



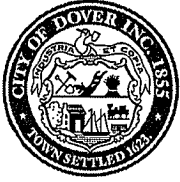
CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

Meeting Type: Workshop
Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820
Meeting Date: Tuesday, May 11, 2010
Meeting Time: 6:00 pm

1. DES Presentation of the Cochecho River Fluvial Erosion Hazards Study
2. 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

Posted
Revised

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 Chapter 170-6, Definitions to read as follows:

“**PERSONAL SERVICE ESTABLISHMENT** means a commercial use, the primary concern of which is the rendering of services rather than the sale of products. "Primary concern" shall mean less than fifty percent (50%) of the revenues from such commercial use shall be gained from the sale of products. A "PERSONAL SERVICE ESTABLISHMENT" shall not be construed to include a gasoline service station.”

3. 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:

“A. Districts:

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-SU Suburban Density Multi-residential District
- RM-U Urban Density Multi-residential District

Nonresidential

- B-1 NEIGHBORHOOD Business District
- B-3 Thoroughfare Business District
- B-4 HOTEL/Retail District
- B-5 ~~Commercial/Retail~~ Gateway District
- I-1 Restricted Industrial District
- I-2 Rural Restricted Industrial District
- I-4 Assembly and Office
- ETP Executive and Technology Park

Mixed -Use

- O Office District
- CBD Central Business District
- CWD Cochecho Waterfront District



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Overriding

- CD Conservation District
- URD Urban Renewal District
- RRD Riverfront Residential Overlay District
- GWP Groundwater Protection District
- HWD Hazardous Waste Landfill District
- RCM Residential-Commercial Mixed Use
- SRD Scenic Road Overlay District
- TDR TRANSFER OF DEVELOPMENT RIGHTS
- TEL Telecommunications Facilities
- WPD Wetland Protection District

B. District Purpose Statements:

1) RESIDENTIAL DISTRICTS

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

a) Rural Residential District (R-40)

The purpose of this residential district is to provide for conventional single-family neighborhoods in the more rural areas of the city. These areas have larger lot sizes (1+ acres) and the homes are most likely served by on-site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as open space developments with reduced lot sizes allowed in return for the permanent preservation of open space. Agriculture and farming are promoted in this district. Some non-residential uses that are compatible with single-family homes are permitted, including churches, hospitals, elementary schools, high schools and child care facilities.

b) Low-Density Residential District (R-20)

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

c) Medium-Density Residential District (R-12)

The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 12,000 square feet. The homes in this district are almost all served by municipal sewer and water. Many of the neighborhoods surrounding the elementary schools are in this district and have a sidewalk system that is conducive to children walking to school. The development of parcels with at least five acres can be done as open space subdivisions. Some non-residential uses that are compatible with



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single-family homes are permitted, including churches, elementary schools, high schools, colleges and child care facilities.

d) Suburban Density Multi-residential District (RM-SU)

The purpose of this residential district is to provide an environment suitable for a variety of moderate density housing types, including single-family, two family, 3-4 family and multi-family dwellings. These districts are suburban neighborhoods located along major roadways outside of the center of the city. The homes in this district are almost all served by municipal sewer and water. Some non-residential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and child care facilities.

e) Urban Density Multi-residential District (RM-U)

The purpose of this residential district is to provide an environment suitable for a variety of moderate/high density housing types, including single-family, two family, and 3-4 family dwellings. These districts are urban neighborhoods located close to the downtown area and contain many historic homes that are built close to the sidewalks and streets. The homes in this district are all served by municipal sewer and water. Some non-residential uses that are compatible with residences are permitted, including churches, funeral parlors, elementary schools, high schools, and child care facilities.

2) NONRESIDENTIAL DISTRICTS

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

a) Neighborhood Business District (B-1)

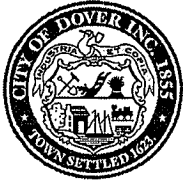
The purpose of this business district is to provide small sites for commercial use in or near dense residential neighborhoods without having significant impact upon residential uses. The district encourages traditional small scale retail and service uses that are convenient for the nearby residents. Development is intended to be pedestrian-oriented and compatible with the scale of the residential uses.

b) Thoroughfare Business District (B-3)

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

c) Hotel/Retail District (B-4)

The purpose of this business district is to provide an environment that encourages efficient and attractive commercial development on a larger scale along major highways outside of the downtown. The minimum lot size of five acres encourages larger commercial development. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, hotels, offices, banks, and theaters.



