 CITY OF DOVER	CITY OF DOVER – ORDINANCE Posted on April 28, 2015 Ordinance Number: O – yyyy.mm.dd - Ordinance Title: Updating the Dover Zoning Ordinance Chapter: 170
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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.

The purpose of Amendment #3 is to create a new zoning district for one of the City's oldest residential neighborhoods which has a unique architectural heritage. The regulations are tailored to provide dimensional and use regulations that are consistent with the neighborhood's existing conditions and to provide design standards for new construction to support the neighborhood's heritage.

The purpose of Amendment #12 is to create regulations for "Alternative Treatment Centers." NH RSA 126:X, adopted in 2013 by House Bill 573, establishes a statutory framework for the allowance and regulation of "Alternative Treatment Centers" in order to facilitate the use of cannabis for therapeutic purposes.

2. AMENDMENT

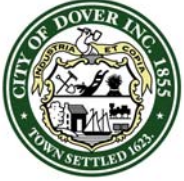
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6. "Definitions," to add new definitions and revise existing definitions to read as follows:

"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 located.~~ Front porches, stairs and handicap ramps may extend beyond the BUILD TO LINE build-to-line up to half their depth. If locating the BUILDING at the BUILD TO LINE is not possible due to SETBACK or buffer requirements of Chapter 170-27 or Chapter 170-27.1, the BUILDING shall be located as close to the BUILD TO LINE as feasible."

3. 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 December 9, 2009, is amended by changing from Urban Density Multi-Residential (RM-U) District to Heritage Residential (HR) District an area of approximately 70.9 acres located along Silver Street, Summer Street, Fisher Street, Elm Street, Locust Street, Spring Street, Trakey Street, Hamilton Street, Belknap Street, Cushing Street, Lexington Street, West Concord Street, Richmond Street, Washington Street, and Trask Drive, consisting of lots 10-22, 10-23, 10-24, 10-25, 10-26, 10-27, 10-28, 10-29, 10-29A, 10-30, 10-31, 10-32, 10-33, 10-35, 10-35A, 10-36, 10-37, 10-38, 10-39, 10-57, 10-58, 10-59, 10-60, 10-78, 10-79, 10-80, 10-81, 10-82, 10-83, 10-84, 10-85, 10-86, 10-86A, 10-87, 10-88, 10-104, 10-105, 10-106, 10-107, 10-108, 10-109, 10-110, 10-111, 10-112, 10-113, 10-114, 10-115, 10-116, 10-117, 10-118, 10-118A, 10-119, 10-120, 10-121, 10-122, 10-123, 10-124, 10-125, 10-126, 10-127, 10-128, 10-129, 10-130, 10-131, 10-132, 10-133, 10-134, 10-135, 10-136, 10-137, 10-138, 10-139, 10-140, 10-141, 10-142, 10-143, 10-144, 10-145, 10-146, 10-147, 10-147A, 10-



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148, 10-149, 10-149A, 10-150, 10-158, 10-159, 10-160, 10-165, 10-166, 10-167, 10-168, 10-169, 10-169A, 10-170, 10-172, 10-173, 10-174, 10-175, 10-176, 10-177, 10-178, 10-179, 10-180, 11-5, 11-6, 11-7, 11-8, 12-7, 12-8, 12-9, 12-10, 12-11, 12-12, 12-13, 12-14, 12-15, 12-16, 12-17, 12-17A, 12-18, 12-19, 12-22, 12-23, 12-24, 12-31, 12-32, 12-33, 12-35, 12-36, 12-37, 12-38, 12-39, 12-40, 12-41, 12-42, 12-43, 12-44, 12-45, 12-46, 12-47, 12-48, 12-49, 12-50, 12-51, 12-52, 12-53, 12-54, 12-55, 12-56, 12-57, 12-58, 12-59, 12-60, 12-61, 12-62, 12-63, 12-64, 12-65, 12-66, 12-67, 12-68, 12-69, 12-70, 12-71, 12-72, 12-73, 12-74, 12-75, 12-76, 12-77, 12-78, 12-79, 12-80, 12-82, 12-83, 12-84, 12-84A, 12-85, 12-86, 12-87, 12-88, 12-89, 12-89A, 12-90, 12-91, 12-92, 12-93, 12-94, 12-95, 12-96, 12-97, 12-98, 12-99, 12-100, 12-101, 12-102, 12-103, 12-104, 12-105, 12-106, 12-107, 12-108, 12-108A, 12-109, 12-110, 12-111, 12-112, 12-112A, 12-112B, 12-113, 12-114, 12-114A, 12-115, 12-116, 12-117, 12-118, 12-119, 12-120, 12-121, 12-122, 12-123, 12-124, 12-125, 15-40A*, 15-44, 15-45, 15-46, 15-46A, 15-47, 15-48, 15-49, 15-50, 15-51*, 15-52, 15-108, 15-109, and 15-110.”

