zoning Ordinance

Chapter: 170

Posted June 23, 2009

Revised August 11, 2009

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by updating the code to reflect changes in the community, and in land use regulations.

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by replacing any use of the phrase “Code Enforcement Officer” with “Zoning Administrator”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28.6 “Telecommunication Facilities” Subsection J to read as follows:

“J. 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 ~~Building Official~~ **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.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” by replacing any use of the phrase “Building Inspector” or “Building Official” with “Zoning Administrator”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection C to read as follows:

“C. Permit required. No sign, other than a directional sign, a residential nameplate or sign advertising a sale or lease of a premise, shall be erected or placed in the City of Dover without a sign permit. Said permit shall be issued by the ~~Building Inspector~~ **Zoning Administrator**, provided that the sign meets all the regulations of this section, after the submission of 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



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regulations of this section. **The Zoning Administrator may issue a sign permit in conjunction with the approval of a site plan by the Planning Board, after sufficient review of compliance with the regulations herein and payment of any permit fees.”**

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-33 “Fence review and regulations” Subsection B (2) to read as follows:

“(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 thirty (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 ~~Building Inspector~~ **Zoning Administrator**, shall be provided. Property owners shall maintain vegetation such that it does not grow to limit ~~site~~ **sight** distance. **[Amended 02-17-99 by Ord. No. 25-98]”**

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-47 “Administrative Officer” Subsection A to read as follows:

“A. This chapter shall be enforced by the ~~Building Inspector~~ **Zoning Administrator**, who shall have the authority to make inspections necessary to carry out his/her duties in the enforcement of this chapter.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 “Zoning Board of Adjustment” Subsection C (1) (a) to read as follows:

“(a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made ~~by the Building Inspector~~ in the enforcement of this chapter (interpretation of ordinance).”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 “Zoning Board of Adjustment” Subsection C (2) (a) to read as follows:

“(a) On appeal from an order or decision made ~~by the Building Inspector~~ ~~or on request~~ by any officer or board of the City, the Board shall have the power to decide any of the following questions:”

AND



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 “Zoning Board of Adjustment” Subsection C (2) (b) to read as follows:

“(b) The Board shall hear and decide appeals de novo and review on appeal any order, requirement, decision or determination made by the Building Inspector in the enforcement or application of this chapter. Upon such appeal, the Board 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.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 “Zoning Board of Adjustment” Subsection C (6) to read as follows:

“(6) Public Hearing. The Board shall fix a reasonable time for the hearing of an appeal in accordance to its By-Laws; 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 certified mail, and also placed in a newspaper of general circulation, not less than 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 to the Building Inspector's Office **Department of Planning and Community Development**. [Amended 08-01-90 by Ord. No. 8-90]”

3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, Subsection B to read as follows:

“**B. Words and terms appearing in CAPITAL LETTERS throughout this chapter** for the purposes of this chapter, the following terms shall have the meanings indicated:”

AND

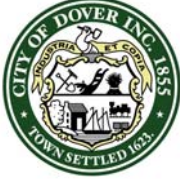
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, Subsection B, by replacing any use of a “-” with the word “means”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, Subsection B, so that this definition reads as follows:

“ACCESSORY STRUCTURE means a structure with a minimum floor area of ~~thirty-six (36)~~ **one hundred (100)** square feet which exists on the same lot and within the same zoning district as the principal building shall be customarily incident and subordinate to the principal building subject to the provisions of Chapter 170-10 E. **[Amended 08-01-90 by Ord. No. 8-90]**”

AND



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, Subsection B, so that this definition reads as follows:

“CUSTOMARY HOME OCCUPATION means an occupation carried on **as** a secondary use in a dwelling unit or accessory building by the occupant of such unit. For the use of a dwelling or accessory building in any R. District for a "home occupation," the following conditions shall apply:

- (1) "Home occupation" shall include not more than one (1) of the following uses, provided that such uses are clearly incidental and secondary residential purposes; dressmaker, artist, arts and crafts, writer, teacher, provided that not more than eight (8) pupils simultaneously occupy the building, musician, antique dealer, lawyer, doctor, photographer, dentist, architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.
- (2) No more than one (1) nonresident shall be employed therein.
- (3) The use is carried on strictly by the occupant of the principal building. [Amended 08-01-90 by Ord. No. 8-90]
- (4) No more than twenty-five percent (25%) of the existing net floor area of the principal and any accessory buildings not to exceed six hundred (600) square feet is devoted to such use.
- (5) There shall be no display of goods or wares visible from the street.
- (6) No advertising on the premises other than a small nonelectric sign not to exceed two (2) square feet in area and carrying only the occupant's name and his occupation.
- (7) 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 or in any other way. In a multi-family dwelling, the use shall in no way become objectionable or detrimental to any residential use within the multifamily structure.
- (8) Any such building shall include no feature of design not customary in buildings for residential use.
- (9) Such uses as clinics, bakeries, gift shops, tearooms, tourist homes, massage, animal hospitals, kennels and others of a similar nature shall not be considered as home occupations.
- (10) A minimum of two (2) off-street parking spaces shall be provided. All driveways to be used in connection with such occupations shall conform to the city's Driveway Ordinance*.
- (11) Not more than one (1) commercial vehicle in connection with such home occupation shall be stored on the premises.
- (12) A certificate of ~~occupancy~~ **use** for the proposed use is issued by the ~~Building Inspector~~ **Zoning Administrator** verifying conformance with the preceding standards.



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AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, Subsection B, so that this definition reads as follows:

“SLOPE means 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 twenty (20) feet or more, utilizing elevations at two-foot contours.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, Subsection B, so that these definitions read as follows:

“ASSESSED PROPERTY means any land or buildings comprising new development that is subject to an impact fee assessment under this Article.

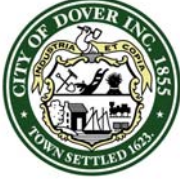
ASSESSMENT means a notification issued by the City of Dover, its Planning Board, or its Building Inspector, which states the amount of an impact fee due on an assessed property and the responsibilities, conditions or schedules pertinent to the process and timing of impact fee payments to the City.

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

IMPACT FEE means 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; 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 facilities not including public open space.

NEW DEVELOPMENT means an activity that results in:

- a. The creation of a new dwelling unit or units; or
- 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
- c. Construction resulting in a new non-residential building or a net increase in the floor area of any non-residential building; or



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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.

New development shall not include the replacement of an existing mobile 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.

OFF-SITE IMPROVEMENTS means 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.

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

PUBLIC RECREATION FACILITIES means 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.

DEVELOPMENT RIGHTS means 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.

LANDSCAPE AREA means 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.

OPEN SPACE means 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 waterbodies.

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

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



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TRANSFER OF DEVELOPMENT RIGHTS means 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.

TDR DISTRICT 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.

ALTERNATIVE TOWER STRUCTURE means the use of structures such as man-made trees, clock towers, bell steeples, rooftops on buildings 5 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 means 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.

FAA means an acronym meaning Federal Aviation Administration.

FCC means an acronym meaning Federal Communications Commission.

HEIGHT when referring to a 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.

PLANNING BOARD (BOARD) means the City of Dover Planning Board, and the regulatory body of this ordinance.

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

TELECOMMUNICATIONS FACILITIES means 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.

TOWER means 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 terms also includes commercial radio and television transmission



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towers, microwave towers, common carriers towers, cellular telephone towers, alternative tower structures, and similar structures.

ABUTTER means: (1) any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. (2) For the purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person 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. B. (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 Board.

APPLICANT means the owner of the property to be excavated or the owner's agent, so designated in writing as part of the excavation application.

BERM means 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.

COMMERCIAL EXCAVATION means excavation of earth intended for commerce, excluding excavation that is strictly conducted for the purpose of alteration, 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 NH RSA 21:34-a.

CONTIGUOUS means 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.

DIMENSION STONE means 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.

EARTH means 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.

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



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EXCAVATION AREA means 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 means any area of contiguous land in common ownership upon which excavation takes place.

EXISTING EXCAVATION means 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 2-year period before August 24, 1979.

EXPANSION (pertaining to EXCAVATIONS) means (a) of existing excavations means excavation beyond the limits of the City and the area which on 8/24/79 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. (b) of stationary manufacturing plants means to any contiguous lands which were in common ownership with the site of the plant on 8/4/89.

RECLAMATION means the restoring of an excavation site to a standard at least equal to those outlined in Section 170-29.8.

REVOCATION means 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 article.

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

SUSPENSION means the ordered cessation of that portion of an extraction operation that is in violation of this Article until such time as the owner or operator can demonstrate compliance to the ~~Code Enforcement Officer~~ Zoning Administrator.

BUSINESS FLOOR AREA means that area, leased or occupied by a business, excluding hallway(s) or shared building/tenant facilities.

BUSINESS FRONTAGE means 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.

FLASHING SIGN means any directly or indirectly illuminated sign which changes the intensity of illumination so as to result in changes in light, color, director or animation.



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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. [Added 03-21-07 by Ord. No. 01-2007]

FREESTANDING SIGN means 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 a temporary portable sign. (See the definition of "temporary portable sign.")

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

SHOPPING CENTER means any building containing five (5) or more tenants and containing more than fifty thousand (50,000) square feet of gross floor area.

SIGN means 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, which directs attention to an object, product, place, activity, person, institution organization or business.

SIGN AREA means 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 (1) 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 ninety degrees (90) or less.*

TEMPORARY PORTABLE SIGN means a sign(s) customarily located on a trailer or similar wheeled apparatus, whether self-propelled or pulled by another vehicle, intended for promotional purposes or to convey an advertising message of any kind, which is not permanently affixed to the ground. A-frame, sandwich board and other signs not permanently affixed, directly or indirectly, upon a building, structure or land and not otherwise referenced under the definitions of "freestanding sign," "projecting sign" or "wall sign", shall also be considered as "temporary portable signs".

* Editor's Note: See Figures 8 and 9 of the Sign Diagrams, Part II, included at the end of this chapter.

WALL SIGN means 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 fourteen (14) inches from the building wall.*

* Editor's Note: See Figure 10 of the Sign Diagrams, Part II, included at the end of this chapter.



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BLOCK means the aggregate of private lots, passages, alleys and Lanes, circumscribed by public streets.

BLOCK CORNER means where two public streets meet on a Block.

BLOCK FACE means the aggregate of all the building facades on one side of a Block.

BUILD TO LINE means a line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line. Front porches, stairs and handicap ramps may extend beyond the build-to line up to half their depth.

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

CIVIC SPACE means an outdoor area dedicated for public use.

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

FRONT means the side of a property facing a public street.

FRONTAGE means the linear distance measured along the front lot line between the points of intersection with the side lot lines. "Frontage" along cul-de-sacs shall be the linear distance at the appropriate front yard building set back 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.

In the CBD it is the area between a building facade and the public street, inclusive of it's built and planted components.

GALLERY means 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.

GROUND FLOOR means the street level floor of a structure.

NEIGHBORHOOD STORE is any retail store containing a maximum of 1500 sq ft of enclosed space with no on-site parking permitted or required.

OUTBUILDING means an accessory building, usually located toward the rear of the same lot as a principal building, and sometimes connected to the Principal Building.

OFF STREET PARKING means parking facilities located in city or privately owned lots and structures.

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



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PORCH AND FENCE means a private frontage set back from the front property line with an attached porch permitted to encroach.

PRINCIPAL BUILDING means the main building on a Lot, usually located toward the Frontage

PUBLIC ART means works of art in any media that has 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 SPACE means open to public view or access.

REAR means the private back portion of a property.

REGULATING PLAN means a zoning map or set of maps that shows the sub-districts subject to regulation by the form based code.

RIGHTS OF WAY means the strip of land over which facilities such as highways, railroads, or power lines are built.

SETBACK means 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.

SHOPFRONT means 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.

SIDEWALK means the paved section of the public frontage dedicated to pedestrian activity, café seating, and other street furniture.

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

STOOP means 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 means a city thoroughfare for vehicle access.

STREET FURNITURE means benches and other structures incorporated into the streetscape for use by pedestrians.

STREET LIGHTS means pedestrian scale lighting incorporated into the streetscape and in parking facilities to promote safe travel during evening hours.

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

STREET WALLS means 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.



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

TERRACE/LIGHTWELL means a private frontage set back from the front property line by an elevated terrace or sunken lightwell which is permitted to encroach.

4. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-7 “Establishment of Districts”, to read as follows:

“170-7. Establishment of districts. [Amended 3-30-83 by Ord. No. 5-83; 4-27-83 by Ord. No. 12-83; 10-26-88 by Ord. No. 18-88; 04-03-91 by Ord. No. 01-91; 09-16-92 by Ord. No. 23-92; 11-22-95 by Ord. No. 19-95]

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

Residential

R-40 Rural Residential District

R-20 Low-Density Residential District

R-12 Medium-Density Residential District

~~RM-20 SU~~ Suburban Density Multiresidential District

~~RM-12 — Low Density Multiresidential District~~

~~RM-40-U~~ ~~Medium-~~ **Urban** Density Multiresidential District

~~RM-8 — High Density Multiresidential District~~

~~RM-6 — Urban Density Multiresidential District~~

Nonresidential

~~O — Office District~~

B-1 Neighborhood Business District

~~B-2 — Central Business District~~

B-3 Thoroughfare Business District

B-4 Hotel/Retail District

B-5 ~~Rural~~ Commercial/Retail District [Added 11-22-95 by Ord. No. 19-95]

I-1 Restricted Industrial District

I-2 Rural Restricted Industrial District

I-4 Assembly and Office

ETP Executive and Technology Park

~~UMUD — Urban Multiple Use District~~

~~CWD — Cochecho Waterfront District~~

Mixed -Use

O Office District

B-2 CBD Central Business District

CWD Cochecho Waterfront District



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Overriding

CD Conservation District

URD Urban Renewal District

GWP Groundwater Protection District

HWD Hazardous Waste Landfill District

RCM Residential-Commercial Commercial Mixed Use [Added 105-18-06 by Ord. 03-2006]

TDR Transfer of Development Rights [Added 04-03-91 by Ord. No. 01-91]

WPD Wetland Protection District”

5. AMENDMENT

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

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Urban Multiple Use District (UMUD) to Medium Density Residential (R-12) an area of approximately 37.8 acres along Mill Street, Charles Street and a portion of Back River Road consisting of lots: 16-30, 16-30A, 16-32, 16,33, 16-34, 16-35, 16-36A, 16-11, 16-13, 16-13B, 16-13C, 16-14, 16-15, 16-15-1 and 16-15-2”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Urban Multiple Use District (UMUD) to Commercial/Retail (B-5) an area of approximately 11.3 acres located along Central Avenue and Charles Street, consisting of lots 16-1, 16-5, 16-6, 16-8, 16-9, 16-10, 16-2, 16-3, 16-7, 16-13A and 16-38”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Low-Density Residential (R-20) to Commercial/Retail (B-5) an area of approximately 11.5 acres located along Central Avenue consisting of lots 15-2A, 15-3, 15-4 and 15-6”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Restricted Industrial (I-1) to Commercial/Retail (B-5) an area of approximately 1.5 acres located along Central Avenue and Locust Street consisting of lots 15-19 and 15-20”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Thoroughfare Business (B-3) to Commercial/Retail (B-5) an area of approximately 5.3 acres located along Central Avenue consisting of lots 15-71, 17-76, and 17-76E”



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AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-8 “Zoning Map”, to read as follows:

“The location and boundaries of the Zoning Districts are hereby established as shown on a map entitled "Zoning Map of the City of Dover, New Hampshire"*, dated ~~May 25, 1979~~ **July *, 2009**, which accompanies and is hereby declared to be part of this chapter.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by replacing any use of the phrase “May 25, 1979” in reference to the zoning map with “**July *, 2009**”.

6. AMENDMENT

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

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Low-Density Multiresidential District (RM-12) to Suburban Density Multiresidential District (RM-SU) an area of approximately 364.25 acres located along areas of Spur Road, Garrison Road, Shaws Lane, Leathers Lane, and McKenna Drive, consisting of lots I-1N, I-1NA, I-1Q, I-2A, I-2A-1, I-2A-2, I-2B, I-2C, I-2D, I-2E, I-2F, I-2G, I-2G-1, I-2G-2, I-2H, I-2I, I-2J, I-3, I-3A, I-3B, I-4B, I-69, I-69A, I-69B, I-69C, I-70, I-70A, I-70B, I-70C, I-71, I-72, I-73, I-73A, L-50, L-48G, L-49A, L-50, L-51 and L-52”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from High-Density Multiresidential District (RM-8) to Urban Density Multiresidential District (RM-U) an area of approximately 125.4 acres located along Whittier Street, Washington Street and Portland Avenue, Plaza Drive, Northway Circle, Park Street, New York Street, Hill Street, Ham Street, and others in vicinity thereof consisting of lots E-65C, E-66, E74A, 4-58, 4-59, 4-60, 4-61, 4-62, 4-63, 4-64, 4-65, 4-65A, 4-66, 4-67, 4-68, 4-69, 27-1*, 27-2*, 27-3*, 27-4*, 27-5*, 27-6*, 27-8*, 27-11, 27-12, 27-13, 27-14, 27-15, 27-16, 27-17, 27-19, 27-20, 27-21, 27-22, 27-23, 27-24, 27-25, 27-26, 27-27, 27-28, 27-28B, 27-29, 27-30, 27-31, 27-32, 27-33, 27-34, 27-35, 27-36, 27-37, 27-38, 27-39, 27-40, 27-41, 27-42, 27-43, 27-44, 27-45, 27-46, 27-47, 27-48, 27-49, 27-50, 27-51, 27-52, 27-54, 27-55, 27-56, 27-57, 27-58, 27-59, 27-60, 27-77, 27-78, 27-79, 27-80, 27-81, 27-82, 27-82A, 27-83, 27-84, 27-85, 27-86, 27-86A, 27-87, 27-88, 27-89, 27-89A, 27-9, 27-90, 27-90A, 27-90B, 27-91, 27-92, 27-93, 27-94, 27-95, 27-96, 27-97, 27-98, 27-99A, 27-99B, 27-100, 27-102, 27-103, 27-104, 27-105, 27-106, 27-107, 27-108, 27-109, 27-110, 27-111, 27-112, 27-113, 27-114, 27-115, 27-116, 27-117, 27-118, 27-119, 27-120, 27-121, 27-122, 27-123, 27-124, 27-124A, 27-125, 27-125, 27-125A, 27-125B, 27-125C, 27-126, 27-128, 27-129, 27-130, 27-131, 27-132, 27-133, 27-134, 27-135, 27-136, 27-137, 27-138, 27-139, 27-140, 27-143*, 27-144*, 27-145*, 27-146*, 27-147*, 27-148*, 27-149*, 27-150*, 27-190, 27-191, 27-192, 27-193, 27-194, 27-195, 27-196, 27-197, 27-198, 27-199, 27-200, 27-201, 27-206,



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27-207, 27-208, 27-211, 27-212, 27-213, 27-214, 27-215, 27-216, 27-217 33-1, 33-1A, 33-2, 33-3, 33-4, 33-57, 33-58, 33-59, 33-59A, 33-60, 33-61, 33-61A, D-80*, D-79-1*, 31-100, 31-101, 31-101A, 31-102, 31-103*, 31-104, and 31-104A”

* = only that portion of the lot within the RM-8 district will be affected.