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d) Gateway District (B-5)

The purpose of this business district is to provide an environment that encourages efficient and attractive commercial development along major highways that are gateways to the city. The minimum lot size of 20,000 square foot encourages a mix of various sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, gas stations, automobile sales, hotels, offices, banks, and theaters.

e) Restricted Industrial District (I-1)

The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, warehousing, wholesaling and shipping activities that expand the economic base of the city and provide employment opportunities. These areas tend to be smaller sites closer to the downtown area containing older buildings that have historically been used for industrial and business uses. The smaller minimum lot size of 40,000 square feet also encourages business uses such as publishing, hotels, gas stations, car sales, offices, and personal services. The close proximity of these areas to older residential neighborhoods requires careful consideration of impacts on adjacent uses in other districts.

In 2009 the zoning for this district was amended to allow for the redevelopment of this industrial property in a more flexible and context sensitive method. The district encourages mixed residential and commercial uses that complement one another and create a sense of community between the mixed uses.

f) Rural Restricted Industrial District (I-2)

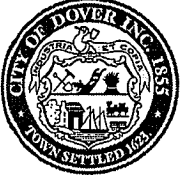
The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, warehousing, wholesaling and shipping activities that expand the economic base of the city and provide employment opportunities. This area is the location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

g) Assembly and Office (I-4)

The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, warehousing, wholesaling, publishing and shipping activities that expand the economic base of the city and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The newest industrial park developed by the city is located in this district. The minimum lot size in this district is five acres, which encourages larger industrial users.

h) Executive and Technology Park (ETP)

The purpose of this executive and technology district is to provide appropriate locations for large-scale high technology, research, professional office, and clean manufacturing uses that need large sites and high aesthetic standards. The general character of the district is intended to be a campus or park-like setting that encourages creative design and innovation is site planning and development, while protecting the natural resources. In this district the minimum lot size is three acres and there is no frontage requirement, which encourages larger users in campus settings. Some of the city's largest employers are located in this district. This district includes special design standards for buildings, parking lots and landscaping.



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3) MIXED –USE DISTRICTS

The mixed use districts are intended to provide suitable areas for a mixture of urban neighborhoods containing residential, commercial, service, retail, and office uses. The mixed use development is intended to create a sense of community between the mixed uses and facilitate the economical and efficient use of land. The districts are intended to provide housing and employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.

a) Office District (O)

The purpose of this office district is to provide appropriate locations for a mixture of residential and offices uses along higher volume streets. This district is a transition area between the more commercial areas and the urban residential areas on the side streets. Residential uses up to four dwelling units per structure are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, nursing homes and congregate care facilities. The density for residential uses is about eight units per acre and in new buildings residential is only allowed on the second floor or higher.

b) Central Business District (CBD)

The purpose of this district is to provide the appropriate locations for context sensitive zoning. The form based code in this district is intended to foster a vital main street both for itself and for its adjacent neighborhoods through a lively mix of uses—with shop fronts, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper story residences and offices. The district has an increased emphasis on the form and placement of structures and a decreased emphasis on the function(s) contained within them.

c) Cochecho Waterfront District (CWD)

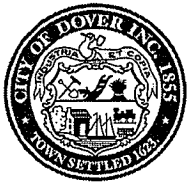
The purpose of this mixed use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cochecho River. This district has very flexible dimensional requirements, with no minimum lot size, frontage or setback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

4) OVERRIDING DISTRICTS

The purpose of the overriding districts is to provide an additional layer of land use regulation or protection is certain sensitive areas of the city. The requirements of these overlay districts are in addition to the underlying zoning districts. Most of the districts are intended to protect environmentally sensitive areas. For specific purpose statements review the text of each overriding district.”

4. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12, Applicability of Tables of Use and Dimensional Regulations by District, as follows:



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“Revise the Permitted Uses Tables for the Urban Density Multi-Residential (RM-U), and Office (O) Districts, by adding the following new Special Exception: RETAIL STORE (See Over)

“Retail Store

A Retail Store shall be subject to the following regulations:

- A. The store shall contribute to a neighborhood feel and be pedestrian friendly.
- B. The store shall be no larger than 2,000 square feet.
- C. No more than half of the required parking necessary shall be on-site parking, which shall be screened from abutting residential lots.
- D. Any loading or unloading of products shall not disrupt neighbors or traffic flow.
- E. The proposed use shall be compatible with the surrounding neighborhood.
- F. Hours of operation shall be limited to 6 am to 9 pm Sunday – Thursday, and 6 am to 10 pm Friday and Saturday.”

AND

“Revise the Permitted Uses Tables for the Central Business District (CBD) by renaming the “Commercial” subdistrict to “General” and removing the Freestanding sign as an allowed sign in all subdistricts.”

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

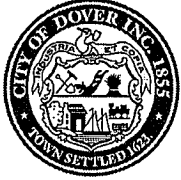
Recorded by: Karen Lavertu
City Clerk

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

DOCUMENT ACTIONS:

Document Created by: Planning Department	RezonebaseIII
Document Posted on: May 7, 2010	Page 6 of 7



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VOTING RECORD

Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor Dean Trefethen		
Councilor Robert Carrier, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL: