



CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

Meeting Type: Workshop
Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820
Meeting Date: Tuesday, March 9, 2010
Meeting Time: 6:00 pm

1. Discussion Re: Proposed Zoning Amendments.

The public is welcome to attend.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#:

Ordinance Number: **O – yyyy.mm.dd -**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

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 revising Article Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising footnote 7 for the “Conversion of Existing Dwelling to Accommodate not more than 2 units” use of the R-20, and R-12 Tables shall be revised as follows:

“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~~ **maximum** floor area of ~~five seven~~ **hundred fifty** (~~500~~ **750**) square feet per **new** dwelling unit. **The new dwelling unit shall be constructed within or attached to the original structure and construction materials shall be uniform with the original structure. At least one interior connecting door to pass between the primary residence and the second unit shall be installed. No new entrance or exit to the unit shall be constructed facing the front of the building, and no new curb cut from the street shall be constructed.**

3. AMENDMENT

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

“**CUSTOMARY HOME OCCUPATION** - An occupation carried on 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 Residential 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.



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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.~~

The following uses, by nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, the uses below shall not be permitted as home occupations:

- a. **Antique, Book of Gift Shop**
 - b. **Appliance Repair, large or small**
 - c. **Auto/Vehicle Repairs, major or minor**
 - d. **Bicycle Repair or Service**
 - e. **Clinic**
 - f. **Freight, Trucking or Shipping**
 - g. **Lawn Mower Repair or Service**
 - h. **Painting of Vehicles, Trailers, Boats, Etc.**
 - i. **Restaurants, Eating or Drinking establishments**
 - j. **Upholstering**
 - k. **Taxi Service**
 - l. **Television or Radio Repair**
 - m. **Tool or Equipment Rental**
 - n. **Tooling, Welding, or Machine Shop**
 - o. **Veterinary Clinic, Kennel, or Stable**
10. **There shall be no use of chemical, mechanical, or electrical equipment that creates odors, smoke, fumes, vibrations, light emission noises, or interference in radio or television reception detectable to the normal senses at any point beyond the boundary of the property in such a manner as to annoy, disturb, frighten or otherwise interfere with the use and quiet enjoyment of adjacent properties, or which creates water usage or the production of sewage than domestic in nature.**



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11. 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*.
12. Not more than one (1) commercial vehicle in connection with such home occupation shall be stored on the premises.
13. A certificate of use for the proposed use is issued by the Zoning Administrator verifying conformance with the preceding standards. **[Amended 12-09-09 by Ord. No. 2009-09.09-15]**”

4. 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” to read as follows:

D) FENCE PLACEMENT. No FENCE shall be erected or placed within five (5) feet of a front property line, or within two (2) feet of a side property line.

5. 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		

* **Editor's Note: See Ch. 92, Driveways.**

Document Created by: Planning Department
Document Posted on: March 4, 2010

RezonebaseII
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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:

Insert background.