7. AMENDMENT

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

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Urban Multiple Use District (UMUD) to Central Business District (CBD) an area of approximately 12.5 acres located along Washington Street and Main Street, consisting of lots 2-37, 2-37A, 3-63, 3-63A, 3-63B, and 23-14”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Cochecho Waterfront District (CWD) to Central Business District (CBD) an area of approximately 10.3 acres located along Main Street, Cochecho Street and Portland Avenue consisting of lots 23-1, 23-2, 23-3, 23-4, 23-5, 23-7, 23-8, 23-9, 23-10, 23-11, ,24-139, 24-140, 24-141 and 24-142”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Office (O) to Central Business District (CBD) an area of approximately 15.25 acres located along Silver Street and Locust Street consisting of lots 9-1, 9-2, 9-3, 9-4, 9-39, 9-40, 9-41, 9-42, 9-43, 9-44, 9-45, 9-46, 9-47, 9-48, 9-53, 9-53A, 9-54, 9-55, 9-56, 9-57, 9-76, 9-77, 9-85, 9-86, 9-87, 9-88, 9-89, 9-90, 9-91, 9-92, 9-93, 9-94, 9-95, 9-96, 9-97, 9-107, 9-108, 9-109, 9-116 9-117, and the portion of 30-114 and 30-115A that are within the Office District”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Urban Density Multiresidential District (RM-6) to Central Business District (CBD) an area of approximately 13.5 acres located along Washington Street and Chestnut Street consisting of lots 1-25, 1-37, 1-38, 1-40, 1-41, 1-42, 1-43, 1-44. 10-41, 10-43, 10-44 and 1 -45”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from High Density Multiresidential District (RM-8) to Central Business District (CBD) an area of approximately 55.2 acres located along Third Street, Fourth Street, Fifth Street, Lincoln Street, Grove Street, Sixth Street, Prebble Street, Twombly Street, Pierce Street, Broadway,



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Washington Street, George Street, Henry Law Avenue and Central Avenue consisting of lots 3-46, 3-47, 3-49, 3-50, 3-51, 3-52, 3-53, 3-54, 4-10, 4-11, 4-12, 4-13, 4-14, 4-34, 4-35, 4-36, 4-37, 4-38, 4-40, 4-41, 4-42, 4-43, 4-44, 4-45, 4-46, 4-47, 4-48, 4-49, 4-50, 4-52, 4-53, 4-54, 4-55, 4-56, 23-15, 23-27, 23-28, 23-29, 23-30, 23-31, 23-32, 24-25, 24-26, 24-27, 24-27A, 24-28, 24-29, 24-30, 24-31, 24-32, 24-33, 24-34, 24-35, 24-36, 24-37, 24-38, 24-39, 24-40, 24-41, 24-42, 24-43, 24-44, 24-45, 24-45-A, 24-46, 24-47, 24-48, 24-49, 24-50, 24-51, 24-52, 24-53, 24-54, 24-55, 24-56, 24-59, 24-60, 24-60A, 24-60B, 24-61, 27-61, 24-57, 24-58, 31-2, 31-3, 31-3A, 31-, 4A, 31-15, 31-16, 31-17, 31-18, 31-19, 31-19A, 31-20, 31-21, 31-23, 31-27, 31-27A, 31-28, 31-29, 31-30, 31-31, 31-32, 31-34, 31-35, 31-36, 31-40, 31-40A, 31-41, 31-42, 31-47, 31-48, 31-49, 31-50, 31-51, 31-52, 31-52A, 31-53, 31-53A, 31-53B, 31-54, 31-55, 31-57, 31-58, 31-59, 31-60, 31-61, 31-62, 31-63, 31-64, 31-65, 31-66, 31-67, 31-68, 31-72, 31-73, 31-74, 31-75, 31-76, 31-79, 31-80, 31-80-A, 31-81, 31-82, 31-83, 31-84, 31-85, 31-86, 31-87, 31-88, 31-89, 31-90, 31-91, 31-92, 31-93, 31-94, 31-95, 31-96, 31-97, 31-98, 31-99, 31-99A, 31-37, 31-22, 31-39 , 31-69, 31-4D and 31-21”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Medium Density Multiresidential District (RM-10) to Central Business District (CBD) an area of approximately ~~47.25~~ **11.00** acres located along Sixth Street, St Thomas Street, Court Street and Central Avenue consisting of lots 9-53A*, 9-54*, 9-55*, 9-57*, ~~12-32, 12-33, 12-39, 12-40, 12-41, 12-42, 12-43, 9-59, 12-75, 12-76, 12-77, 12-78, 12-79, 12-80, 12-82, 12-83, 12-31, 12-42-1, 12-42-3, 12-42-4, 12-42-5, 12-42-6, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-30, 20-31, 20-32 20-51, 20-52, 20-53, 20-55B, 20-58,59, 20-76, 20-77, 23-15*, 30-113, 30-114*, 30-115A*, 30-71, 30-72, 30-88, 30-89, 30-90, and 30-91”~~

* = only those portions within the RM-10 zone are being adjusted.

AND

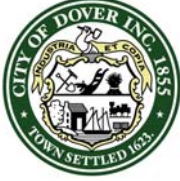
“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Thoroughfare Business (B-3) to Central Business District (CBD) an area of approximately 3 acres located along Broadway consisting of lots 27-62, 27-63, 27-64, 27-65, 24-2HA*, 24-21*, 24-2A*, and 24-2E”

* = only those portions within the B-3 zone are being adjusted.

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from High Density Multiresidential District (RM-8) to ~~Medium Density Multiresidential District (RM-10)~~ **Urban Density Multiresidential District (RM-U)** an area of approximately 2.3 acres located along River Street and Henry Law Avenue consisting of lots 22-3*, 22-6* and 22-9*”

* = only those portions within the RM-8 zone are being adjusted.



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AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Office (O) to ~~Medium Density Multiresidential District (RM-10)~~ **Urban Density Multiresidential District (RM-U)** an area of approximately 2.4 acres located along ~~River Street and Henry Law Avenue and Nelson Street~~ consisting of lots 9-5, 9-6, 9-7, 9-37, 9-38, 9-49, 9-51, 9-52 and 9-48A”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article 170-8 "Zoning Map" by amending as follows:

“170-8. Zoning Map.

A. The location and boundaries of the Zoning Districts are hereby established as shown on a map entitled "Zoning Map of the City of Dover, New Hampshire"*, dated May 25, 1979, 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 entitled “Regulating Plan for the CBD Zone”** dated July *, 2009, accompanies and is hereby declared to be part of this chapter.”

AND

“** EDITOR'S NOTE: SAID REGULATING PLAN IS ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT, WHERE IT MAY BE EXAMINED DURING REGULAR BUSINESS HOURS.”

8. AMENDMENT

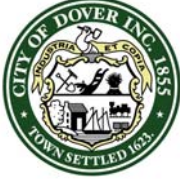
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by adding section 170-10.1 to read as follows:

“170-10.1 Central Business District Regulations

A. Purpose and Intent

The City of Dover Central Business District (CBD) follows the premises of context sensitive zoning. This form based code is intended to foster a vital main street both for itself and for its adjacent neighborhoods through a lively mix of uses—with shopfronts, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper story residences and offices.

Redevelopment within the Central Business District (CBD) shall be regulated by this form based code, 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.



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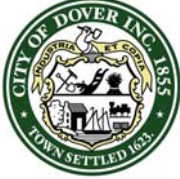
The form based code was developed through a citizen-based discussion process regarding the design for the improvement of all properties in the Central Business District. designated areas. To allow further refinement consistent with individual areas, the district has been divided into sub-districts, with special requirements for each sub-district to allow for context sensitive development along corridors and neighborhoods alike.

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 ordinance 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.

Wherever there appears to be a conflict between the form based code and other sections of the Zoning Ordinance (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. 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.
 - 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.
 - f. That CIVIC BUILDINGS and public gathering places shall 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 secured through the adoption of these regulations.



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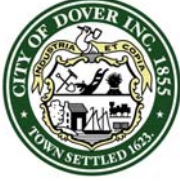
2. Conditional use approval shall be subject to a formal agreement between the Planning Board and the applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds.

C. Sub-districts

1. The REGULATING PLAN for the CBD shall locate the boundaries for the following sub-districts:
 - a. Commercial
 - b. Mixed Use
 - c. Residential

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. 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. Where buildings exist on LOTS adjacent to a proposed building, the proposed building may match the more conforming of the adjacent buildings' SETBACKS and heights rather than match the provisions of this code, through the issuance of a conditional use permit.
3. 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.
 - a. General Guiding Principles
 1. Buildings are aligned and close to the STREET.
 2. The STREET is a coherent space, with consistent building forms on both sides of the STREET, creating a clear public space and community identity.
 3. Buildings oversee the STREET (and SQUARE) with active fronts contributing to a vital and safe public space.
 4. Property lines are physically defined by buildings or STREET WALLS.
 5. 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
 6. Vehicle storage, garbage and mechanical equipment are kept away from the STREET.
 7. Within the Commercial, and Mixed Use sub-districts, new retail and commercial activities are located on the GROUND FLOOR. Residential activity is not.



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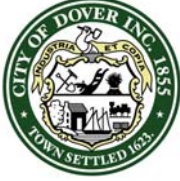
8. Parking (not including on-street parking) should be away from the STREETS and shared by multiple owners/users.
9. Historic character should be preserved and enhanced by context sensitive construction

E. STREETSCAPE

1. The CBD sites shall be developed so that buildings are placed at or near the STREET, along the outer edge of their sites and so as to ensure the unity of those STREETS. Furthermore, the standards demonstrate the relationship between the STREET and LOTS. Finally, these standards establish an environment that encourages and facilitates pedestrian activity.
2. General Principles and Intent
 - a. The STREETSCAPE
 1. The STREET and building façade receives more attention than the rest of the building.
 2. STREETSCAPE elements, such as brick pavers, benches and waste-bins must be consistent within a project and adjacent properties.
 3. PUBLIC ART is encouraged.
 - 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.
 2. Parking shall be considered accessory and shall not be the principal use of a lot.
3. Minimum Standards

Unless sub-district tables indicate additional or replacement regulations, development shall follow the regulations outlined below:

 - a. The STREETSCAPE
 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 5 feet. At planting, trees shall be at least 4 to 4.5 inches in diameter (4 feet above grade) and at least 12 feet in overall height.



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2. Any unpaved ground area fronting the LOTS (to the curb) shall be planted with groundcover or flowering vegetation.

b. **SIDEWALKS**

1. Sidewalks shall be a minimum of 5 feet wide

c. **STREET FURNITURE**

1. Benches - Benches will have backs and arm rests.

- a. For each project, one (1) bench will be provided for every 100 feet of FRONTAGE on a project.

2. Waste Bins - At a minimum, one (1) waste bin will be provided at each BLOCK CORNER.

3. Bike Racks – At a minimum, one (1) bike rack shall be required per non-residential project.

F. **Architectural Standards**

The following standards are optional and may be utilized by the APPLICANT. An APPLICANTS election not to submit to architectural standards shall not adversely prejudice the application.

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 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**

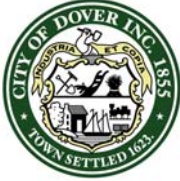
1. LEED (Leadership in Energy and Environmental Design) standards, or an equivalent standard (or such others as may succeed them), are encouraged to be incorporated into the building design.

c. **PUBLIC SPACE**

1. 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.

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



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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).

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

3. Roofs and PARAPETS

- a. Roofs and PARAPETS should demonstrate a commonsense 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 6 and 12 inches beyond the building walls. For buildings three stories or taller, the cornice projection shall increase an additional 6 to 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.
- d. Overly elaborate, "postmodern" and/or "high-tech" designs are discouraged. 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. Vegetative cover should be considered for flat roofs and solar panels should be considered for integration into pitched roof structures.

4. Street Walls

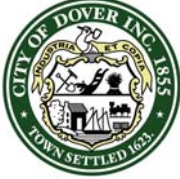
- a. STREET WALLS establish a clear edge to the STREET in locations where the buildings do not. The CBD requirements include masonry walls that define outdoor spaces and separate the STREET from the private realm (parking lots, trash cans, gardens, and equipment). All STREET WALL facades shall be as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

5. Windows and Doors

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

6. Lighting and Mechanical Equipment

- a. 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.



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b. STREET LIGHTS:

1. In order to minimize light pollution, light should be directed downward to the immediate area being lighted and away from any living quarters.
2. Lights shall be located 16 feet above grade with a maximum average spacing (per BLOCK face) of 60 feet on center
3. At the front of the building, exterior lights shall be mounted between 6 feet and 14 feet above the adjacent grade.
4. Floodlights or directional lights (maximum 75-watt bulbs) 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.
5. Floodlighting shall not be used to illuminate building walls (i.e. no up-lighting), except in the Mill sub-district.
6. Site lighting shall be of a design and height so as to illuminate only the LOT.
7. 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.

c. Mechanical Equipment

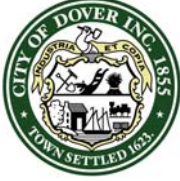
1. The following shall not be stored or located within any STREET, and be screened from view from the STREET :
 - a. Air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and the like may not 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.

G. Incentives for Architectural Standards

1. Any plan that demonstrates reasonable use of the optional architectural standards defined in section F, may apply for the following incentives:
 - a. Fast track review
The Planning Director shall give preference to projects in setting the Planning Board agendas and in other review processes.
2. Reasonable use shall be considered demonstration of at least six of the criteria or items mentioned under section F. These criteria/items will be listed on a waiver application form.

H. Administration

1. The CB district exists like every other district and development within is intended to be reviewed and approved as any other district. Any appeals of this section shall be treated as any other zoning appeal and shall be directed to the Zoning Board of Appeals (as outlined in 170 – 52). Projects submitted shall follow the process outlined with Chapter 149, Site Plan Review, of the City of Dover Code.



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2. Any redevelopment within the CBD is exempt from Wetlands Regulations as described and administered in this Chapter.”

9. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article IV, USES; TABLES, as follows:

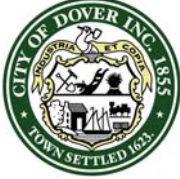
“ARTICLE IV USES; TABLES

170-11. Use Regulations.

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** ~~denoted by the letter "P"~~, 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~~ **by** a numerical reference number (footnote) indicates a use that is permitted by right only when in compliance with certain imposed conditions. ~~(Refer to the Footnotes – Conditions Imposed section immediately following the Table of Use Regulations.)~~
- C. Uses permitted by special exception. A use listed in the **Uses Via Special Exception** section of the Tables of Use **and Dimensional** Regulations **By District** and denoted by the letter "S"; may be permitted as a special exception granted by the Board of Adjustment in accordance with the conditions of Article VI and 170-52 herein and in conformance with such other rules and regulations as may apply. The **Special Exception** designation "S" in a given district does not constitute an authorization of an assurance that such use will be permitted.
- D. Uses not permitted. A use ~~not listed~~ ~~designated as "-"~~ in the Tables of Use **and Dimensional** Regulations **By District** shall not be permitted in the district.
- E. Planning Board Site Review Approval. The following development/redevelopment shall be subject to the rules and regulations contained in the Site Review Ordinance of the City of Dover*: **[Amended 08-01-90 by Ord. No. 8-90]**
 - (1) All non-residential development or redevelopment.
 - (2) All multi-family residential uses wherein more than five (5) units are proposed for development.
 - (3) All mobile home parks.
 - (4) Any Change of Use as defined in Chapter 149, Site Review Ordinance.

* Editor's Note: See Ch. 149, Site Review.



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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 VII.)

170-12. Applicability of Tables of Use and Dimensional Regulations By District.

A. Uses permitted in those zoning districts identified in 170-7 shall be as set forth in the following Tables of Use and Dimensional Regulations By District: ~~Table I, Principal Uses, and Table II, Accessory Uses.~~**

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.**

**** Editor's Note: The Tables of Use and Dimensional Regulations By District are ~~consisting of Table I, Permitted Uses, and Table II, Accessory Uses,~~ is included at the end of this chapter."**

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-20 "Mobile Home parks." to read as follows:

"170-20 Reserved"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-21 "Livestock, poultry and swine." to read as follows:

"170-21 Reserved"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-22 "Barber- and beauty shops." to read as follows:

"170-22 Reserved"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-23 "Gasoline and auto service stations." to read as follows:

"170-23 Reserved"



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AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-24 “Junkyards.” to read as follows:

“170-24 **Reserved**”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-25 “Roadside Stands.” to read as follows:

“170-25 **Reserved**”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25. 1 “Three- and four-family dwellings” in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25. 2 “Industrial Building Heights.” in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25.3 “Elderly Assisted Care Home.” in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25.4 “Congregate Care Facility.” in its entirety.

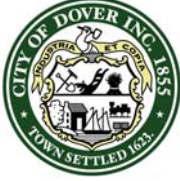
AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25.5 “Nursing Home” in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25.6 “Group Home for Minors” in its entirety.

AND



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25.7 “Adult Bookstore and/or Video Store, Adult Cabaret” in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25.8 “Helicopter Take Offs and Landings” in its entirety.

AND

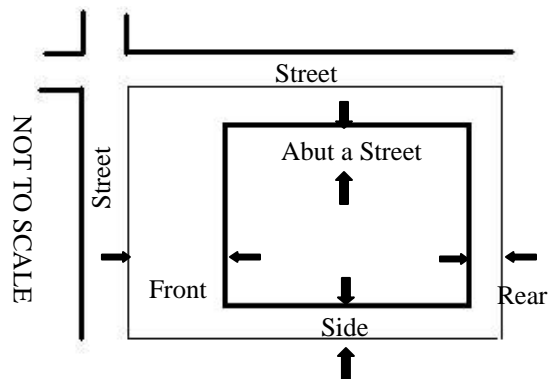
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting TABLES OF USE AND DIMENSIONAL REGULATIONS, Table I, Part A, B, C1, C2, D, E, and F; Table II; Table of Dimensional Regulations; and Sign Review and Regulation Table, and replacing them with the following Tables of Use and Dimensional Regulations By District:

INSERT TABLES

Rural Residential (R-40) District

The information included in this Table represents the requirements for development in this District.

LOT OCCUPATION (1) (2)	
Min. Lot Size (3) (4)	40,000 sf
Frontage (feet)	150 ft
Lot Coverage	10%
SETBACKS - PRINCIPAL BUILDING (FEET)	
Front/ Abut a Street	40
Side	25
Rear	30
OUTBUILDING/ACCESSORY USE SETBACKS (FEET)	
Front/ Abut a Street	40
Side Setback	10
Rear Setback	10
BUILDING HEIGHT (FEET)	
Principal Building	35
Outbuilding	35



The principal structure shall be distanced from the lot lines as shown.

Sign Regulations	
Total Sign No.	1
Maximum Sign Area	16 sf*
* Cust. Home Occupation Sign Max 2 Sf a Development Identification sign may be 20 sf	
SETBACKS - Freestanding Sign	
Sign	10'
Sign Type	Allowed
Freestanding	Yes
Projecting	Yes
Wall/Awning	No
Temporary	No

Permitted Uses
1 Family Dwelling
2 Family Dwelling (5)
3 To 4 Family Dwelling (5)
Mobile Home Unit (6)
Conversion of Existing Dwelling to Accommodate not more than 2 units (7)
Agriculture, Horticulture and Floriculture
Greenhouse, Retail Sale of Agricultural or Farm Products Raised on Site
Farm, Livestock, Poultry and Swine (8)
Veterinary Office, Animal Hospital or Kennel (9, 10)
Bank (11)
Beauty and Barber Shop (11)
Bed and Breakfast
Country Club (12)
Drive-In Theater
Farm Produce (8)
Gravel Pit (12)
Office (13) (11)
Personal Service Establishment (11)
Recreational Camp
Theater (11)
Wholesaling of Farm Products (12)
Adult Day Care (11)
Child Care Facility
Church
Clinic
Educational Institution, K-12
Hospital
Public Recreation
Public Utility

Uses Via Special Exception (see 170-52)
Mobile Home Park (SEE OVER)
Junkyard (12)
Congregate Care (SEE OVER)
Educational Institution, Post Secondary
Elderly Assisted Care (SEE OVER)
Nursing Home (SEE OVER)
Helicopter Take Offs & Landings (SEE OVER)

- [1] In the case of an Open Space Subdivision, in accordance with Article IV of Chapter 155 of the Code of Dover, the dimensional requirements shall be as specified in μ 155-22 of the Code of the City of Dover, 1983. [Added 6-10-87 by Ord. No. 13-87]
- [2] Refer to $\mu\mu$ 170-13 and 170-14 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 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 Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For 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.
- [4] Refer to Chapter 155, 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). [Amended 1-22-2003 by Ord. No. 35]
- [5] Use is allowed when included within an Open Space Subdivision with commercial components. (See 155.22 section 7). [Added 1-22-2003 by Ord. No. 35].
- [6] Provided that mobile homes are placed within mobile home subdivisions. Installation of mobile homes shall be contingent upon the Building Inspector's certification that such units comply with Department of Housing and Urban Development Mobile Home Construction Standards (1976), and the placement of such units shall be on a continuous masonry foundation (frostwall - floating slab). [Amended 6-22-83 by Ord. No. 19-83]
- [7] Any dwelling unit existing on or before May 27, 1964, may be converted, 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.
- [8] Where livestock, poultry and swine are raised and boarded, shelters to house said animals shall not be less than one hundred (100) feet from any property boundary
- [9] Shelters and runs used to house and/or contain animals shall be no closer than one hundred (100) feet from any property line and must support a minimum tract size of one hundred thousand (100,000) square feet. [Amended 8-1-90 by Ord. 8-90]
- [10] Veterinary Office, Animal Hospital uses are allowed as a commercial component to an Open Space Subdivision. (See 155.22 section 7) . [Added 1-22-2003 by Ord. No. 35].
- [11] Use is allowed as a commercial component to an Open Space Subdivision. (See 155.22 section 7) . [Added 1-22-2003 by Ord. No. 35].
- [12] Use is not allowed as a commercial component to an Open Space Subdivision. (See 155.22 section 7). [Added 1-22-2003 by Ord. No. 35].
- [13] Permitted only if operated as a customary home occupation (Refer to definition in μ 170-6B)

SPECIAL EXCEPTION CRITERIA

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.