* = only that portion of the lot within the RM-U District will be affected.

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Medium Density Residential (R-12) District to Heritage Residential (HR) District an area of approximately 22.1 acres located along Silver Street, Towle Avenue, Clifford Street, Fisher Street, Parker Street, Woodman Park Drive, Rutland Street, and West Concord Street, consisting of lots 10-161, 12-127, 12-128, 12-129, 12-130, 12-130A, 12-131, 12-131A, 12-132, 12-133, 12-134, 12-135, 12-136, 12-137, 12-138, 12-139, 12-140, 12-140A, 12-140B, 12-141, 12-141A, 12-141B, 12-141C, 12-142, 12-143, 12-144, 12-144A, 12-145, 12-146, 12-147, 12-147A, 12-148, 12-149, 12-151, 12-152, 12-153, 12-154, 12-155, 12-156, 12-157, 12-158, 12-159, 12-160, 13-1, 13-2, 13-3, 13-30, 13-31, 13-32, 13-33, and 13-3A.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-7. “Establishment of Districts,” Subsection A. “Districts,” by adding “Heritage Residential District (HR)” to the list of Residential Districts.

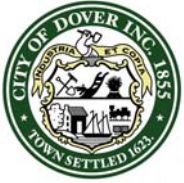
HR Heritage Residential District

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-7. “Establishment of Districts,” by revising Subsection B. “District Purpose Statements,” Subsection (1) “Residential Districts,” by adding the following new Subsection:

“(f) Heritage Residential District (HR)

These primarily residential NEIGHBORHOODs surrounding the Silver Street area exhibit a rare collection of interesting architecture. While primarily Victorian and characterized by wide porches, bay windows, steep roofs, and intricate and involved woodwork, there are noteworthy Colonial buildings as



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

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

AND

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,” by adding a new Heritage Residential District Table that reads as follows:

[SEE TABLE AT END OF DOCUMENT]

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,” by revising the Dimensional Regulations Tables in the Low Density Residential District (R-20), Medium Density Residential District (R-12), and Urban Density Multi-Residential District (RM-U) to replace the Outbuilding/Accessory Use front build to line, abut a street build to line, front setback and abut a street setback as follows:

R-20 District:

OUTBUILDING/ACCESSORY USE	
Front BUILD TO LINE-SETBACK	20 ft min, 35 ft max* <u>No closer than the principal BUILDING</u>
Abut a Street BUILD TO LINE-SETBACK	20 ft min, 35 ft max* <u>No closer than the principal BUILDING</u>

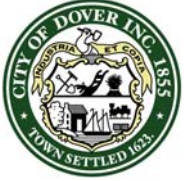
R-12 District:

OUTBUILDING/ACCESSORY USE	
Front SETBACK	5 <u>No closer than the principal BUILDING</u>
Abut a Street SETBACK	5 <u>No closer than the principal BUILDING</u>

RM-U District:

OUTBUILDING/ACCESSORY USE	
Front SETBACK	3 <u>No closer than the principal BUILDING</u>
Abut a Street SETBACK	3 <u>No closer than the principal BUILDING</u>

5. AMENDMENT



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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,” by revising the Dimensional Regulations Table in the Medium Density Residential District (R-12) to replace the Principal Building front setback and abut a street setback with a build to line for new construction and a setback for renovations, and to revise the text of footnote [5], as follows:

PRINCIPAL BUILDING	
Front SETBACK <u>BUILD TO LINE</u>	<u>5 ft min, 25 ft max</u> [5]
Abut a Street SETBACK <u>BUILD TO LINE</u>	<u>5 ft min, 25 ft max</u> [5]

“[5] ~~For new subdivisions, the APPLICANT shall calculate the average setbacks of all lots within the same zone located within five hundred (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. Regardless of the average, in no case shall the build to line be closer than five (5) feet to the front LOT line. Expansions to, or renovations of, STRUCTURES structures on existing lots have a twenty five (25) foot SETBACK setback. Vacant lots created prior to December 2009, have a build to line no closer than five (5) feet and no greater than twenty five (25) feet to the front LOT line.~~”

6. AMENDMENT

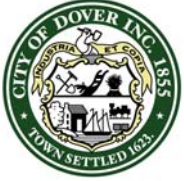
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12. “Applicability of Tables of Use and Dimensional Regulations by District,” by revising the Dimensional Regulations Table in the Urban Density Multi-Residential District (RM-U) to replace the Principal Building front setback and abut a street setback footnote [3] to read as follows:

“[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. For new construction, this dimension shall be considered to be a build to line, as opposed to a setback. For expansions, it will remain a setback. Regardless of the average, in no case shall the build to line be closer than five (5) feet to the front lot line.~~”

[3] The property owner shall calculate the average front SETBACKs of all LOTs within the same zone located on the same side of the STREET, two hundred fifty (250) feet in each direction from the center of the front LOT LINE. This front SETBACK dimension shall be considered to be a BUILD TO LINE. STRUCTURES may be constructed within five (5) feet plus or minus of the average. Porches or steps may be located an additional five (5) feet beyond the front façade of the STRUCTURE. Expansions to existing STRUCTURES shall be subject to a minimum SETBACK equal to the calculated average SETBACK minus five (5) feet.”

7. 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,” by revising the Dimensional Regulations Table in the CBD General Sub-District to replace the Principal Building front primary build-to and front secondary build-to with a new footnote [1], that reads as follows:



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PRINCIPAL BUILDING	
Front Primary Build-To	0 ft min – 10 ft max <u>[1]</u>
Front Secondary Build-To	0 ft min – 10 ft max <u>[1]</u>

“[1] The property owner shall calculate the average front SETBACKs of all LOTs within the same zone located on the same side of the STREET, two hundred fifty (250) feet in each direction from the center of the front LOT LINE. This front SETBACK dimension shall be considered to be a BUILD TO LINE. STRUCTUREs may be constructed within five (5) feet plus or minus of the average. Porches or steps may be located an additional five (5) feet beyond the front façade of the STRUCTURE. Expansions to existing STRUCTUREs shall be subject to a minimum SETBACK equal to the calculated average SETBACK minus five (5) feet.”

8. 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,” by revising the Dimensional Regulations Table in the CBD General Sub-District to replace the Height of Building Principal Building with the following:

“2 story min and 5 story max”

9. 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,” by revising the Signage Regulations Table in the CBD Downtown Gateway Sub-District to amend the Freestanding Sign footnote 5 to read as follows:

“(5) One per lot, 5 ft max ht. and 4 sf max size per tenant.”

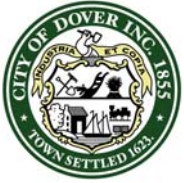
AND

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,” by revising the Signage Regulations Table in the CBD General, Downtown Gateway, and TOD Sub-Districts to amend the temporary sign category to read as follows:

“permitted per ~~170-32.E.3~~ 170-32.Q (2)”

AND

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,” by revising the Signage



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Regulations Table in the CBD Mixed Use Sub-District to amend the temporary sign category to read as follows:

~~“not permitted~~ per 170-32.Q (2)”

10. 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,” by revising the Permitted Uses Table for the CBD Downtown Gateway Sub-District to amend Residential to read as follows:

“Permitted, buildings of four or more units on GROUND FLOOR ~~ground floor~~ allowed only if Architectural Standards are followed. Density allowed at 5,000 sf of lot area per unit, 10 units max.”

AND

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,” by revising the Permitted Uses Table for the CBD Mixed Use Sub-District to amend Residential to read as follows:

“Permitted, but not on GROUND FLOOR ~~ground floor~~ except in existing STRUCTURE ~~structures~~. Density allowed at 5,000 sf per unit, 10 units max.”