Mobile home parks.

Mobile home parks shall be subject to the following regulations:

- A. The proposed park must conform to the Mobile Home Chapter of the Code (Ch. 126, Mobile Home Parks)
- B. All plans for the proposed mobile home park must have been granted preliminary approval from the Dover Planning Board.
- C. A determination by the Zoning Board of Adjustment that the proposed mobile home park will not adversely affect overall land values in the neighborhood.
- D. A determination by the Zoning Board of Adjustment that the proposed mobile home park will not result in the creation of hazardous traffic conditions.

Elderly Assisted Care Home. [Added 09-15-93 by Ord. No. 19-93]

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 one 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 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 Chapter 170-44 (Off Street Parking). 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]

Congregate Care Facility. [Added 09-15-93 by Ord. No. 19-93]

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 one 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 one unit per 7,500 sq. ft. of land;
- B. Provided that parking and service areas are screened from abutting residential uses.

Nursing Home. [Added 09-15-93 by Ord. No. 19-93]

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 one 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 bedroom per 7,500 sq. ft. of land;
- B. Provided that parking and service areas are screened from abutting residential uses.

Helicopter Take offs and Landings

Helicopter take offs and landings are allowed as a special exception subject to the following conditions:

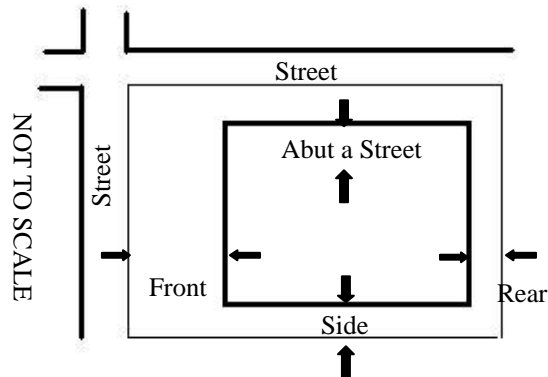
- A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
- B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
- C. The facility shall 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.
- E. The conditions for granting a Special Exception, contained in Chapter 170-52-C(3), must also be satisfied

Low Density Residential (R-20) District

The information included in this Table represents the requirements for development in this District.

LOT OCCUPATION (1) (2)	
Min. Lot Size (3) (4)	20,000 sf
Frontage (feet)	125 ft
Lot Coverage	30%
SETBACKS - PRINCIPAL BUILD-	
Front/ Abut a Street	(5)
Side	20
Rear	30
OUTBUILDING/ACCESSORY USE SETBACKS (FEET)	
Front/ Abut a Street	(5)
Side Setback	10
Rear Setback	10
BUILDING HEIGHT (FEET)	
Principal Building	35
Outbuilding	35

Permitted Uses
1 Family Dwelling
2 Family Dwelling (6)
3 To 4 Family Dwelling (6)
Conversion of Existing Dwelling to Accommodate not more than 2 units (7)
Agriculture, Horticulture and Floriculture
Farm, Livestock, Poultry and Swine (8)
Veterinary Office, Animal Hospital or Kennel (9)
Bank (10)
Beauty and Barber Shop (10)
Bed and Breakfast
Farm Produce (11)
Office (13) (10)
Personal Service Establishment (10)
Theater (10)
Adult Day Care (10)
Child Care Facility
Church
Educational Institution, K-12
Public Recreation
Public Utility (14)



The principal structure shall be distanced from the lot lines as shown.

Sign Regulations	
Total Sign No.	1
Maximum Sign Area	16 sf*
* Cust. Home Occupation Sign Max 2 Sf a Development Identification sign may be 20 sf	
SETBACKS - Freestanding Sign	
Sign	10'
Sign Type	
Freestanding	Yes
Projecting	Yes
Wall/Awning	No
Temporary	No

Uses Via Special Exception (see 170-52)
Roadside Farm Stand (SEE OVER)
Congregate Care (SEE OVER)
Educational Institution, Post Secondary
Elderly Assisted Care (SEE OVER)
Nursing Home (SEE OVER)
Helicopter Take Offs & Landings (SEE OVER)

- [1] In the case of an Open Space Subdivision, in accordance with Article IV of Chapter 155 of the Code of Dover, the dimensional requirements shall be as specified in μ 155-22 of the Code of the City of Dover, 1983. [Added 6-10-87 by Ord. No. 13-87]
- [2] Refer to $\mu\mu$ 170-13 and 170-14 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 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 Code of Administrative Rules – Vt. 101.87 and the 1987 Federal Manual For 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.
- [4] Refer to Chapter 155, 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 OSS if the original lot meets the minimum lot size required. [Amended 1-22-2003 by Ord. No. 35]
- [5] The front setback and abut a street shall be calculated by determining the setbacks of all lots within the same zone located with 500 feet from the exterior lot lines of the original lot to be subdivided. This dimension shall be considered to be a build to line, as opposed to a setback. Regardless of the average, in no case shall the build to line be closer than five (5) feet to the front lotline.
- [6] Use is allowed when included within an Open Space Subdivision with commercial components. (See 155.22 section 7). [Added 1-22-2003 by Ord. No. 35].
- [7] Any dwelling unit existing on or before May 27, 1964, may be converted, 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.
- [8] Farms shall be permitted where livestock, poultry and swine are raised and boarded, 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 and pens or runs used to contain said animals be closer than one hundred (100) feet from any property boundary.
- [9] Veterinary Office, Animal Hospital uses are allowed as a commercial component to an Open Space Subdivision. (See 155.22 section 7) . [Added 1-22-2003 by Ord. No. 35].
- [10] Use is allowed as a commercial component to an Open Space Subdivision. (See 155.22 section 7) . [Added 1-22-2003 by Ord. No. 35].
- [11] Where livestock, poultry and swine are raised and boarded, shelters to house said animals shall not be less than one hundred (100) feet from any property boundary
- [12] Use is not allowed as a commercial component to an Open Space Subdivision. (See 155.22 section 7). [Added 1-22-2003 by Ord. No. 35].
- [13] Permitted only if operated as a customary home occupation

(Refer to definition in μ 170-6B)

- [14] 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. [Amended 10-28-88 by Ord. No. 18-88]

SPECIAL EXCEPTION CRITERIA

Roadside Farm stand.

Roadside stands or sales facilities, where agriculture products raised on site are sold, shall be set back a minimum of forty feet from all abutting vehicular rights-of-way. The building area of said facility shall not be greater than eight hundred (800) square feet in area. For each roadside stand there shall be a minimum of six (6) off-street parking spaces, which shall have safe access to and from a public street. A driveway permit shall be required in all cases.

Elderly Assisted Care Home. [Added 09-15-93 by Ord. No. 19-93]

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-20 District at a density of one 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 Chapter 170-44 (Off Street Parking). 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]

Congregate Care Facility. [Added 09-15-93 by Ord. No. 19-93]

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 residential uses.

Nursing Home. [Added 09-15-93 by Ord. No. 19-93]

Nursing Home 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 residential uses.

Helicopter Take offs and Landings

Helicopter take offs and landings are allowed as a special exception subject to the following conditions:

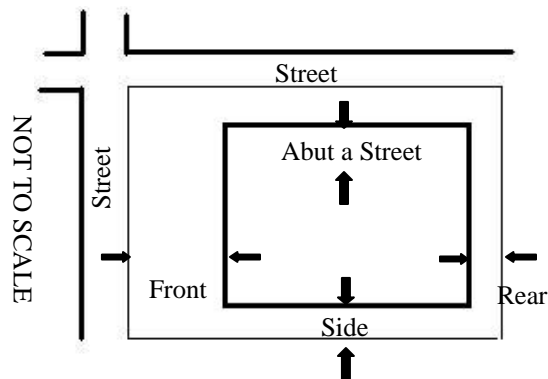
- A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
- B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
- C. The facility shall 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.
- E. The conditions for granting a Special Exception, contained in Chapter 170-52-C(3), must also be satisfied

Medium Density Residential (R-12) District

The information included in this Table represents the requirements for development in this District.

LOT OCCUPATION (1) (2)	
Min. Lot Size (3) (4)	12,000 sf
Frontage (feet)	100 ft
Lot Coverage	30%
SETBACKS - PRINCIPAL BUILD-	
Front/ Abut a Street	(5)
Side	15
Rear	30
OUTBUILDING/ACCESSORY USE SETBACKS (FEET)	
Front/ Abut a Street	(5)
Side Setback	10
Rear Setback	10
BUILDING HEIGHT (FEET)	
Principal Building	35
Outbuilding	35

Permitted Uses
1 Family Dwelling
2 Family Dwelling (6)
Conversion of Existing Dwelling to Accommodate not more than 2 units (7)
Bed and Breakfast
Office (8)
Child Care Facility
Church
Educational Institution, Post Secondary
Educational Institution, K-12
Public Recreation
Public Utility (9)
Pools (10)



The principal structure shall be distanced from the lot lines as shown.

Sign Regulations	
Total Sign No.	1
Maximum Sign Area	16 sf*
* Cust. Home Occupation Sign Max 2 Sf a Development Identification sign may be 20 sf	
SETBACKS - Freestanding Sign	
Sign	10'
Sign Type	
Freestanding	Yes
Projecting	Yes
Wall/Awning	No
Temporary	No

Uses Via Special Exception (see 170-52)
Elderly Assisted Care (SEE OVER)

- [1] In the case of an Open Space Subdivision, in accordance with Article IV of Chapter 155 of the Code of Dover, the dimensional requirements shall be as specified in μ 155-22 of the Code of the City of Dover, 1983. [Added 6-10-87 by Ord. No. 13-87]
- [2] Refer to $\mu\mu$ 170-13 and 170-14 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 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 Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For 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.
- [4] Refer to Chapter 155, 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 OSS if the original lot meets the minimum lot size required. [Amended 1-22-2003 by Ord. No. 35]
- [5] The front setback and abut a street shall be calculated by determining the setbacks of all lots within the same zone located with 500 feet from the exterior lot lines of the original lot to be subdivided. This dimension shall be considered to be a build to line, as opposed to a setback. Regardless of the average, in no case shall the build to line be closer than five (5) feet to the front lotline.
- [6] Two family dwellings are permitted in the R-12 Districts when incorporated in an open space subdivision and comply with all regulations specified in Chapter 155, Subdivision of Land, Article IV, Open Space Subdivisions, of the Code of the City of Dover, 1983 [Added 9-14-88 by Ord No. 13-88] [Amended 1-15-03 by Ord No. 35-11]
- [7] Any dwelling unit existing on or before May 27, 1964, may be converted, 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.
- [8] Permitted only if operated as a customary home occupation (Refer to definition in μ 170-6B)
- [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. [Amended 10-28-88 by Ord. No. 18-88]

SPECIAL EXCEPTION CRITERIA

Elderly Assisted Care Home. [Added 09-15-93 by Ord. No. 19-93]

Elderly Assisted Care Home is allowed by Special Exception in accordance with the densities and provisions stated below:

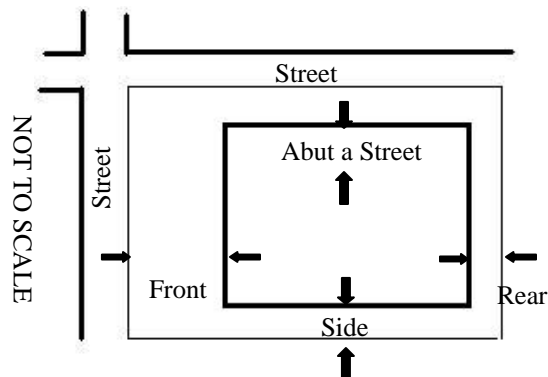
- A. Elderly Assisted Care Homes larger than 6 bedrooms shall meet the following density requirements: In the R-20 District at a density of one bedroom per 3,000 sq. ft.;
- B. Provided that parking and service areas are screened from abutting residential uses.
- C. Notwithstanding the above requirements, 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 Chapter 170-44 (Off Street Parking). 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]

Suburban Density Multi-Residential (RM-SU) District

The information included in this Table represents the requirements for development in this District.

LOT OCCUPATION (1)	
Min. Lot Size (2)	20,000 sf
Frontage (feet)	100 ft
Lot Coverage	40%
SETBACKS - PRINCIPAL BUILD-	
Front/ Abut a Street	50
Side	20
Rear	20
OUTBUILDING/ACCESSORY USE SETBACKS (FEET)	
Front/ Abut a Street	50
Side Setback	10
Rear Setback	10
BUILDING HEIGHT (FEET)	
Principal Building	40
Outbuilding	40

Permitted Uses
1 Family Dwelling (3)
2 Family Dwelling
3-4 Family Dwelling (4)
Multifamily (4)
Conversion of Existing Dwelling to Accommodate not more than 2 units (4)
Conversion of Existing Dwelling to Accommodate not more than 4 units (4)
Conversion of Existing Dwelling to Accommodate 5 or more units (4)
Farm Produce (5)
Office (6)
Adult Day Care
Child Care Facility
Church
Educational Institution, K-12
Public Recreation
Public Utility (7)



The principal structure shall be distanced from the lot lines as shown.

Sign Regulations	
Total Sign No.	1
Maximum Sign Area	16 sf*
* Cust. Home Occupation Sign Max 2 Sf a Development Identification sign may be 20 sf	
SETBACKS - Freestanding Sign	
Sign	10'
Sign Type	
Freestanding	Allowed
Projecting	Yes
Wall/Awning	No
Temporary	No

Uses Via Special Exception (see 170-52)
Roadside Farm Stand (SEE OVER)
Elderly Assisted Care (SEE OVER)

- [1] Refer to §§ 170-13 and 170-14 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 NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For 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.
- [3] A single-family residential dwelling may be constructed within this zoning district under the same dimensional regulations that govern development in a R-20 District.
- [4] 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. [Amended 02/17/99 by Ord. No. 25-98]
- [5] Where livestock, poultry and swine are raised and boarded, shelters to house said animals shall not be less than one hundred (100) feet from any property boundary
- [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. [Amended 10-28-88 by Ord. No. 18-88]

SPECIAL EXCEPTION CRITERIA

Roadside Farm stand.

Roadside stands or sales facilities, where agriculture products raised on site are sold, shall be set back a minimum of forty feet from all abutting vehicular rights-of-way. The building area of said facility shall not be greater than eight hundred (800) square feet in area. For each roadside stand there shall be a minimum of six (6) off-street parking spaces, which shall have safe access to and from a public street. A driveway permit shall be required in all cases.

Elderly Assisted Care Home. [Added 09-15-93 by Ord. No. 19-93]

Elderly Assisted Care Home is allowed by Special Exception in accordance with the densities and provisions stated below:

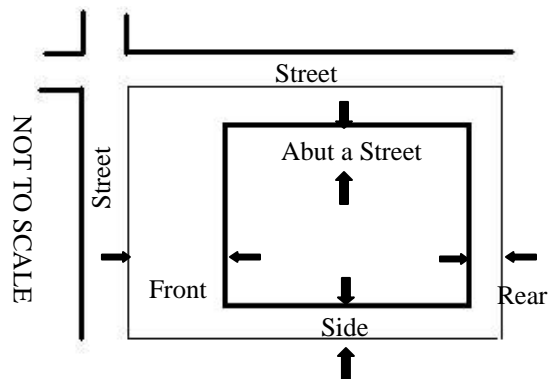
- A. Elderly Assisted Care Homes larger than 6 bedrooms shall meet the following density requirements: In the RM-20 District at a density of one bedroom per 5,000 sq. ft.;
- B. Provided that parking and service areas are screened from abutting residential uses.
- C. Notwithstanding the above requirements, 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 Chapter 170-44 (Off Street Parking). 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]

Urban Density Multi-Residential (RM-U) District

The information included in this Table represents the requirements for development in this District.

LOT OCCUPATION (1)	
Min. Lot Size (2)	10,000 sf
Frontage (feet)	80 ft
Lot Coverage	40%
SETBACKS - PRINCIPAL BUILDING (FEET)	
Front/ Abut a Street	(3)
Side	15
Rear	15
OUTBUILDING/ACCESSORY USE SETBACKS (FEET)	
Front/ Abut a Street	(3)
Side Setback	10
Rear Setback	10
BUILDING HEIGHT (FEET)	
Principal Building	40
Outbuilding	40

Permitted Uses
1 Family Dwelling
2 Family Dwelling
Conversion of Existing Dwelling to Accommodate not more than 2 units (4)
Rooming House (5)
Funeral Parlor
Office (6)
Service Club (7)
Adult Day Care
Child Care Facility
Church
Educational Institution, K-12
Public Recreation
Public Utility (8)



The principal structure shall be distanced from the lot lines as shown.

Sign Regulations	
Total Sign No.	1
Maximum Sign Area	16 sf*
* Cust. Home Occupation Sign Max 2 Sf a Development Identification sign may be 20 sf	
SETBACKS - Freestanding Sign	
Sign	10'
Sign Type	
Freestanding	Allowed
Projecting	Yes
Wall/Awning	No
Temporary	No

Uses Via Special Exception (see 170-52)
3-4 Family Dwelling (SEE OVER)
Conversion of Existing Dwelling to Accommodate not more than 4 units (SEE OVER)
Beauty and barbershop (SEE OVER)
Congregate Care (SEE OVER)
Elderly Assisted Care (SEE OVER)
Nursing Homes (SEE OVER)
Group Home Form Minors (SEE OVER)

- [1] Refer to §§ 170-13 and 170-14 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 NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For 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.
- [3] The front setback and abut a street shall be calculated by determining the setbacks of all lots within the same zone located with 500 feet from the exterior lot lines of the original lot to be subdivided. This dimension shall be considered to be a build to line, as opposed to a setback. Regardless of the average, in no case shall the build to line be closer than five (5) feet to the front lotline.
- [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] Provided that no more than five (5) rooms are rented to no more than (10) persons.
- [6] Permitted only if operated as a customary home occupation (Refer to definition in § 170-6B)
- [7] Provided that there is no sale or consumption of alcoholic beverages on the premises.
- [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. [Amended 10-28-88 by Ord. No. 18-88]

SPECIAL EXCEPTION CRITERIA

Three- and four-family dwellings. [Added 3-25-87 by Ord. No. 6-87]

Three- or four-family 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 149, Site Review, 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 (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) feet from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet.

Barber- 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 170-6B.

Elderly Assisted Care Home. [Added 09-15-93 by Ord. No. 19-93]

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 one 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). 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]

Congregate Care Facility. [Added 09-15-93 by Ord. No. 19-93]

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 one unit per 2,500 sq. ft. of land;
- B. Provided that parking and service areas are screened from abutting residential uses.

Nursing Home. [Added 09-15-93 by Ord. No. 19-93]

Nursing Home is allowed as a Special Exception in accordance with the density and provisions stated below:

- A. In the RM-U District at one unit per 2,000 sq. ft. of land;
- B. Provided that parking and service areas are screened from abutting residential uses.

Group Home for Minors. [Added 09-01-93 by Ord. No. 20-93]

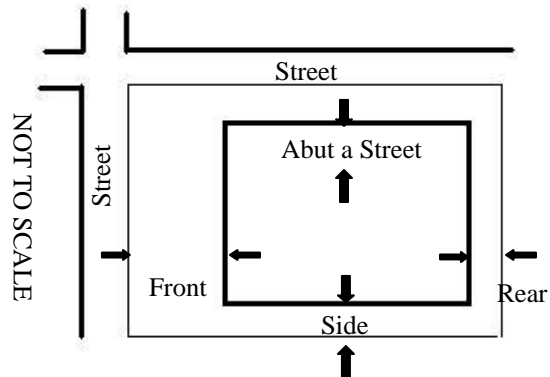
Group Home for Minors shall be subject to the following conditions:

- 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.

Restricted Industrial (I-1) District

The information included in this Table represents the requirements for development in this District.

LOT OCCUPATION (1)	
Min. Lot Size (2)	40,000
Frontage (feet)	150 ft
Lot Coverage	50%
SETBACKS - PRINCIPAL BUILDING (FEET)	
Front/Abut a Street	50
Side	15
Rear	25
OUTBUILDING/ACCESSORY USE SETBACKS (FEET)	
Front Setback	50
Side Setback	10
Rear Setback	10
Abut-a-street Setback	50
BUILDING HEIGHT (FEET)	
Principal Building	50 (3)
Outbuilding	40



The principal structure shall be distanced from the lot lines as shown.

Sign Regulations	
Total Sign No.	2
Maximum Sign Area	(4)
Total Sign # is per tenancy, and is for lot (excluding development identification signs)	
SETBACKS - Freestanding Sign	
Building	35'
Sign Type Allowed	
Freestanding	(5)
Projecting	Yes
Wall/Awning	Yes
Temporary	No

Permitted Uses (6)
Agriculture, Horticulture and Floriculture
Greenhouse, Retail Sale of Agricultural or Farm Products Raised on Site
Farm, Livestock, Poultry and Swine
Veterinary Office, Animal Hospital or Kennel
Commercial Parking Facility
Fuel, Oil, or Gas Storage
Gas Service Station
Hotel/Motel
Liquor Store
New Car Sales
Office
Open Storage (7)
Personal Service Establishment
Trucking Terminal
Warehousing
Wholesaling
Industry
Child Care Facility
Public Recreation
Public Utility
Establishments for the manufacture assembly, services and repair of the products listed below:
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
Publishing Facility
Helicopter Take Offs & Landings (8)
Uses Via Special Exception (see 170-52)
Auto Service (SEE OVER)
Gas Service Station (SEE OVER)

- [1] Refer to §§ 170-13 and 170-14 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 NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For 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.
- [3] The maximum building heights may be increased to seventy-five (75') feet in the Industrial Districts provided the following conditions are met:
- A. The additional building height above fifty (50') feet is necessary to meet an industrial function;
 - B. The building is located a minimum of 150 feet from a Residential District, and;
 - C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.
 - D. The building is for a use permitted in the I-1, I-2 or I-4 Zones. [Amended 09-16-92 by Ord. No. 23-92]
4. 1sf of sign area for each 100sf of leased space. If less than 700 sf of leased space, then 6sf max
5. Max. size: 100sf. Max. height 30'
6. See 170-19 Flexible Zoning in the I-1 District, for more uses
7. 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.
- [8] 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.

SPECIAL EXCEPTION CRITERIA

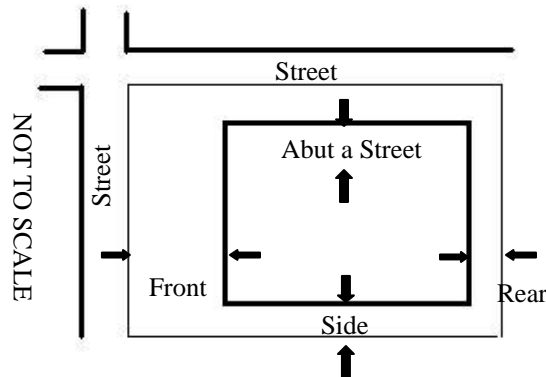
Gasoline and Auto Service Stations.

- A. The use of land for a gasoline and auto service station may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any gasoline and auto service station which discontinues operations for a period in excess of ninety (90) 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. The minimum lot size shall be sixty thousand (60,000) square feet, the minimum lot width shall be one hundred fifty (150) feet. Twenty-five percent (25%) of the subject parcel shall be open/green space. The total permitted sign area shall not exceed one hundred (100) square feet.

Rural Restricted Industrial (I-2) District

The information included in this Table represents the requirements for development in this District.

LOT OCCUPATION (1)	
Min. Lot Size (2)	20,000
Frontage (feet)	100 ft
Lot Coverage	50%
SETBACKS - PRINCIPAL BUILDING (FEET)	
Front/Abut a Street	35 (3)
Side	10
Rear	10
OUTBUILDING/ACCESSORY USE SETBACKS (FEET)	
Front Setback	35
Side Setback	10
Rear Setback	10
Abut-a-street Setback	35
BUILDING HEIGHT (FEET)	
Principal Building	50 (4)
Outbuilding	40



The principal structure shall be distanced from the lot lines as shown.

Sign Regulations	
Total Sign No.	2
Maximum Sign Area	(5)
Total Sign # is per tenancy, and is for lot (excluding development identification signs)	
SETBACKS - Freestanding Sign	
Building	35'
Sign Type	
Freestanding	(6)
Projecting	Yes
Wall/Awning	Yes
Temporary	No

Permitted Uses	
Agriculture, Horticulture and Floriculture	
Greenhouse, Retail Sale of Agricultural or Farm Products Raised on Site	
Commercial Parking Facility	
Eating and Drinking Establishment (7)	
Fuel, Oil, or Gas Storage	
Gas Service Station	
Hotel/Motel	
Liquor Store	
New Car Sales	
Office	
Open Storage (8)	
Personal Service Establishment	
Trucking Terminal	
Warehousing	
Wholesaling	
Industry	
Light Industry	
Child Care Facility	
Clinic	
Public Utility	
Establishments for the manufacture assembly, services and repair of the products listed below:	
<ul style="list-style-type: none"> 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 	
Publishing Facility	
Helicopter Take Offs & Landings (9)	
Uses Via Special Exception (see 170-52)	
Auto Service (SEE OVER)	
Gas Service Station (SEE OVER)	

- [1] Refer to §§ 170-13 and 170-14 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 NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For 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.
- [3] Except where parcels front Littleworth and Knox Marsh Roads, the front setback shall be 50 feet
- [4] The maximum building heights may be increased to seventy-five (75') feet in the Industrial Districts provided the following conditions are met:
 - A. The additional building height above fifty (50') feet is necessary to meet an industrial function;
 - B. The building is located a minimum of 150 feet from a Residential District, and;
 - C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.
 - D. The building is for a use permitted in the I-1, I-2 or I-4 Zones. [Amended 09-16-92 by Ord. No. 23-92]
- [5] 1sf of sign area for each 100sf of leased space. If less than 700 sf of leased space, then 6sf max
- [6] Max. size: 100sf. Max. height 30'
- [7] If the eating and drinking establishment has drive-in services, said service shall be setback either 50' from a residential abutting lot line, or 100' from the abutting residential structure whichever is greater. [Added 1-22-2003 by Ord. No. 35].
- [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] 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.

SPECIAL EXCEPTION CRITERIA

Gasoline and Auto Service Stations.

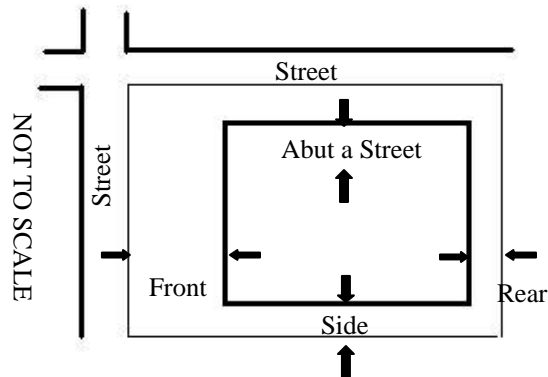
- A. The use of land for a gasoline and auto service station may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any gasoline and auto service station which discontinues operations for a period in excess of ninety (90) days shall be required 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. The minimum lot size shall be sixty thousand (60,000) square feet, the minimum lot width shall be one hundred fifty (150) feet. Twenty-five percent (25%) of the subject parcel shall be open/green space. The total permitted sign area shall not exceed one hundred (100) square feet.

Assembly and Office (I-4) District

The information included in this Table represents the requirements for development in this District.

LOT OCCUPATION (1)	
Min. Lot Size (2)	5 Acres
Frontage (feet)	400 ft
Lot Coverage	33% (3)
SETBACKS - PRINCIPAL BUILDING (FEET) (4)	
Front/ Abut a Street	75
Side	75
Rear	75
OUTBUILDING/ACCESSORY USE SETBACKS (FEET)*	
Front Setback	75
Side Setback	10
Rear Setback	10
Abut-a-street Setback	75
BUILDING HEIGHT (FEET)	
Principal Building	40 (5)
Outbuilding	55

* Parking areas shall be set back at least twenty-five (25) feet from property lines. [Added 7-8-87 by Ord. No. 15-87]



The principal structure shall be distanced from the lot lines as shown.

Sign Regulations	
Total Sign No.	2
Maximum Sign Area	(6)
Total Sign # is per tenancy, and is for lot (excluding development identification signs)	
SETBACKS - Freestanding Sign	
Building	35'
Sign Type	
Freestanding	(7)
Projecting	Yes
Wall/Awning	Yes
Temporary	No

Permitted Uses
Agriculture, Horticulture and Floriculture
Greenhouse, Retail Sale of Agricultural or Farm Products Raised on Site
Farm, Livestock, Poultry and Swine (8)
Veterinary Office, Animal Hospital or Kennel (9)
Office
Warehousing
Wholesaling
Child Care Facility
Public Utility
Computer and data processing
Laboratories (scientific, medical chemical) and testing facilities devoted to experimental production, research, product development or similar activity
Establishments for the manufacture assembly, services and repair of the products listed below:
<ul style="list-style-type: none"> 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
Publishing Facility
Public utility (8)
Helicopter Take Offs & Landings (9)

- [1] Refer to §§ 170-13 and 170-14 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 NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For 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.

- [3] 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 [Added 10-26-88 by Ord. No. 18-88]

- [4] Buildings shall be at least one hundred fifty (150) feet from all residential structures that exist on the date of enactment of the B-4 Zoning District. A continuous visual buffer of either vegetation or fencing shall separate buildings from these existing residential structures. [Added 10-26-88 by Ord. No. 18- 88]

- [5] The maximum building heights may be increased to seventy- five (75') feet in the Industrial Districts provided the following conditions are met:
 - A. The additional building height above fifty (50') feet is necessary to meet an industrial function;
 - B. The building is located a minimum of 150 feet from a Residential District, and;
 - C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.
 - D. The building is for a use permitted in the I-1, I-2 or I-4 Zones. [Amended 09-16-92 by Ord. No. 23-92]

- [6] 1sf of sign area for each lineal foot of business frontage. See regulations for businesses bordering the Spaulding Tpk

- [5] Max. size: 100sf. Max. height 30'

- [6] Where livestock, poultry and swine are raised and boarded, shelters to house said animals shall not be less than one hundred (100) feet from any property boundary

- [7] Shelters and runs used to house and/or contain animals shall be no closer than one hundred (100) feet from any property line and must support a minimum tract size of one hundred thousand (100,000) square feet. [Amended 8-1-90 by Ord. 8-90]

- [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. [Amended 10-28-88 by Ord. No. 18-88]

- [9] 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,

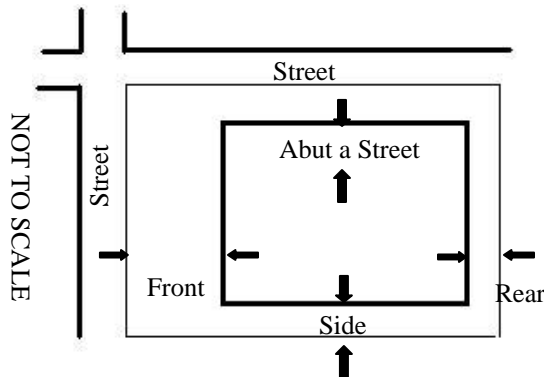
particularly with respect to noise levels.

Executive Technology Park (ETP) District

The information included in this Table represents the requirements for development in this District.

LOT OCCUPATION (1)	
Min. Lot Size (2) (3)	3 Acres
Frontage (feet)	400 ft
Lot Coverage	33% (4)
SETBACKS - PRINCIPAL BUILDING (FEET) (5)	
Front/ Abut a Street	50
Side	50 (6)
Rear	50 (6)
OUTBUILDING/ACCESSORY USE SETBACKS (FEET) (7)*	
Front Setback	50
Side Setback	10
Rear Setback	10
Abut-a-street Setback	50
BUILDING HEIGHT (FEET)	
Principal Building	55
Outbuilding	55

* Parking areas shall be set back at least twenty-five (25) feet from property lines. [Added 7-8-87 by Ord. No. 15-87]



The principal structure shall be distanced from the lot lines as shown.

Sign Regulations	
Total Sign No.	2
Maximum Sign Area	(8)
Total Sign # is per tenancy, and is for lot (excluding development identification signs)	
SETBACKS - Freestanding Sign	
Building	0'
Sign Type	
Freestanding	(9)
Projecting	No
Wall/Awning	Yes
Temporary	No

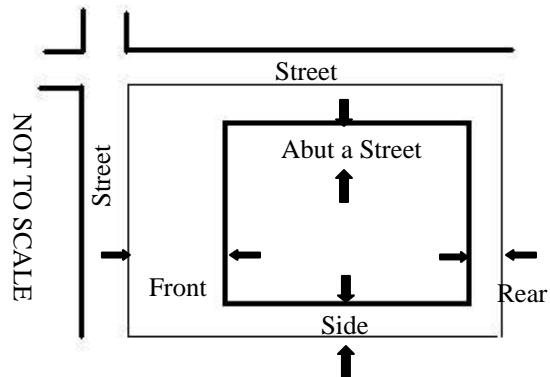
Permitted Uses	
Office	
Laboratories (scientific, medical chemical) and testing facilities devoted to experimental production, research, product development or similar activity	
Computer and data processing	
Research Institutes	
Child Care Facility	
Establishments for the manufacture assembly, services and repair of the products listed below:	
<ul style="list-style-type: none"> 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 	
Publishing Facility	
Helicopter Take Offs & Landings (10)	
Other (11)	

- [1] Refer to §§ 170-13 and 170-14 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 NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For 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.
- [3] Parcels greater than four hundred seventy-five thousand six hundred (475,600) square feet in area that contain a residential structure as of the public hearing posting date of this chapter may be subdivided one (1) time in such a manner as to separate the residential structure from the remaining vacant property. At least forty thousand (40,000) square feet of land area shall remain with the structure. [Added 7-8-87 by Ord. No. 15.
- [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
- [5] All new buildings shall be setback a minimum of one hundred (100) feet from Sixth Street, County Farm Road and Watson Road, and from all residential structures existing at the date of enactment of this amendment. All new parking lots shall be setback a minimum of fifty (50) feet from Sixth Street, County Farm Road and Watson Road, and from all residential structures existing at the date of enactment of this amendment. The building and parking lot setbacks. From residential structures shall not apply to existing residential structures located on the same lot as the proposed building. [Added by Ord. No. 6-05/13/98]
- [6] The building setback may be reduced to thirty-five (35) feet if a continuous visual buffer of vegetation is installed and maintained within the reduced setback area. [Added by Ord. No. 6-05/13/98]
- [7] Structures shall be separated by a distance at least equal to the height of the taller structure. [Added 7-8-87 by Ord. No. 15-87]
- [8] 1sf of sign area for each lineal foot of business frontage. See regulations for businesses bordering the Spaulding Tpk
- [9] Max. size: 60sf Max. height is 16'. One Sign per side of frontage
- [10] 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.
- [11] Uses that are accessory and complimentary to the principal use. Such uses and related structures shall be designed and operated to serve only the principal use and not be designed and operated so as to serve the general public.

Office (O) District

The information included in this Table represents the requirements for development in this District.

LOT OCCUPATION (1)	
Min. Lot Size (2)	10,000 sf
Frontage (feet)	100 ft
Lot Coverage	50%
SETBACKS - PRINCIPAL BUILDING (FEET)	
Front/ Abut a Street	12
Side	10
Rear	15
OUTBUILDING/ACCESSORY USE SETBACKS (FEET)	
Front/ Abut a Street	12
Side Setback	10
Rear Setback	10
BUILDING HEIGHT (FEET)	
Principal Building	65
Outbuilding	40



The principal structure shall be distanced from the lot lines as shown.

Sign Regulations	
Total Sign No.	1
Maximum Sign Area	12 sf*
Total Sign # is per tenancy, and is for lot (excluding development identification signs)	
SETBACKS - Freestanding Sign	
Building	20'
Sign Type Allowed	
Freestanding	(3)
Projecting	No
Wall/Awning	(4)
Temporary	No

Permitted Uses
1 Family Dwelling
2 Family Dwelling
3-4 Family Dwelling (5)
Bank
Bed and Breakfast
Funeral Parlor
Office
Service Club
Adult Day Care
Child Care Facility
Church
Clinic
Congregate Care (6)
Educational Institution Post Secondary
Educational Institution, K-12
Hospital
Nursing Home (6)
Public Recreation
Public Utility (7)

Uses Via Special Exception (see 170-52)
Elderly Assisted Care (SEE OVER)
Group Home Form Minors (SEE OVER)
Helicopter Take Offs & Landings (SEE OVER)

- [1] Refer to §§ 170-13 and 170-14 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 NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For 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.
- [3] If multiple tenants, maximum size: 4sf/tenant. Max. height: 8'
- [4] Max. height is 16' above ground elevation, or to bottom of the sills of the first level of windows above the first floor, whichever is lowest.
- [5] Provided that the lot contain 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. Amended 8/13/08 by Ord. No 2008.07.23-9]
- [6] 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. [Amended 09-15-93 by Ord. No. 19-93]
- [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. [Amended 10-28-88 by Ord. No. 18-88]

SPECIAL EXCEPTION CRITERIA

Elderly Assisted Care Home. [Added 09-15-93 by Ord. No. 19-93]

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 one 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). 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]

Group Home for Minors. [Added 09-01-93 by Ord. No. 20-93]

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.

Helicopter Take offs and Landings

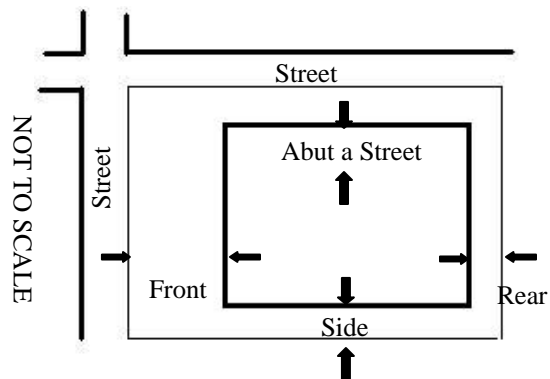
Helicopter take offs and landings are allowed as a special exception subject to the following conditions:

- A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
- 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.
- E. The conditions for granting a Special Exception, contained in Chapter 170-52-C(3), must also be satisfied

Cochecho Waterfront District (CWD)

The information included in this Table represents the requirements for development in this District.