11. 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,” by revising the Permitted Uses Table in the Restricted Industrial District (I-1), Rural Restricted Industrial District (I-2), Assembly and Office District (I-4), and Executive Technology Park District (ETP) to amend the Permitted Uses “Establishments for the manufacture assembly, services and repair of the products listed below:” to read as follows

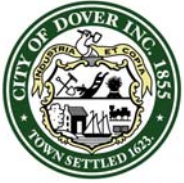
- “Establishments ~~s~~ for the manufacture, assembly, services and repair of the products listed below and other uses of a similar nature:”

12. 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,” by revising the Hotel/Retail (B-4) District Table and the Rural Restricted Industrial (I-2) District Table by adding a new table and set of criteria that reads as follows:

<u>Uses Permitted By Conditional Use Permit</u>

- | |
|---|
| <ul style="list-style-type: none">• <u>Alternative Treatment Center</u> |
|---|



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“An Alternative Treatment Center, as defined in RSA 126:X-1,I, shall be allowed if a Conditional Use Permit is granted by the PLANNING BOARD upon a finding that the following criteria are met:

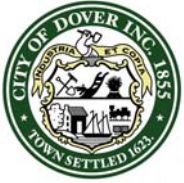
- A. An Alternative Treatment Center shall not be located within one thousand (1,000) feet of the property line of a public or private elementary or secondary school or designated drug free school zone.
- B. The Alternative Treatment Center shall be located in a permanent BUILDING and may not be located in a trailer, manufactured home, cargo container, or any STRUCTURE that has axles with wheels. DRIVE-IN SERVICEs are prohibited.
- C. Hours of operation shall be limited to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.
- D. The Alternative Treatment Center shall provide for the proper disposal of cannabis remnants or byproducts, which remnants or byproducts shall not be placed in the facility’s exterior refuse containers.
- E.E. The APPLICANT shall provide a detailed narrative and floor plan, as well as any other relevant documentation, describing how the Alternative Treatment Center shall be secured. The security plan must take into account the measures that will be taken to ensure the safe delivery of any product to the facility (including permitted times for delivery), how the product will be secured on site, and how patient transactions will be facilitated in order to ensure safety. The security plan shall be reviewed and approved by the City of Dover Police Department.
- H.F. The use of cannabis on the premises is prohibited.
- I.G. The Alternative Treatment Center shall emit no cannabis related fumes, vapors or odors which can be smelled or otherwise perceived from beyond the LOT LINEs of the property where the facility is located.”

13. 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”, by revising the Permitted Uses Table for the CBD Mixed Use Sub-District by deleting the third bullet in the “Special Regulations – Ground Floor Standards” as follows:

~~“Residential uses permitted; buildings with more than 4 units are required to follow architectural standards, see section 170-20F.”~~

14. AMENDMENT



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28.3. “Groundwater Protection,” by revising section B – “Location,” second sentence to read as follows:

“The boundaries of the Primary and Secondary Groundwater Protection Zones are depicted on maps entitled “Groundwater Protection Zones,” dated ~~October 6, 1998~~ June 23, 2015.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the “Groundwater Protection Zones” map referenced in Chapter 170-28.3-B, to revise the boundaries of the Secondary Groundwater Protection Zones associated with the Smith, Cummings and Cotton wells and add new Groundwater Protection Zones associated with Willand Pond.

15. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-7. “Establishment of Districts,” by revising Section A – “Districts” to add under the “Overriding” heading, the following:

“FD Floodplain Development”

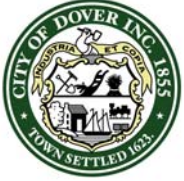
AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by adding a new Chapter 170-28.6. “Floodplain Development,” that reads as follows:

“170-28.6. Floodplain Development.

[HISTORY: Adopted by the City Council on 3-25-1987 as Ord. No. 7-87.1 Revised in its entirety by the City Council on 01-20-1999 by Ord. No. 26-98.; Amendments noted where applicable.]