LOT OCCUPATION	
Min. Lot Size (1)	0
Frontage (feet)	0 ft
Lot Coverage	75% (2)
SETBACKS - PRINCIPAL BUILDING (FEET) (3)	
Front/ Abut a Street	0
Side	0
Rear	0
OUTBUILDING/ACCESSORY USE SETBACKS (FEET) (3)	
Front Setback	0
Side Setback	0
Rear Setback	0
Abut-a-street Setback	0
BUILDING HEIGHT (FEET)	
Principal Building	55
Outbuilding	55



The principal structure shall be distanced from the lot lines as shown.

Sign Regulations	
Total Sign No.	2
Maximum Sign Area	(4)
Total Sign # is per tenancy, and is for lot (excluding development identification signs)	
SETBACKS - Freestanding Sign	
Building	5'
Sign Type Allowed	
Freestanding	(5)
Projecting	(6)
Wall/Awning	(7)
Temporary	(8)

Permitted Uses
1 Family Dwelling (9)
2 Family Dwelling (10)
3 To 4 Family Dwelling (10)
Multifamily Dwelling (10)
Child Care Facility
Bank
Bed and Breakfast
Commercial Parking Facility
Commercial Recreation Facility
Eating and Drinking Establishments (11)
Hotel/Motel
Marina
Office
Personal Service Establishment
Retail Store
Theater
Waterborne Passenger Transportation Facility
Water Related Education/Resource Center
Child Care Facility
Educational Institution, Post Secondary
Public Recreation
Public Utility (12)

Uses Via Special Exception (see 170-52)
Conversion of existing dwelling to accommodate additional residential units (10)
Helicopter Take Offs & Landings (SEE OVER)

[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-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 Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For 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 South 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:

1. Structures and buildings shall be set back a minimum of seventy-five (75) feet from said boundary.
2. 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 northern property line of the Tax Assessor's lot 22-39; thence turning and running westerly along the southern property line of Tax Assessor's lot 22-42 for a distance of approximately 520 feet to the northeast corner of Tax Assessor's lot 22-33, thence running westerly to the northeast corner of Tax Assessor's lot 22-12.

[4] 1sf of sign area for each lineal foot of business frontage. Sf may be increased if Mill Motif (170-32 P) is adhered to.

[5] Max. size: 60sf Max. height is 16'. One Sign per side of frontage

[6] Max. size: 24 sf. Min.. height is 10' above sidewalk Max.. height is 25' above sidewalks

[7] Max. size: 40sf

[8] 1 year permits granted, 1 sign allowed per building, any building over 100' of frontage is allowed a second sign. Max. height is 3'. Max. size: 6sf

[9] Single family units are only allowed if adjoined to other residential or non-residential uses in the same structure. Single family detached units are not allowed. [Amended 1-22-2003 by Ord. No. 35].

[10] 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.

[11] If fully enclosed with no drive-in service.

[12] 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. [Amended 10-28-88 by Ord. No. 18-88]

SPECIAL EXCEPTION CRITERIA

Helicopter Take offs and Landings

Helicopter take offs and landings are allowed as a special exception subject to the following conditions:

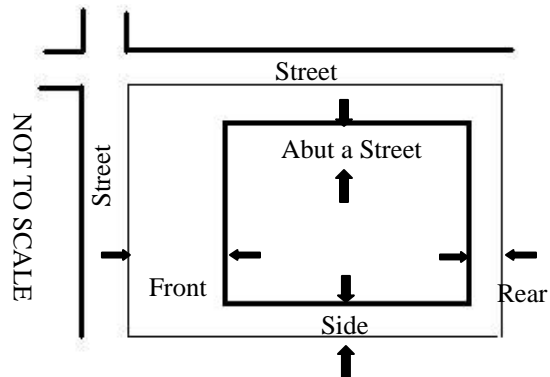
- A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
- B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
- C. The facility shall 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.
- E. The conditions for granting a Special Exception, contained in Chapter 170-52- C(3), must also be satisfied.

Neighborhood Business (B-1) District

The information included in this Table represents the requirements for development in this District.

LOT OCCUPATION (1)	
Min. Lot Size (2)	10,000 sf
Frontage (feet)	100 ft
Lot Coverage	50%
SETBACKS - PRINCIPAL BUILDING (FEET)	
Front/ Abut a Street	15
Side	10
Rear	15
OUTBUILDING/ACCESSORY USE SETBACKS (FEET)	
Front/ Abut a Street	15
Side Setback	10
Rear Setback	10
BUILDING HEIGHT (FEET)	
Principal Building	40
Outbuilding	40

Permitted Uses
1 Family Dwelling
Barber and beauty Shop
Bank
Bed and Breakfast
Eating and Drinking Establishment (7)
Office
Personal Service Establishment
Retail Store
Service Club
Child Care Facility
Educational Institution Post Secondary
Public Utility (8)



The principal structure shall be distanced from the lot lines as shown.

Sign Regulations	
Total Sign No.	1
Maximum Sign Area	(3)
Total Sign # is per tenancy, and is for lot (excluding development identification signs)	
SETBACKS - Freestanding Sign	
Building	20'
Sign Type Allowed	
Freestanding	(4)
Projecting	(5)
Wall/Awning	(6)
Temporary	No

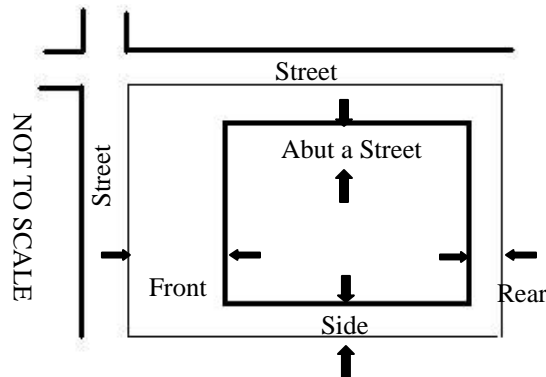
- [1] Refer to §§ 170-13 and 170-14 for exceptions to lot size, frontage and setback requirements.
- [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum 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 NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For 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.
- [3] 1sf of sign area for each 3' of lineal business frontage. Max. height is 16' or to the bottom of the sills of the first level of windows above the first floor, whichever is lowest.
- [4] Max. height sixteen (16) feet in height or twelve (12) square feet in area, regardless of the number of individual tenants within the building
- [5] Max. size: 8sf.
- [6] Max. size: 16sf.
- [7] If fully enclosed with no drive-in service.
- [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. [Amended 10-28-88 by Ord. No. 18-88]

Thoroughfare Business (B-3) District

The information included in this Table represents the requirements for development in this District.

LOT OCCUPATION (1)	
Min. Lot Size (2)	20,000 sf
Frontage (feet)	125 ft
Lot Coverage	50%
SETBACKS - PRINCIPAL BUILDING (FEET)	
Front/ Abut a Street	50
Side	12
Rear	15
OUTBUILDING/ACCESSORY USE SETBACKS (FEET)	
Front Setback	50
Side Setback	10
Rear Setback	10
Abut-a-street Setback	50
BUILDING HEIGHT (FEET)	
Principal Building	40
Outbuilding	40

Permitted Uses
Barber and beauty Shop
Bank
Bed and Breakfast
Commercial Parking Facility
Commercial Recreation Facility
Eating and Drinking Establishment (7)
Hotel/Motel
New Car Sales
Office
Personal Service Establishment
Retail Store
Service Club
Theater
Used Car Sales (8)
Child Care Facility
Church
Educational Institution Post Secondary
Public Utility (9)
Publishing Facility



The principal structure shall be distanced from the lot lines as shown.

Sign Regulations	
Total Sign No.	2
Maximum Sign Area	(3)
Total Sign # is per tenancy, and is for lot (excluding development identification signs)	
SETBACKS - Freestanding Sign	
Building	50'
Sign Type Allowed	
Freestanding	(4)
Projecting	(5)
Wall/Awning	(4)
Temporary	(6)

Uses Via Special Exception (see 170-52)
MultiFamily Dwelling (SEE OVER)
Conversion of Existing Dwelling to Accommodate not more than 2 units
Adult Bookstore and/or Video Store (SEE OVER)
Adult Cabaret (SEE OVER)
Gas Service Station (SEE OVER)
Helicopter Take Offs & Landings (SEE OVER)

- [1] Refer to §§ 170-13 and 170-14 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 NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For 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.
- [3] 2sf of sign area for each lineal foot of business frontage.
- [4] Max. size: 1sf per lineal foot of business frontage. Max. height is 30'
- [5] Max. size: 60 sf. Max. height is 25' above ground elevation, or the bottom of the sills of the first level of windows above the first floor, whichever is lowest.
- [6] 6 month permits granted for new businesses. Max. height is 4'. Max size: 32sf
- [7] If the eating and drinking establishment has drive-in services, said service shall be setback either 50' from a residential abutting lot line, or 100' from the abutting residential structure whichever is greater. [Added 1-22-2003 by Ord. No. 35].
- [8] If an accessory use to a new car dealership. [Amended 8-1-90 by Ord. 8-90]
- [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. [Amended 10-28-88 by Ord. No. 18-88]

SPECIAL EXCEPTION CRITERIA

Multi Family Dwelling

Provided that the lot contain 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. Amended 8/13/08 by Ord. No 2008.07.23-9]

Adult Bookstore and/or Video Store, Adult Cabaret [Added 10-20-93 by Ord. No. 28-93]

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 1000 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 1000 ft. of an existing similar use.
- D. The proposed use shall comply with all other state statutes, and city ordinances and codes.

Gasoline and Auto Service Stations.

- A. The use of land for a gasoline and auto service station may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any gasoline and auto service station which discontinues operations for a period in excess of ninety (90) 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. The minimum lot size shall be sixty thousand (60,000) square feet, the minimum lot width shall be one hundred fifty (150) feet. Twenty-five percent (25%) of the subject parcel shall be open/green space. The total permitted sign area shall not exceed one hundred (100) square feet.

Helicopter Take offs and Landings

Helicopter take offs and landings are allowed as a special exception subject to the following conditions:

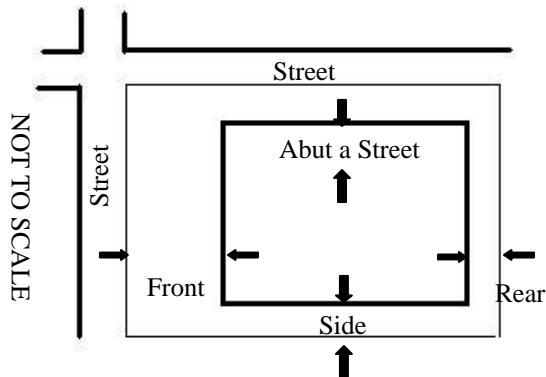
- A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
- B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
- C. The facility shall 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.
- E. The conditions for granting a Special Exception, contained in Chapter 170-52-C(3), must also be satisfied

Hotel/Retail District (B-4) District

The information included in this Table represents the requirements for development in this District.

LOT OCCUPATION (1)	
Min. Lot Size (2)	5 Acres
Frontage (feet)	400 ft
Lot Coverage	33% (3)
SETBACKS - PRINCIPAL BUILDING (FEET) (4)	
Front/ Abut a Street	75
Side	75
Rear	75
OUTBUILDING/ACCESSORY USE SETBACKS (FEET)*	
Front Setback	75
Side Setback	10
Rear Setback	10
Abut-a-street Setback	75
BUILDING HEIGHT (FEET)	
Principal Building	55
Outbuilding	55

* Parking areas shall be set back at least twenty-five (25) feet from property lines. [Added 7-8-87 by Ord. No. 15-87]



The principal structure shall be distanced from the lot lines as shown.

Sign Regulations	
Total Sign No.	2
Maximum Sign Area	(5)
Total Sign # is per tenancy, and is for lot (excluding development identification signs)	
SETBACKS - Freestanding Sign	
Building	0'
Sign Type	
Freestanding	(6)
Projecting	No
Wall/Awning	Yes
Temporary	No

Permitted Uses
Agriculture, Horticulture and Floriculture
Greenhouse, Retail Sale of Agricultural or Farm Products Raised on Site
Farm, Livestock, Poultry and Swine
Veterinary Office, Animal Hospital or Kennel
Bank
Commercial Parking Facility
Eating and Drinking Establishment (7)
Hotel/Motel
Liquor Store
Commercial Recreation Facility
Office
Personal Service Establishment
Retail Store
Service Club
Theater
Child Care Facility
Educational Institution Post Secondary
Publishing Facility

Uses Via Special Exception (see 170-52)
Helicopter Take Offs & Landings (SEE OVER)

- [1] Refer to §§ 170-13 and 170-14 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 NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For 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.
- [3] 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 [Added 10-26-88 by Ord. No. 18-88]
- [4] Buildings shall be at least one hundred fifty (150) feet from all residential structures that exist on the date of enactment of the B-4 Zoning District. A continuous visual buffer of either vegetation or fencing shall separate buildings from these existing residential structures. [Added 10-26-88 by Ord. No. 18- 88]
- [5] 1sf of sign area for each lineal foot of business frontage. See regulations for businesses bordering the Spaulding Tpk
- [6] Max. size: 60sf Max. height is 16'. One Sign per side of frontage
- [7] If fully enclosed with no drive-in service.

SPECIAL EXCEPTION CRITERIA

Helicopter Take offs and Landings

Helicopter take offs and landings are allowed as a special exception subject to the following conditions:

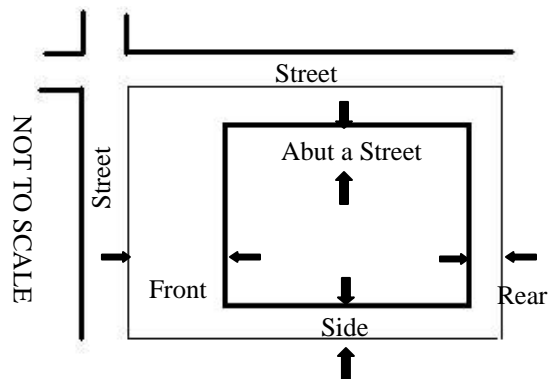
- A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
- B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
- C. The facility shall 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.
- E. The conditions for granting a Special Exception, contained in Chapter 170-52-C(3), must also be satisfied

Commercial/Retail District (B-5) District

The information included in this Table represents the requirements for development in this District.

LOT OCCUPATION (1)	
Min. Lot Size (2)	20,000 sf
Frontage (feet)	125 ft
Lot Coverage	50% (3)
SETBACKS - PRINCIPAL BUILDING (FEET) (4)	
Front/ Abut a Street	50
Side	12
Rear	15
OUTBUILDING/ACCESSORY USE SETBACKS (FEET)	
Front Setback	75
Side Setback	10
Rear Setback	10
Abut-a-street Setback	75
BUILDING HEIGHT (FEET)	
Principal Building	40
Outbuilding	40

Permitted Uses
Auto Service
Barber and Beauty Shop
Bank
Commercial Parking Facility
Commercial Recreation Facility
Eating and Drinking Establishment (9)
Gas Service Station
Hotel/Motel
Liquor Store
New Car Sales
Office
Personal Service Establishment
Retail Store
Theater
Adult Day Care
Child Care Facility
Church
Clinic
Educational Institution Post Secondary
Public Recreation
Publishing Facility



The principal structure shall be distanced from the lot lines as shown.

Sign Regulations	
Total Sign No.	3
Maximum Sign Area	(5)
Total Sign # is per tenancy, and is for lot (excluding development identification signs)	
SETBACKS - Freestanding	
Building	0'
Sign Type	
Freestanding	(6)
Projecting	No
Wall/Awning	(7)
Temporary	(8)

Uses Via Special Exception (see 170-52)
Helicopter Take Offs & Landings (SEE OVER)

- [1] Refer to §§ 170-13 and 170-14 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 NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For 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.
- [3] At least fifteen (15%) of the site shall be maintained as open space and shall have a detailed landscape plan approved by the Planning Board.
- [4] A continuous visual buffer of either vegetation or fencing shall separate buildings and parking areas from existing residential structures located to the rear and side of any proposal.
- [5] 1sf of sign area for each lineal foot of business frontage. See regulations for businesses bordering the Spaulding Tpk
- [6] Max. height 20'
- [7] Max.size: 1sf of sign per lineal foot of tenancy
- [8] 6 month permits granted for new businesses. Max. height is 4'. Max size: 32sf
- [9] If the eating and drinking establishment has drive-in services, said service shall be setback either 50' from a residential abutting lot line, or 100' from the abutting residential structure whichever is greater. [Added 1-22-2003 by Ord. No. 35].

SPECIAL EXCEPTION CRITERIA

Helicopter Take offs 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.
- 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.
- E. The conditions for granting a Special Exception, contained in Chapter 170-52-C(3), must also be satisfied

Commercial

The information included in this Table represents the requirements for development in this District.

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.

LOT OCCUPATION	
Lot Coverage	75% min
BUILD TO LINES - PRINCIPAL BUILDING	
Front (Principal)	0 ft min (10 max)
Front (Secondary)	0 ft min (10 max)
Side	0 ft min 24 max
Rear Setback	10 ft min
Frontage Buildout	70% min
OUTBUILDING/ACCESSORY SETBACKS	
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
BUILDING HEIGHT	
Principal Building	2 story min
Outbuilding	not permitted

*CUP may be used to adjust above standards

SPECIAL REGULATIONS

Parking Location Standards (See 170-44)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards.

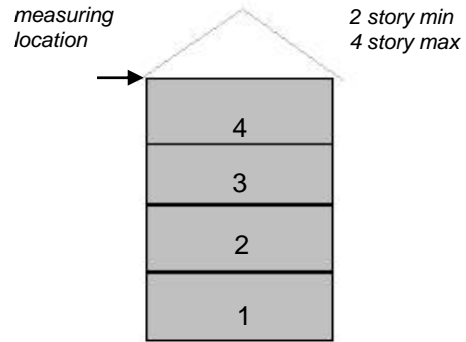
- Parking spaces may be located off-site within 1,000 feet of the proposed use.
- Parking spaces may be leased from the city or a private landowner.
- New parking spaces shall be screened from the street

Ground Floor Standards

- No less than 30% of the Façade shall be windows.
- A pedestrian entrance shall be required.
- Only non-residential uses shall be on the ground floor level.

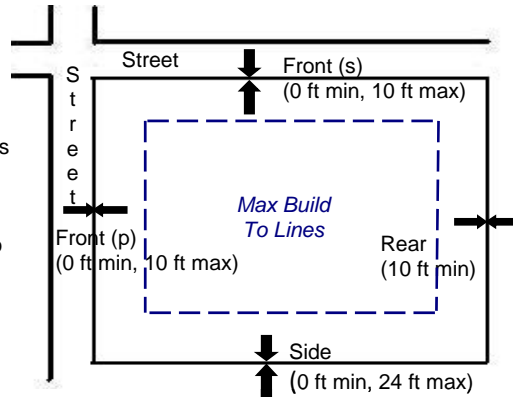
Building Height

- Building height shall be measured in number of Stories, excluding attics and raised basements.
- Height shall be measured to the eave or roof deck as specified in the ordinance.



Build to Lines

- The Facades and Elevations shall be distanced from the Lot lines as shown.
- Facades shall be built to a minimum of 70% of the Frontage Buildout.



Streetscape Standards (See 170-10.1 E)

All elements must be consistent within a project.

- Street Trees shall be planted at an average spacing of 25 to 30 feet on center.
- Unpaved ground area along the frontage shall be planted with groundcover or flowering vegetation.
- Sidewalks shall be concrete a minimum of 5 feet wide.
- Street Furniture shall include:
 - 1 bench for every 100 feet of Frontage,
 - A minimum of 1 waste bin at each Block Corner,
 - 1 bike rack per non-residential project.

Architectural Standards (See 170-10.1 F)

- These standards are optional and may be utilized by the applicant.

Turn sheet over for Permitted Uses



Permitted Uses			
Uses	Commercial	Mixed Use	Residential
Residential	Permitted, but not on ground floor, except as an existing use	Permitted, but not on ground floor except in existing structures	Permitted
Lodging	Permitted	Permitted, up to 12 rooms w/stays up to 14 days	Permitted, up to 12 rooms w/stays up to 14 days
Professional Services/Offices/ Commercial	Permitted	Permitted	Home Occupation, Neighborhood Store , others via CUP (170-10.1 B)
Eating and Drinking (without drive-thru)	Permitted	Not Permitted	Not Permitted
Retail/ Personal Services	Permitted	Permitted	Permitted
Civic	Permitted	Permitted	Permitted
Other	Via CUP (170-10.1 B)	Via CUP (170-10.1 B)	Via CUP (170-10.1 B)

Sign Regulations - Commercial

Total Sign No.	2
Maximum Sign Area	Note 1
Total Sign # is per tenancy, and is for lot (excluding development identification signs)	
SETBACKS - Freestanding Sign	
Building	20'
Sign Type	Allowed
Freestanding	Note 2
Projecting	Note 3
Wall/Awning	Note 4
Temporary	Note 5

Adult Bookstore, Video Store or Adult Cabaret	[Added 10-20-93 by Ord. No. 28-93]
Adult Bookstore, Video Store or 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 1000 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 1000 ft. of an existing similar use.	
D. The proposed use shall comply with all other state statutes, and city ordinances and codes.	

- (1) 1sf of sign area for each lineal foot of business frontage. Sf may be increased if Mill Motif (170-32 P) is adhered to.
- (2) Max. size: 60 sf. Max. height is 16'. One sign per side of frontage.
- (3) Max. size: 24 sf. Min. height is 10' above sidewalk Max. height is 25' above sidewalks.
- (4) Max. size: 40sf.
- (5) 1 year permits granted, 1 sign allowed per building, any building over 100' of frontage is allowed a second sign. Max. height is 3'. Max. size: 6sf.



Mixed Use

The information included in this Table represents the requirements for development in this District.

Statement of Purpose:

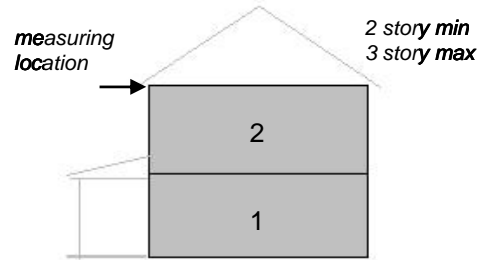
This is an area in transition. Once the homes of the mills' managers and the community's professionals and successful merchants, shipbuilders, sea captains, and others, these stately Victorian buildings are a tribute to Dover's financial success during the height of the mill economy. These elegant structures 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 building should be restricted to upper levels. Landscaping is an important element of this district, in both the public and private arenas.

LOT OCCUPATION	
Lot Coverage	50%
BUILD TO LINES - PRINCIPAL BUILDING	
Front (Principal)	5 ft min 20 ft max
Front (Secondary)	5 ft min 20 ft max
Side	5 ft min 20 ft max
Rear	10 ft. min 20 ft max
Frontage Buildout	60% min
OUTBUILDING/ACCESSORY SETBACKS	
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	permitted
Stoop	permitted
Shopfront & Awning	not permitted
Gallery	not permitted
BUILDING HEIGHT	
Principal Building	2 stories min, 3 max
Outbuilding	2 stories max

*CUP may be used to adjust above standards

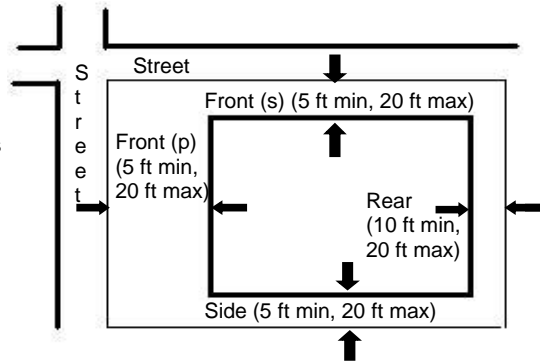
Building Height

1. Building height shall be measured in number of Stories, excluding attics and raised basements.
2. Height shall be measured to the eave or roof deck as specified in the ordinance.



Build to Lines

1. The Facades and Elevations shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to a minimum of 60% of the Frontage Buildout.



SPECIAL REGULATIONS

Parking Location Standards (See 170-44)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards.

- a. Parking spaces may be located off-site within 1,000 feet of the proposed use.
- b. Parking spaces may be leased from the city or a private landowner.
- c. New parking spaces shall be screened from the street

Streetscape Standards (See 170-10.1 E)

All elements must be consistent within a project.

- a. Street Trees shall be planted at an average spacing of 25 to 30 feet on center.
- b. Unpaved ground area along the frontage shall be planted with groundcover or flowering vegetation.
- c. Sidewalks shall be asphalt a minimum of 5 feet wide.
- d. Street Furniture shall include:
 - 1 bench for every 30 feet of Frontage,
 - A minimum of 1 waste bin at each Block Corner,
 - 1 bike rack per non-residential project.

Ground Floor Standards

- a. Only Non-residential uses on ground floor level.

Architectural Standards (See 170-10.1 F)

- a. These standards are optional and may be utilized by the applicant.

Turn sheet over for Permitted Uses



Permitted Uses			
Uses	Commercial	Mixed Use	Residential
Residential	Permitted, but not on ground floor, except as an existing use	Permitted, but not on ground floor except in existing structures	Permitted
Lodging	Permitted	Permitted, up to 12 rooms w/stays up to 14 days	Permitted, up to 12 rooms w/stays up to 14 days
Professional Services/Offices/ Commercial	Permitted	Permitted	Home Occupation, Neighborhood Store , others via CUP (170-10.1 B)
Eating and Drinking (without drive-thru)	Permitted	Not Permitted	Not Permitted
Retail/ Personal Services	Permitted	Permitted	Permitted
Civic	Permitted	Permitted	Permitted
Other	Via CUP (170-10.1 B)	Via CUP (170-10.1 B)	Via CUP (170-10.1 B)

Sign Regulations - Mixed Use

Total Sign No.	1
Maximum Sign Area	12 sf
Total Sign # is per tenancy, and is for lot (excluding development identification signs)	
SETBACKS - Freestanding Sign	
Building	20'
Sign Type	Allowed
Freestanding	Note 3
Projecting	No
Wall/Awning	Note 4
Temporary	No

Adult Bookstore, Video Store or Adult Cabaret	[Added 10-20-93 by Ord. No. 28-93]
<p>Adult Bookstore, Video Store or Adult Cabaret shall be subject to the following conditions:</p> <p>A. An Adult Bookstore, Video Store or Cabaret shall be at least 500 feet from a parcel of land containing an existing residential use.</p> <p>B. An Adult Bookstore, Video Store or Cabaret shall be at least 1000 feet from a parcel of land containing a school, church, community park or public recreational area.</p> <p>C. No adult Bookstore, Video Store or Cabaret shall be permitted within 1000 ft. of an existing similar use.</p> <p>D. The proposed use shall comply with all other state statutes, and city ordinances and codes.</p>	

(3) If multiple tenants, maximum size: 4sf/tenant. Maximum height: 8 ft.

(4) Maximum height is 16 ft. above ground elevation, or to bottom of the sills of the first level of windows above the first floor, whichever is lowest.



Residential

The information included in this Table represents the requirements for development in this District.

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.

LOT OCCUPATION	
Lot Coverage	40%
Minimum Frontage	75 ft
BUILD TO LINES - PRINCIPAL BUILDING	
Front (Principal)	8 ft min. 15 max
Front (Secondary)	8 ft min. 10 max
Side	10 ft min.
Rear	15 ft. min
Frontage Buildout	40% min
OUTBUILDING/ACCESSORY SETBACKS	
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
BUILDING HEIGHT	
Principal Building	2 stories min, 3 max
Outbuilding	2 stories max

*CUP may be used to adjust above standards

SPECIAL REGULATIONS

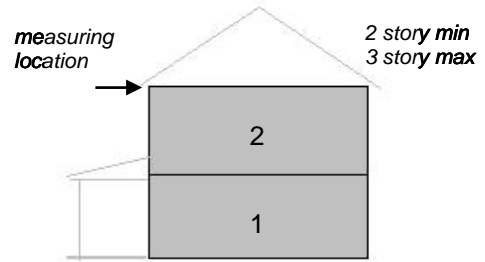
Streetscape Standards (See 170-10.1 E)

- a. Sidewalks shall be asphalt a minimum of 5 feet wide.

Building Height

1. Building height shall be measured in number of Stories, excluding attics and raised basements.

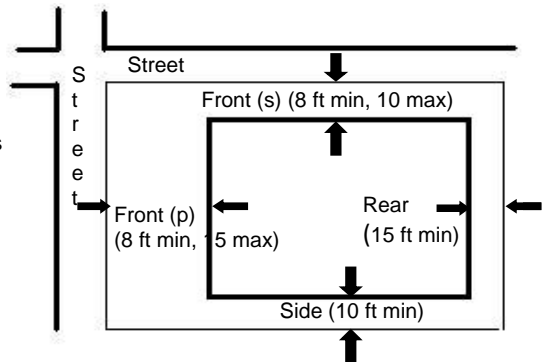
2. Height shall be measured to the eave or roof deck as specified in the ordinance.



Build to Lines

1. The Facades and Elevations shall be distanced from the Lot lines as shown.

2. Facades shall be built along the Principal Frontage to a minimum of 40% of the Frontage Buildout.



Parking Location Standards (See 170-44)

- a. Must have 2 spaces per unit on site.

Turn sheet over for Permitted Uses



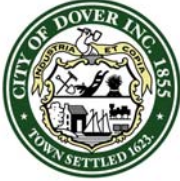
Permitted Uses			
Uses	Commercial	Mixed Use	Residential
Residential	Permitted, but not on ground floor, except as an existing use	Permitted, but not on ground floor except in existing structures	Permitted
Lodging	Permitted	Permitted, up to 12 rooms w/stays up to 14 days	Permitted, up to 12 rooms w/stays up to 14 days
Professional Services/Offices/ Commercial	Permitted	Permitted	Home Occupation, Neighborhood Store , others via CUP (170-10.1 B)
Eating and Drinking (without drive-thru)	Permitted	Not Permitted	Not Permitted
Retail/ Personal Services	Permitted	Permitted	Permitted
Civic	Permitted	Permitted	Permitted
Other	Via CUP (170-10.1 B)	Via CUP (170-10.1 B)	Via CUP (170-10.1 B)

Sign Regulations - Residential

Total Sign No.	1
Maximum Sign Area	16 sf *
* Cust. Home Occupation Sign max 2 sf; a Development Identification sign may be 20 sf.	
SETBACKS - Freestanding Sign	
Sign	10'
Sign Type	Allowed
Freestanding	Yes
Projecting	Yes
Wall/Awning	No
Temporary	No

Adult Bookstore, Video Store or Adult Cabaret	[Added 10-20-93 by Ord. No. 28-93]
Adult Bookstore, Video Store or 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 1000 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 1000 ft. of an existing similar use.	
D. The proposed use shall comply with all other state statutes, and city ordinances and codes.	





CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#:

Ordinance Number: O – yyyy.mm.dd -

Ordinance Title: Updating the Dover Zoning Ordinance

Chapter: 170

Posted June 23, 2009

Revised August 11, 2009

10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-15 “Open Space Requirements”, to by revising subsection D as follows:

“D. All open space requirements pursuant to this section shall not be binding in the **CBD**, ~~B-2~~, ~~UMUD~~, and CWD Zoning Districts. [Added 08-01-90 by Ord. No. 8-90]”

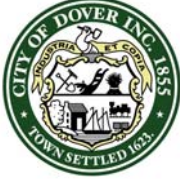
11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-16 “Applicability of Table of Dimensional Regulations”, to read as follows:

“170-16 ~~Applicability of Table of Dimensional Regulations~~ **for Swimming Pools**

In Districts allowing 1 Family Dwellings, 2 Family Dwellings, and 3 – 4 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 (4) feet in 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 picket fence is erected or maintained, the horizontal dimension shall not exceed four (4) 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 shall apply to all existing pools which have a minimum depth of eighteen (18) 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 (18) inches shall fail to provide and maintain such fence or wall as herein provided.
- 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 therefore, 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 Welfare.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#:

Ordinance Number: **O – yyyy.mm.dd -**

Ordinance Title: Updating the Dover Zoning Ordinance

Chapter: 170

Posted June 23, 2009

Revised August 11, 2009

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.”

12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-17 “Dimensional regulations for accessory structures”, and renumbering 170-17.1 as 170-17. *This information will be placed within the tables of dimensional regulations.*

AND

“170-17.4. Dimensional Regulations for Handicapped Accessible Additions.

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 physical and/or mentally challenged individuals may be erected within the building setbacks (front, side and/or rear) as specified in the Table of Dimension Regulations provided that: (1) the structure cannot feasibly and practicably be constructed on the lot in compliance with the Table of Dimensional Regulations; (2) abutters to the property on which the proposed structure will be erected shall be notified by the Building Inspector prior to the issuance of the Building Permit; and (3) the structure must not create a hazard or detrimental impact to surrounding properties. [Added 08/14/93 by Ord. No. 17-93]”

13. AMENDMENT

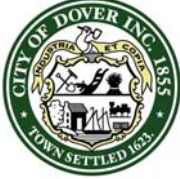
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-18 “Grant of special exceptions; conditions” as follows:

“**170-18. Grant of special exceptions; conditions.**

All uses identified in ~~this~~ **the Special Exceptions section of the Tables of Use and Dimensional Regulations By District** may be permitted only after a public hearing is held by the Zoning Board of Adjustment and an approval is granted there from. In issuing a special exception, the Zoning Board of Adjustment shall consider the requirements set forth **on the Tables of Use and Dimensional Regulations By District** ~~in this Article~~ in addition to the specific requirements of Article XII and the other sections of this chapter, as applicable. A special exception shall expire one (1) year after site plan approval has been granted by the Dover Planning Board if no building permit has been obtained pursuant to the special exception and site plan approval. **[Amended 08- 01-90 by Ord. No. 8-90]”**

14. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-19 “Uses in Thoroughfare Business District, B-3.” to read as follows:



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“170-19 Flexible Zoning in the I-1 District

A. Purpose and Intent

The Restricted Industrial District was created in 1949 as a zone around property that had industrial uses on it prior to the inception of Zoning in Dover. These areas of the City are surrounded by residential uses and are located in the urban core of the City. The properties have continued to be utilized in an industrial capacity, however this use may not be compliant with the surrounding uses, and a more context sensitive reuse may be more appropriate.

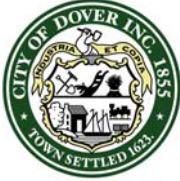
The purpose of this section is to allow property owners to redevelop their industrial property in a more flexible and context sensitive method. Additionally, these non-residential nodes are located in areas that could accept commercial uses that are on a neighborhood scale and the property could offer surrounding residents opportunities that do not exist today.

The district includes options which enable and encourage greater flexibility in the design of residential housing with commercial projects that adaptively reuse the industrial property in a more context sensitive mode. The district encourages mixed residential and commercial uses are intended to be complementary of one another and to create a sense of community between the mixed uses.

B. Permitted Uses

The following uses are permitted:

1. **Principal Uses**
 - a. Two-family dwelling
 - b. Three to Four family dwelling
 - c. Multi-family dwelling (if part of a structure that includes non-residential uses, must be on the second floor or above)
 - d. Public and private utilities
 - e. Non-Residential uses are allowed as follows:
 1. Barber or Beauty Shop
 2. Bank
 3. Eating/Drinking Establishments (no Drive thru Service)
 4. Bed and Breakfast
 5. Office (excluding medical, dental or veterinary)
 6. Personal Service Establishment
 7. Retail store
 8. Theater
2. **Accessory uses**
 - a. Accessory uses typically associated with the above principal uses shall be allowed with the approval of the Planning Board at the time of site plan review.
3. **Conditional uses**



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The following uses listed in this section shall be considered conditional uses, subject to approval by the Planning Board per the provisions of RSA 674:21, "Innovative Land Use Controls." In order for the conditional uses to be permitted, the Planning Board must determine that the proposed use complies with the statement of purpose of this section and meets all of the provisions of the district.

- a. Medical, dental and veterinary offices.
- b. Commercial Recreation, including but not limited to health club, fitness center and recreation facilities, limited to no more than three (3) coin-operated amusement devices.
- c. Funeral homes
- d. Greenhouses
- e. Existing industrial uses allowed at the time the ordinance is approved.

C. Procedural Concepts

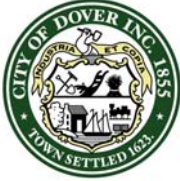
The developer shall prepare a Development Plan, which locates the proposed types of non-residential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership, but shall be treated as one development and shall be bound 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 non-residential uses, residential uses and open space. Non-residential uses must exceed 49% of the original tract(s). Existing uses may contribute to the overall percentages.

Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in Chapter 155-60) applied to the Development Lot and not individually to the Internal Dwelling Lots.

For residential development of two family, three to four family and multi-family dwellings, that are to be constructed in new structures, density shall be based upon calculating the average density of all residential lots located in the City of Dover within 600 feet of the external lot line of the property. For multi-family dwellings that are to be constructed within or added onto existing structures the density shall be based upon calculating one unit per 4,000 square feet of existing building space.

The 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 170-25.10 A. For the purposes of this section, development shall include: (1) construction of structures; (2) environmental remediation; (3) site preparation or demolition; (4) roadway utility or recreation and common area design and construction; and (5) bonding or other security for site development.

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%)



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and fifty percent (50%) of the non-residential structures as negotiated between the Planning Board and the Developer.

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.

1. Residential Development Plan Guidelines

The developer shall be permitted to allocate permitted density among Internal Dwelling Lots in a flexible and creative manner. Dwellings shall be sited with a variety of setbacks to prevent the row house effect. The sum total of the permitted density shall not exceed the permitted density of the Development Lot or Legal Lot. Layouts may include individual lots or a cluster of units without lot lines.

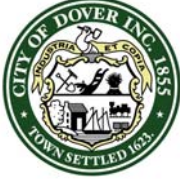
Dwelling layouts shall be so designed that parking is screened from external roadways by garages, building locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external streets shall be preserved as much as possible.

Residential layout shall reflect surrounding neighborhood design and should embrace traditional neighborhood features and philosophies. These include, but are not limited to tree lined streets, architectural details that encourage the feeling that the development is an extension of existing neighborhoods and not built separately. In addition to tree lined streets, developments shall incorporate natural materials in the building construction such as brick, wood and a composite material, such as fiber cement siding, as approved by the Board.

All residential development must adhere to architectural design guidelines. Development shall embrace the aesthetics of the existing neighborhood, within 500 feet of the external boundary line of the property. Embraced elements should include roof style, non-decorative porches, front stoops, and other architectural details. Chapter 149, section 14.L, may offer guidance in developing designs.

2. Nonresidential Development Plan Guidelines

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, façade treatment, and signage. Materials used for new construction should be natural materials such as brick, wood and a composite material, such as fiber cement siding, as approved by the Board.



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Care should be taken to allow for transitional uses between the existing neighboring uses and any proposed uses. All commercial and other enterprises shall be limited to the following hours of operation: 6:00 a.m. -- 12:00 p.m. The Planning Board may further restrict the hours of operation of individual businesses, based upon anticipated usage, at the time of site plan approval.

Non-residential uses, permitted by this section, proposed to be contained within new structures shall be two or more stories and shall have residential units on the second floor or above to create a mixed use environment.

There may be only one (1) retail establishment selling general merchandise with a gross floor area of up to ten thousand (10,000) square feet. All other establishments shall have no more than five thousand (5,000) square feet of gross floor area, unless existing at the time of enacting of the ordinance.

The guidelines for this development are included in Chapter 149, section 14.2.

D. Standards and Regulations

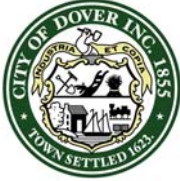
1. Internal Roads

As part of the approval of the site plan review, 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 City of Dover Code:

- a. Minimum Internal R.O.W.
 - i. Maximum residential: 35 feet
 - ii. Maximum Mixed use: 50 feet
- b. Minimum Pavement Width
 - i. Minimum residential: 20 feet
 - ii. Minimum non- residential: 28 feet
 - iii. Minimum sidewalk pavement width: 5 feet
 - iv. Minimum bike/Segway/golfcart path width: 5 feet
- c. Minimum Tangent Length at Intersections = 75 feet
- d. Maximum street angle at Intersections = 60 degrees
- e. Minimum centerline radius = 100 feet
- f. Minimum Tangent Length between reverse curves = 50 feet

2. Dimensional Requirements

- a. Setbacks
 - i. Minimum setbacks from the edge of pavement and between structures shall be calculated by determining the average setback front, rear and side setbacks of those structures within 500 feet of the external property boundary.
- b. Building height



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- i. To determine the residential building height, the applicant shall calculate the modal height of all residential structures, on the street side, within 500 feet of the external property boundary. The highest modal height shall be the maximum height and the lowest modal height shall be the minimum height.
- ii. For mixed use buildings, the height shall be a maximum of 45 feet.

3. Parking

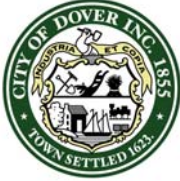
- a. All dwelling units shall require two independently accessible parking spaces per unit, except where multimodal transportation resources are provided. Non-residential uses shall comply with parking requirements defined by the zoning ordinance.
- b. Visitor parking shall be provided for each residential unit. The total residential spaces shall be calculated and an additional 5% of spaces shall be provided for visitors.
- c. Where mixed uses will be contained within a structure, parking shall be shared between the residential and non-residential uses.”

15. AMENDMENT

Amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by adding Chapter 170-27 “Conservation District” to read as follows:

“170-27. Conservation District.

- 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 and ground water 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.



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- (6) To preserve wetlands and other environmentally sensitive areas for other ecological reasons inter alia, those cited in RSA 483B.
- (7) To preserve and enhance those aesthetic values associated with waterways and the natural shoreline. **[Added 5-13-87 by Ord. No. 11-87]**
- (8) To protect public health and safety by minimizing hazards, including soil erosion, storm water 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 one hundred (100) feet of the **reference line (as defined in RSA 483-B:4, XVII) mean high water** 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) mean high water** of any freshwater river or natural pond. **[Amended 5-13-87 by Ord. No. 11-87]**
- (2) Those areas within a minimum of fifty (50) feet of the **reference line (as defined in RSA 483-B:4, XVII) mean high water** of any stream, brook or other freshwater body. **[Amended 5-13-87 by Ord. No. 11- 87; 9-14-88 by Ord. No. 15-88]**
- (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.

General Location	Lot No.
Garrison Hill	38-32
Smith Well – No Bottom Pond	D-1
Hoppers Well	C-12
Hoppers Well	C-7
Covered Bridge	C-5
Well No. 107	H-63
Ireland Well	H-58
Willand Pond	4-17, 40-13
Willand Pond	40-10, 40-10A, 10B

* **Editor's Note: Former Subsection B(1), which listed areas are delineated on portions of the Soil Survey of Strafford County, was repealed 9-14-88 by Ord. No. 15-88, which ordinance also redesigned former Subsection B(2) through (5) as Subsection B(1) through (4), respectively.**



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(4) Those areas with slopes in excess of twenty percent (20%), (e.g. four feet vertical in twenty foot horizontal distance) and totaling more than 2,000 square feet of contiguous area. [Added 5-13-87 by Ord. No. 11-87]

C*. Conditional Use Permits. Conditional Use Permits may be granted by the Planning Board for the following uses within the Conservation District: [Amended 08-01-90 by Ord. No. 8-90; Amended 02-17-99 by Ord. No. 25-98]

(1) Streets, roads and other accessways and utility rights-of-way, communications equipment, easements, including power lines and pipe lines, 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) [Amended 5-13-87 by Ord. No. 11-87] 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; 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 erosion along 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 drainage ways; 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 Department.

* Editor's Note: Former Subsection C(3), which provided that a special exception may be granted if the proposed development has received preliminary site approval from the Planning Board, added 4-27-83 by Ord. No. 12-83, was repealed 1-28-87 by Ord. No. 1-87.



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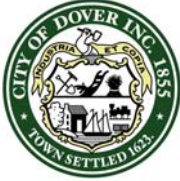
(d) ~~(e)~~ A written review by the Conservation Commission of the environmental effects of the proposed use upon the area in question has been submitted. **The Commission’s review shall address the following, but is not limited to: 1) attempted avoidance of the impact; 2) minimization of the impact; 3) planned mitigation of the effects of the impact; and 4) efficacy of the soil erosion and sedimentation control plan. [Amended 08-01-90 by Ord. No. 8-90]**

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 Zoning District, an area equal to the minimum lot size or one (1) acre, whichever is less. The Zoning Board of Adjustment may grant an exception to this rule if 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.

E. Other provisions.

- (1) Reference is hereby made to RSA 483-B, **the Comprehensive Shoreland Protection Act A**, as amended, 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 Subsections B (1) and B (2), that are within fifty (50) feet of the reference line (as defined in RSA 483-B:4, XVII) mean high water. 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. In the "Conservation District" as described in Subsection B (1) and (2), the provisions of RSA 483-B:9-V(a) shall apply. Limitations include restrictions on chemical and fertilizer use, preservation of rocks and stumps and their root systems, restrictions on removal of ground cover, and limitations on removal of trees and saplings. (4) In areas herein defined as the "Conservation District," the cutting of trees shall be limited to no*

* **Editor's Note: Former Subsection E(3), which provided that, in the event of incorrect designation of an area on the Conservation District map, and presentation of evidence to that effect, the appropriate uses would be permitted and/or prohibited, was repealed 9-14-88 by Ord. No. 15-88, which ordinance also renumbered former Subsection E(4) through (10) as Subsection E(3) through (9), respectively.**



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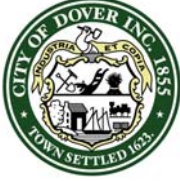
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~~more than fifty percent (50%) of the basal area within a ten-year period. A continuous area of tree cover shall be maintained. [Added 5-13-87 by Ord. No. 11-87]~~

- (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) mean high water. Limitations include restrictions on the amount of vegetation that can be removed within the area.*
- (6) ~~(5)~~ 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 seventy-five (75) feet of the mean high water mark, provided that: **[Added 5-13-87 by Ord. No. 11-87; amended 9-14-88 by Ord. No. 15-88]**
 - (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 one-hundred-foot setback of the Conservation District.
- (7) ~~(6)~~ Upon the discretion of the Building Inspector, a structure located within the Conservation District, as described in Subsection B(1) and (2) and existing prior to the effective date of this subsection, may be increased up to twenty percent (20%) in area, provided that the enlarged structure at no point falls within seventy-five (75) feet of the **reference line (as defined in RSA 483-B:4, XVII) mean high water. [Added 5-13-87 by Ord. No. 11-87; amended 9-14-88 by Ord. No. 15-88]**
- (8) ~~(7)~~ Customary 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) mean high water [Added 5-13-87 by Ord. No. 11-87; amended 9-14-88 by Ord. No. 15-88]**
- (9) ~~(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. **[Added 5-13-87 by Ord. No. 11-87]**
- (10) ~~(9)~~ Land area contained within the Conservation District can be counted in determining the gross land area of a tract, lot or parcel. **[Added 5-13-87 by Ord. No. 11-87]**
- (11) ~~(10)~~ **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.**
- (12) ~~(11)~~ **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 NH Department of Environmental Services Commissioner on August 4, 2008, per File # 2008-00372. (See map on file in the Planning Department) ~~F. The provisions of the Conservation District adopted herein shall not be binding on Cochecho waterfront lots~~



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~~located in the B-2, UMUD and CWD Zoning Districts, provided that any proposed development actively integrates and makes use of the Cochecho River waterfront resource.~~
[Added 1-28-87 by Ord. No. 1-87]

G. Boat Docks. **[Added 02-17-99 by Ord. No. 25-98]**

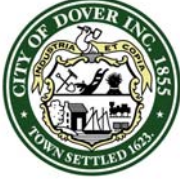
1. A boat dock may be allowed on a residential lot, provided that the following provisions are met:
 - (a) The dock is for recreational and accessory use only.
 - (b) One (1) dock is allowed per lot.
 - (c) The beneficiary of an easement or right-of-way, recorded at the Strafford County Registry of Deeds prior to the October 10, 1986 amendment posting date for the purpose of providing water access to nonwaterfront lots, shall be entitled to one (1) boat dock within the prescribed easement or right-of-way.
 - (d) All applicable state and federal approvals have been received.
 - (e) A dock may be provided a maximum space for two (2) slips. Joint use or private docks by adjoining waterfront residents, not to exceed two (2) slips per lot, shall be encouraged when appropriate.”

16. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.1, Wetlands Protection District, to read as follows:

“170-27.1. Wetland Protection district. [Added 9-14-88 by Ord. No. 15-88; amended 01-22-03 by Ord. No. 35-02]

- A. Authority. By the authority granted under RSA 674:16 and 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 and ground water by sewerage, toxic substances or sedimentation.
 2. Prevent the destruction of, or significant changes to, wetlands which provide flood protection, recharge the groundwater supply and augment stream flow during dry periods and filtration of water flowing into ponds and streams.
 3. Protect unique and unusual natural areas and rare, **threatened**, and endangered species.
 4. Protect wildlife habitats, maintain ecological balances and enhance ecological values such as those cited in RSA ~~482-A:1~~ ~~483-A-1-B~~.
 5. Protect potential water supplies and existing aquifers (water-bearing stratum) and aquifer recharge areas.



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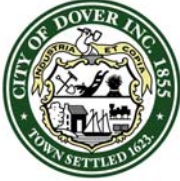
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6. Prevent unnecessary or excessive expense to the city for the purpose of providing and/or maintaining essential services and utilities, which might be required as a result of misuse or abuse of wetlands.
 7. Encourage those low-intensity uses that can be harmoniously, appropriately and safely located in wetlands.
 8. Preserve and enhance the aesthetic values associated with wetlands in the City of Dover.
 9. 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.
1. The Wetlands Protection District is hereby determined to be all areas of wetlands as defined by **RSA 482-A:2, X and** New Hampshire Administrative Rule Wt 101.103 ~~88~~, which states a "Wetland' means an area that is inundated or saturated by surface or ground water 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. Wetlands include, but are not limited to, swamps, marshes, bogs and **similar** areas ~~where the tide ebbs and flows."~~
 2. ~~The Wetlands Map, which is on file at the Planning Department and the City Clerk's office at City Hall, illustrates the general location of these soils for informational purposes but does not depict the exact boundaries of Wetland Protection Districts for the purpose of this section.~~
 2. For the purpose of this section, the delineation of wetland protection district boundaries shall be consistent with NHDES Wetlands Bureau Rules Wt. 301.01 or successor regulations.
 3. "Hydrophytic (water-loving) vegetation" is defined as those plants identified in the "1986 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 ~~maps or~~ field investigation indicates 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 2, July 1998, published by the New England Interstate Water Pollution Control Commission) or successor document. **Pursuant to RSA 310-A:75 through**



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310-A: 87, a Certified Wetland Scientist ~~certified wetlands scientist~~ shall conduct this delineation.

- (i) **A Certified Wetland Scientist** ~~(1) 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 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.
- (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 a permanent monument (e.g., iron pin with unique color cap) at all points of the lot lines which intersect with the upland limit of the Wetlands Protection District prior to such activities. These monuments shall be shown on the site plan submitted with the application.~~ The applicant may also be required to ~~affix tags to trees or other durable objects (e.g., 4" x 4" wood posts)~~ **place and maintain wooden stakes and/or construction tape at 50-foot appropriate intervals along the wetlands buffer boundary and maintain said tags as needed to provide sufficient visual evidence of the buffer boundary during construction, if development is proposed within twenty 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. Tags shall be obtained from the municipality.** The presence of wetlands on residential properties created as part of a major subdivision shall be documented in the parcel's deed.



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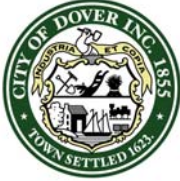
~~(c) Upon detection, all areas of wetlands on a lot shall be delineated via marker flags and documented in the parcel's deed.~~

~~(2) The Planning 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.~~

2. **The Planning 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: 3I(d) and RSA 482-A:11 III, the Conservation Commission shall have up to 40 days to make recommendations relative to the wetlands impact application. 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, performance guarantees, impact mitigation measures, and a reduction in proposed impervious surfaces.**
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 wetland 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 ordinance.
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.

1. Any use otherwise permitted by the City Zoning Ordinance, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under Section E(1) must first receive conditional use approval as provided for in Section F before any building permit or subdivision/site plan can be approved.
 - (a) Crossing of a Wetland Protection District as provided for in Section F(1).
 - (b) The construction or reconstruction of fences, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:
 - i ~~{}~~ 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 Board Code of Administrative Rules (WT 400 and 600).



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ii ~~12~~ The natural contour of the wetland is preserved.

iii ~~13~~ All other applicable provisions of the city's Zoning Ordinance have been met.

F. Conditional use approval.

1. Conditional use approval may be granted by the Planning Board (RSA 674:21II) after proper public notice and public hearing, for **construction within the crossing of the Wetland Protection District or buffer. Said construction may include, but is not limited to** by 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) **Demonstration of Need:** The proposed construction is essential to the productive use of land or water outside the Wetlands Protection District.

(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.

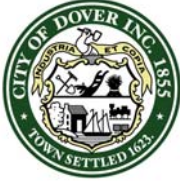
~~(b) Design, construction and maintenance methods will be prepared by a registered engineer to minimize detrimental impacts to the wetlands and will include restoration of the site as nearly as possible to its original grade.~~

(c) **Minimization:** Any unavoidable impacts have been minimized. No reasonable alternative to the proposed construction exists which does not **impact cross or alter** 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:** For permanent impacts to Approval for the Wetland Protection District, greater than 10,000 square feet, that will remain after avoidance and minimization measures have wetlands impact has been addressed, received from the applicant shall submit a compensatory mitigation proposal, NHDES Wetlands Bureau pursuant to Section F (2)G(3), below. The Planning Board may require the applicant to provide a compensatory mitigation proposal for permanent impacts to the Wetlands Protection District or buffers less than 10,000 square feet. 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 NHDES Wetlands Bureau pursuant to Section G(3), below.

~~(2) Conditional use approval also may be granted by the Planning Board for development in the Wetlands Protection District. To obtain such an approval, the applicant shall perform or cause to have performed a functional evaluation of the wetlands on which development is proposed. Said functional evaluation shall examine the wetland in terms of the four (4) following criteria: flood control value; ecological integrity; nutrient retention and sediment trapping value; and groundwater use potential. The functional~~



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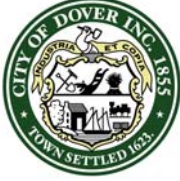
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~~evaluation shall be performed in accordance with the procedures outlined in the "Wetland Evaluation Handbook for the City of Dover" which is on file in the office of the City Clerk and Planning Department in City Hall. If three (3) or more of the criteria being evaluated for a particular wetland have a functional value index (FVI) below five-tenths (0.5), the proposed use may be permitted by the Planning Board, provided that all other provisions of this section have been satisfied. If the wetland has an FVI of five-tenths (0.5) or greater for two (2) or more of the criteria, the proposed use shall not be permitted.~~

- ~~2. Conditional use approval also may be granted by the Planning Board for development in the Wetlands Protection District and buffers as outlined in Section F (1)(d). To obtain such an approval, the applicant shall perform or cause to have performed a functional assessment of the wetlands on which development is proposed using the US Army Corps of Engineers, New England District Highway Methodology Workbook Supplement, 1999 Edition. The Planning Board may use this assessment to determine wetland impact mitigation measures for conditional use approval, taking into consideration recommendations of the Conservation Commission pursuant to Section D(2).~~

~~(3) 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. Regarding a development proposed for a parcel of land smaller than ten (10) acres, the applicant shall provide a Site Specific Soil Map, and the City of Dover shall conduct the evaluation in accordance with the Wetland Evaluation Handbook.~~

3. 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.
- ~~(4) 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. 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.
- ~~(5) For the purposes of evaluating wetlands and granting conditional use permits, the Planning Board may divide a Wetland Protection District into smaller study areas, allowing different evaluations to be assigned to the various study areas and allowing a conditional use permit to be approved for certain study areas and not for others.~~
5. 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.



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- 6. 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.

G. Specific provisions.

1. Wetland Buffers.

~~(1) Any construction altering the surface configuration of the land, shall be set back at least fifty (50) feet from a Wetland Protection District. The Planning Board may approve construction within this fifty (50) setback area in accordance with Section E(1), above. [Amended 08-01-90 by Ord. No. 8-90]~~

(a) **Buffers Established.** Buffers are hereby established around and encircling all wetlands other ~~2) No septic tank or leach field may be constructed or enlarged closer 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) ~~seventy-five (75)~~ 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. 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 Section D (1) above. ~~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.~~

(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 includes a temporary disturbance of wetlands buffers, pursuant to Section 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 non-invasive 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 devise. Mowing to maintain an existing lawn or field within a wetland buffer area is allowed without a permit, as specified in Section G (1)(e), below, provided the roots



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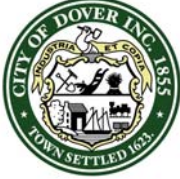
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of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.

- (c) *Certain Uses Prohibited in Buffers.* The following uses and activities are prohibited within a wetland buffer:
- i. The establishment or expansion of salt storage, junk yards, resource recovery facilities, transfer stations, landfills, or solid or hazardous waste facilities;
 - ii. The bulk storage of chemicals, petroleum products, or toxic and hazardous materials;
 - iii. 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 Section F above:
- i. All uses not specifically prohibited in Section G (1)(c) above, or specifically exempted in Section G (1)(e) below.
 - ii. The erection or construction of a building or structure, excluding fences that meet the requirements of 170-33, or the construction of parking lots or loading areas.
 - iii. Timber harvesting, except as conducted in accordance with the terms and provisions of RSA 227-J, Timber Harvesting.
 - iv. 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 detention ponds.
 - v. The installation of water, sewer, or buried electrical or telecommunications cables.
 - vi. 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:
- i. Activities within wetlands jurisdictional areas that are allowed without a State of New Hampshire Dredge and Fill Permit, in accordance with NHDES Rules Env-Wt 303.05(a) – repair of an existing legal structure; or successor rules.
 - ii. The removal of vegetation in accordance with NHDES Rules Env-Wt 303.05(b), or successor rules, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.
 - iii. The installation of monitoring or test wells completed in accordance with NHDES Rules Env-Wt 303.05(p) or successor rules.
 - iv. 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 Section G(1)(b) above.



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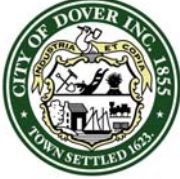
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2. **No septic tank or leach field may be constructed or enlarged closer than seventy-five (75) feet to any Wetland Protection District. In new subdivisions approved subsequent to adoption of this section, there must be sufficient lot size to place 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~~ 483-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 170-40 and 170-41 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 set-back**, 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 the ordinance, a new one- or two-family dwelling shall be permitted in the Wetlands Protection District or **buffer set-back**, 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.



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- 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 ordinance.
 - 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 Water impoundments with related structures and maintenance~~ dredging for navigational purposes (where a dredge spoil site has been approved by the Planning Board) are exempt from the regulations stated herein. Notwithstanding, copies of permits where required by the New Hampshire **Department of Environmental Services Wetlands Board, New Hampshire Water Supply and Pollution Control Division** and the United States Army Corp. 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. Separability. 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.”

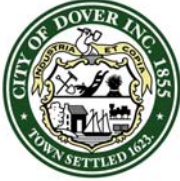
17. AMENDMENT

Amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by revising Chapter 170-27.2 to read as follows:

“170-27.2. Transfer of Development Rights. [Added 10-31-90 by Ord. No. 16-90; amended 01-22-03 by Ord. 35-02]

A. Authority. By the authority granted under NH 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 wetlands, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic viewsheds, 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



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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 who are active in protecting and preserving open space.

C. Applicability. Upon request by an applicant for development approval and at the discretion of the Planning Board, the provisions of this subsection may apply to the district(s) defined in this subsection E below.

~~D. Definitions.~~

~~Development Rights – 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.~~

~~Landscaped area – An 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.~~

~~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 waterbodies.~~

~~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.~~

~~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.~~

~~Transfer of Development Rights – 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.~~

~~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.~~

~~D-E. Districts Defined.~~



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(1) The Industrial TDR District is hereby determined to be any I-4 or B-4 Zoning districts as shown on the Zoning Map for the City of Dover, New Hampshire, adopted May 25, 1979. The sending Area is defined to be open space and related setbacks as defined by the City of Dover Wetland Protection District, Chapter 170-27.1, which are located in be any I-4 or B-4 Zoning districts. The receiving area is defined to be all remaining land in be any I-4 or B-4 Zoning districts.

(2) The Residential TDR Districts are hereby determined to be Residential districts as shown on the Zoning Map for the City of Dover, New Hampshire, adopted May 25, 1979. 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.

E. F. Procedural Requirements.

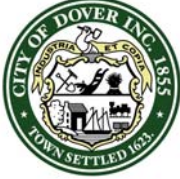
(1) At the discretion of the Planning Board, an applicant for development approval within the receiving area of the defined Industrial TDR district may apply the performance standards specified in subsection G below in return for the acquisition of land or development rights from the sending area within the same TDR district. The performance standards for the Residential TDR district are outlined in subsection H 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. **For residential application, proof of previous preservation by within the City of Dover is required.**

(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 shall be submitted to the Planning Board for review at a regularly scheduled meeting. The 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 and H below. 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.

(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



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existing residential and agricultural activities, and may allow for utility and access crossings in accordance with subsection I below. The designation of the land protection agency to hold the easement shall be approved by the Planning Board.

F G. 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 (1) acre. Notwithstanding, development sites within the I-4 and B-4 zoning districts shall maintain open space or landscaped area on at least ten (10) percent 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.

(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, **wetlands**, 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 I-4 and B-4 Zoning districts, and 75 feet from the lot line of a disagreeing residential abutter.

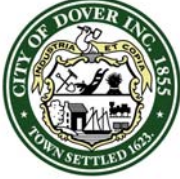
(5) The developer shall record covenants that address architectural considerations for structures, signage and lighting, that are designed to promote the highest possible aesthetic quality of the development site.

(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 H. Residential Performance Standards.

1. **A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERING DEVELOPMENT RIGHTS.**

a. **Private land transfer method**



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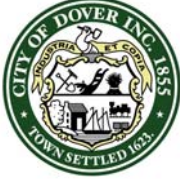
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- i. For land in the sending district to be eligible for a **TRANSFER OF DEVELOPMENT RIGHTS**, it must be a parcel of at least 5 acres, and developable under the existing land use regulations.
 - ii. Land within a sending area, when surveyed, endorsed by the Conservation Commission/Open Lands Committee, approved by the Planning Board and preserved by easement or covenant as specified in subsection E above, may be counted for the minimum lot size requirement for a development site in a receiving area. The criteria used by Open Lands Committee to rank parcels shall be listed on the application.
 - b. **Land bank method**
 - i. For land in the sending district to be eligible for a **TRANSFER OF DEVELOPMENT RIGHTS**, it must be a parcel or easement purchased by the City through the use of Conservation funds allocated and approved by the City Council.
 - ii. 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.
 - iii. Proceeds from the purchase of development rights, shall be placed into the Conservation Fund to be used to purchase future property or easements, and not into the general fund.
2. **Regardless of the method utilized, the transfer shall equate to 1 unit per acre preserved. If the end result is a village themed residential/commercial project, the transfer shall equate to 1 unit per third of an acre preserved. A minimum of 3 acres shall be purchased.**
3. **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.**
4. **Regardless of the method utilized, 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.**
5. **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:**
 - a. Is consistent with the Master Plan
 - b. Is not incompatible with the land uses on neighboring lots



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H.F. Conditional Uses.

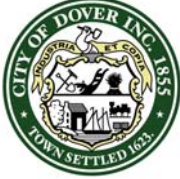
7. The Planning Board may grant conditional use permits to allow streets, roads, utilities, or other infrastructure improvements to cross wetlands within the receiving area of the TDR District, provided said infrastructure is essential to the productive use of land within the receiving area of a TDR District, and further provided that no possible location exists for said infrastructure in non-wetland areas.”

18. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28.2, Residential-Commercial Mixed Use (RCM) Overlay District, Subsection D “Permitted Uses” Subsection 1 to read as follows:

1. Principal Uses

- a. Housing for older persons as that term is defined under RSA 354-A:15 and 42 USCA §3607(b)(2) and the regulations adopted there under in the following settings:
 - i. Single-family dwelling
 - ii. Two-family dwelling
 - iii. Three to Four family dwelling
 - iv. Multi-family dwelling
 - v. Mobile home parks (permitted outright without a special exception)
- ~~b. Nursing Homes~~
- ~~c. Congregate care facilities~~
- b. Public and private utilities
- c. Non-Residential uses as allowed as follows:
 - i. Any use allowed in the underlying zone that is compatible with housing for older persons
 - ii. Barber or Beauty Shop
 - iii. Bank
 - iv. Eating/Drinking Establishments (no Drive thru Service)
 - v. Bed and Breakfast
 - vi. Office
 - vii. Retail store
 - viii. Theater
 - ix. Adult Day Care
 - x. **Nursing Homes (In areas not serviced by City water and sewer utilities at a density of one bedroom per 10,000 sq. ft. of land; in areas serviced by City water and sewer utilities at a density of one bedroom per 7,500 sq. ft. of land)**
 - xi. **Congregate Care Facilities (In areas not serviced by City water and sewer utilities at a density of one unit per 10,000 sq. ft. of land; in areas serviced by City water and sewer utilities at a density of one unit per 7,500 sq. ft. of land)**
 - xii. Other uses compatible with housing for older persons



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- xiii. Non-residential uses in existence at the adoption of this ordinance on adjacent parcels shall be allowed to expand within the development if conceptually shown on the approved plan.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28.2, Residential-Commercial Mixed Use (RCM) Overlay District, Subsection E “Procedural Concepts” Subsection 1 to read as follows:

“1. Residential Development Plan Guidelines

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. Layouts may include individual lots or a cluster of units without lot lines.

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.

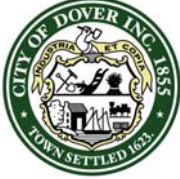
Where possible, it is desirable and encouraged to mix residential and non-residential uses. This may be achieved through situating the buildings close to each other, or though allowing structures to house residential – preferably on the second or above floor, with non-residential on the first floor. Creativity and flexibility is encouraged and the development plan may offer another option for mixing uses. Units created through the TDR program are not required to be housing for the elderly, that term is defined under RSA 354-A:15 and 42 USCA §3607(b)(2).

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 149, section 14.2.

All mobile homes shall adhere to the standards outlined in Chapter 126, Mobile Home Parks, with the exception of Sections 126-3, 126-4, 126-5, 126-6, and 126- 7.H 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 126, “Mobile Home Parks”, the provisions of the Overlay District shall apply.”

19. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28.3 “Groundwater Protection” Subsection E (2) to read as follows:



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(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 Department as he deems necessary.

20. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-28.6 “Telecommunication Facilities” Subsection D and renumber the remaining subsections.

21. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28.7, Impact Fee Ordinance, to read as follows:

“170-28.7 Impact Fee Ordinance. [Added 01-22-03 by Ord. No. 35-02]

A. Purpose: This ordinance is enacted pursuant to RSA 674:16 and 674:21, and in order to:

Promote public health, safety, convenience, welfare, and prosperity;

Insure that adequate and appropriate public facilities are available; and

Provide for the harmonious development of the City and its environs.

For consideration in lieu of above:

1. Assist in the implementation of the Master Plan and Capital Improvements Program;

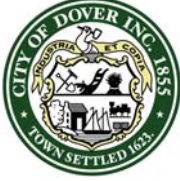
2. Provide adequate public capital facilities necessitated by new development;

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 ~~a building permit approval~~ **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** ~~impact fee for~~



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~~the applicant's proportional share of off-site improvements to public facilities affected 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 ~~impact fee~~ **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

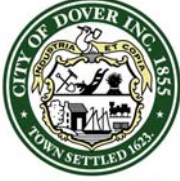
1. Proportionality: The amount of the impact fee shall be calculated by the Planning Board to be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements 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 therefore.
2. Existing Deficiencies: Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

D. Administration

1. Accounting: In accord with RSA 673:16, II and RSA 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 it was 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 four years from the date of Planning Board approval. Once this four-year period has expired,**



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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. ¹

b. With the exception of those plats and site plans meeting the conditions in (A) above, and when no other Planning Board approval is required, or has been made prior to the adoption or amendment of the impact fee ordinance, 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.

~~2~~c. Impact fees will be collected prior to or at the time of issuance of a building permit, 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.

~~3. Assessment: All impact fees imposed pursuant to this section shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development, as determined by the Building Inspector.~~

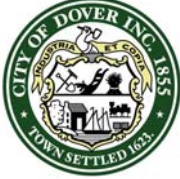
3. Security: In the interim between assessment and collection, the Building Inspector may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed impact fees.

~~4. Collection: Impact fees shall be collected as a condition for the issuance of a certificate of occupancy; provided, however, in projects where off-site improvements are to be constructed simultaneously with a project's development, and where the City has appropriated the necessary funds to cover such portions of the work for which it will be responsible, the City may advance the time of collection of the impact fee to the issuance of a building permit. Nothing in this section shall prevent the Building Inspector, with the approval of the Planning Board, and the assessed party from establishing an alternate, mutually acceptable schedule of payment.~~

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

¹ See NH RSA 674:39 with respect to its provisions regarding impact fee assessment.



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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 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 their proportionate non-impact fee share of related capital improvement costs.

E. Appeals

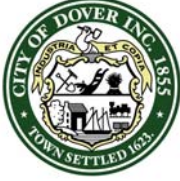
A party aggrieved by a decision made by the Building Inspector regarding the assessment or collection of impact fees authorized by this Section may appeal such decision to the Planning Board.

In accord with RSA 676:5, III, appeals of the decision of the Planning Board in administering this ordinance may be made to Superior Court, as provided in RSA 676:5, III and RSA 677:15, as amended.

F. Waivers

The Planning Board may grant full or partial waivers of impact fees where the 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:

1. An applicant may request a full or partial waiver of school impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 62 or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The Planning Board may waive school impact fee assessments on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age 62 or over for a period of at least 20 years.
2. A person may request a full or partial waiver of impact fees for construction within a subdivision or site plan approved by the Planning Board prior to the effective date of this ordinance. Prior to granting such a waiver, the Planning Board must find that the proposed construction is entitled to the four year exemption provided by RSA 674:39, pursuant to that statute. This waiver shall not be applicable to phases of a phased development project where active and substantial development, building and construction has not yet occurred in the phase in which construction is proposed.
3. 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



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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.”

22. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-29.2 “Definitions” to read as follows:

“170-29.2. ~~Definitions~~ **Reserved**”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-30.3 “Application Submission Items” subsection A by adding item 19 to read as follows:

“19. All infrastructure and topographic information shall be submitted in an electronic format, as well as on paper.”

23. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection B to read as follows:

“B. Permitted signs. No sign shall be permitted within the City of Dover, except in accordance with the provisions of this section. See ~~table~~ **Tables of Use and Dimensional Regulations By District** for overview of permitted signs.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection D 1(a) and (d) to read as follows:

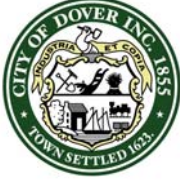
“(a) ~~Political~~ **Election** Signs. ~~Political~~ **Election** signs shall be regulated as required in Subsection M.”

“(d) Non-profit, public benefit and/or municipality related temporary signs with consent of the Zoning Administrator.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection D 5 (a) to read as follows:

“(a) FLASHING SIGNS ~~as defined in Section Q~~ are prohibited. [Added 03-21-07 by Ord. No. 01-2007]



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AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection D 9 to read as follows:

“(9) Temporary A-frame, portable or wheeled sidewalk or curb signs are prohibited, except as otherwise provided in this section. Refer to Subsections ~~F(4)~~ **G (2)** and P(3). ~~and (7).~~”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection F 2 (a) to read as follows:

“(a) Where a principal building fronts on more than one (1) street, one (1) freestanding sign may be erected for each frontage, ~~provided that the building complies with Subsection F(2)(a).~~”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection F 3 (f) to read as follows:

“(f) A hold-harmless ~~agreement~~ **certification letter** shall be filed with the ~~Building Inspector~~ **Zoning Administrator** to relieve the City of Dover from bodily injury and property damage liability.”

AND

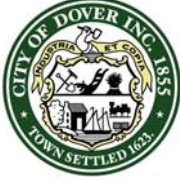
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection G 2 (c) to read as follows:

(c) The property owner shall be required to execute ~~an indemnification agreement~~ **a hold harmless certification letter** in a form approved by the City Attorney for the purpose of indemnifying and holding the City harmless from any liability due to the use or existence of any such temporary sign. All such agreements shall be kept on file in the ~~Building Inspector’s~~ **Department of Planning and Community Development** Office.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection L 2 (c) to read as follows:

(c) The property owner shall be required to execute ~~an indemnification agreement~~ **a hold harmless certification letter** in a form approved by the City Attorney for the purpose of indemnifying and holding the City harmless from any liability due to the use or existence of any such temporary sign. All such agreements shall be kept on file in the ~~Building Inspector’s~~ **Department of Planning and Community Development** Office.



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AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection M by replacing any use of the phrase “Political” with “Election”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection M, Subsection 6 to read as follows:

“(6) Any candidate failing to comply with the above requirements shall be subject to a fine not to exceed ~~twenty~~ **fifty** dollars (~~\$20.~~ **50**) per sign violation.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection O 3 to read as follows:

“(3) If the nonconforming sign is replaced, it shall be replaced **in total** with a sign that is in conformance with the provisions of this section.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection P 3 to read as follows:

“(3) Sign location. The physical placement of signage on a building shall be as important in perpetuating the mill motif theme as the sign composition itself. To maximize the effectiveness of signs and a building's architecture, 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. Refer to Subsection ~~OE~~(4)(e) for graphic guidelines.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection Q to read as follows:

“Q Fees: Fees for the review of signage are set annually and may be found in the City’s Fee Schedule.”

AND



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” by deleting Subsection R.

24. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-33 “Fence review and regulations” Subsection C to read as follows:

“C. Exceptions. The provisions described in Subsection A shall not apply in Industrial (I-2), Restricted Industrial (I-1), Thoroughfare Business (B-3), Central Business (~~B-2~~CBD), Office (O), **and** Cochecho Waterfront (CWD) ~~and Urban Multiple Use (UMUD)~~ Zoning Districts, or whenever the Zoning Board of Adjustment, as a condition attached to the granting of a variance or special exception to the Zoning Ordinance, requires for screening purposes a fence exceeding six (6) feet.”

25. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-41 “Nonconforming Structures” by adding subsection E to read as follows:

E. The above notwithstanding, if a lot meets the requirements of Chapter 170-14, any additions or accessory structures may be allowed to meet the side yard setbacks outlined therein.”

26. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-44 “Applicability” Subsection H to read as follows:

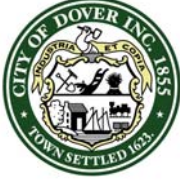
“H. In the ~~B-2, UMUD~~ **CBD** and CWD Zoning Districts, **none of the** on-site parking standards ~~recorded in Section 170-45 of this chapter~~ shall not be binding except in such cases where new construction is proposed that would create additional building square footage; and **or when** conversions or changes of use that **would** result in an increase **in the number** of residential units.

Parking spaces required in ~~B-2, UMUD,~~ **CBD** and CWD Zoning Districts may be located off-site within 1000 feet of the proposed use. The spaces may be located in a municipal parking lot and leased from the city, or leased from a private landowner. Lease agreements are subject to Planning Board approval, and must have a minimum duration of five (5) years, and have provisions for renewal at expiration. [Added 9-24-80 by Ord. No. 15-80; amended 3-30-83 by Ord. No. 5-83; 6-10-87 by Ord. No. 13-87; amended 08-01-90 by Ord. No. 8-90]

27. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-45 “Required Spaces” to read as follows:

“170-45. Reserved”



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28. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-48 “Building Permit Procedure.” to read as follows:

“170-48 **Reserved**”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-49 “Certificate of Occupancy” to read as follows:

“170-49 **Reserved**”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-50 “Building Permit Fees” to read as follows:

“170-50 **Reserved**”

29. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 “Zoning Board of Adjustment” Subsection D (1) to read as follows:

(1) Rehearing. Within ~~twenty (20)~~ **thirty (30) calendar** days after any order or decision of the Board, 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 therefore; and the Board may grant such rehearing if, in its opinion, good reason therefore is said in such motion.”

30. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-53, Amendment Procedure, to read as follows:

“170-53. 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 ordinance.

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.



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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 the Zoning Ordinance 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 Section D below.

(2) **Amendments Initiated by the City Council.** The City Council may, upon its own initiative, from time to time, consider amendments to the Zoning Ordinance 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 Section D below, submit written recommendations regarding the amendments to the City Council within sixty (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 the Zoning Ordinance 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 Section 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 Section 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.

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 ten (10) days before the hearing, not including the day the notice is posted or published or the day of the public hearing. Notice of the public hearing shall be placed in a newspaper of general circulation in the city and shall be posted in at least three (3) public places, including the City web-site.

(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 the proposed amendment and to landowners whose property lies within one hundred (100) feet of the subject area. All such notices shall be by first class mail and shall be sent at least ten (10) days prior to the scheduled public hearing date.

(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, a general description of the property involved, where applicable, and designating a place where the full text of the amendment is on file for public inspection.

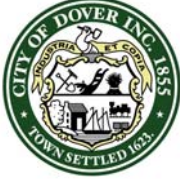
E. Submission Requirements for Petitioned Amendments.

Document Created by: Planning Department

Document Posted on: August 12, 2009

HousekeepingPHRevision.doc

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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 propose 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-foot of the subject area. The list shall be current within ten days of submittal; and
7. A non-refundable fee in the \$50.00 to cover the cost of the newspaper notice, and a non-refundable fee of \$1.00 per landowner and abutter required to be notified per Section D(2).

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 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 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 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 D.



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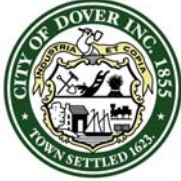
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(2) Waiver of Notice. In the event that the proposed amendment is comprehensive in nature, the aforementioned provisions requiring notice by first class mail to individual landowners and abutters may be waived by a majority vote of the full City Council, 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 (1) 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 Section 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 two-thirds (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 two-thirds (2/3) of the City Council members present shall be required.”



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31. TAKES EFFECT

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Dean Trefethen, Deputy Mayor
Planning Board Representative

Approved as to Legal Form: Allan B. Krans, Sr.
City Attorney

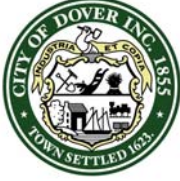
Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor Dean Trefethen		
Councilor Robert Carrier, Ward 1		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



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ORDINANCE BACKGROUND MATERIAL:

Please view attached memo to Council and the recommendations summary from the 2007 Land Use Chapter Master Plan.