- A. Authority. These rules and regulations are adopted by the City of Dover pursuant of the authority granted by RSA 674:16.
- B. Conflict and Severability. If any provision of this Section differs or appears to conflict with any other provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling. Should any provision of this Section be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Section as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
- C. Purpose. [Amended on 04-20-05 by Ord. No. 13-2005] Certain areas of the City of Dover are subject to periodic FLOODING, causing serious damage to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the City



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of Dover has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Section. The City of Dover recognizes the need to minimize the potential loss of life and property during periods of FLOODING regulating the alteration and/or the DEVELOPMENT of those AREAS OF SPECIAL FLOOD HAZARD identified by FEMA. The following regulations shall apply to all lands designated as AREAS OF SPECIAL FLOOD HAZARD by FEMA in its "Flood Insurance Study for the County of Strafford, N.H." dated September 30, 2015, together with the following associated FLOOD INSURANCE RATE MAP panel numbers for the City of Dover: 33017CO218E, 33017CO302E, 33017CO305E, 33017CO310E, 33017CO320E, 33017CO330E, and 33017CO340E, dated September 30, 2015, which are declared to be a part of Chapter 170 and are hereby incorporated by reference. The FLOOD INSURANCE STUDY is on file at the Department of Planning and Community Development.

D. Definitions. [Amended on 4-18-90 by Ord. No. 3-90]

As used in this Section the following terms mean:

AREA OF SHALLOW FLOODING means a designated AO zone on the FIRM with a one percent (1%) or greater annual possibility of FLOODING to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of FLOODING is unpredictable and where velocity flow may be evident. Such FLOODING is characterized by ponding or sheet-flow.

AREA OF SPECIAL FLOOD HAZARD means the land in the FLOODPLAIN within the City of Dover subject to a one percent (1%) or greater annual possibility of FLOODING in any given year. The area is designated on the FIRM as Zones A, AO, and AE. [Amended on 04-20-2005 by Ord. No. 13-2005]

BASE FLOOD means the FLOOD having a one percent (1%) chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION means the WATER SURFACE ELEVATION having a one percent (1%) chance of being equaled or exceeded in any given year.

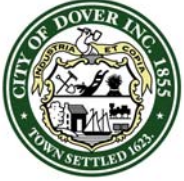
BASEMENT means any area of a BUILDING having its floor subgrade on all sides.

BUILDING means "STRUCTURE" as defined in this subsection.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to BUILDINGS or other STRUCTURES, mining, dredging, filling, grading, paving, EXCAVATION or drilling operations or storage of equipment or materials.

FEMA means Federal Emergency Management Agency.

FLOOD or FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.



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FLOOD INSURANCE RATE MAP (FIRM) means an official map incorporated within Chapter 170 on which the FEMA has delineated both the AREAS OF SPECIAL FLOOD HAZARD and the risk premium zones that are applicable to the City of Dover.

FLOOD INSURANCE STUDY (FIS) means an examination, evaluation and determination of FLOOD hazards and, if appropriate, corresponding WATER SURFACE ELEVATIONS, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or FLOOD-related erosion hazards.

FLOODPLAIN means any land area which is susceptible to being inundated by water from any source. (See definition of FLOODING.)

FLOOD PROOFING or FLOOD PROOFED means any combination of structural and non-structural additions, changes, or adjustments to STRUCTUREs which reduce or eliminate FLOOD damage to real estate or improved real property, water and sanitation facilities, STRUCTUREs and their contents.

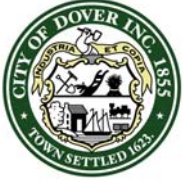
HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a STRUCTURE.

HISTORIC STRUCTURE means any STRUCTURE that is listed individually in the National Register of Historic Places (maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a local inventory of historic places, provided the local historic preservation program has been certified by either the appropriate state or federal program.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including BASEMENT). An unfinished or FLOOD resistant enclosure, usable solely for parking of vehicles, BUILDING access or storage in an area other than a BASEMENT area is not considered a BUILDING's LOWEST FLOOR, provided, that such an enclosure is not built so as to render the STRUCTURE in violation of the applicable non-elevation design requirements set forth herein. [Amended on 4-18-90 by Ord. No. 3-90]

MANUFACTURED HOME means a STRUCTURE, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. MANUFACTURED HOME also includes park trailers, travel trailers and other similar vehicles placed on a site greater than one hundred eighty (180) days. This includes MANUFACTURED HOMEs located in a MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION.

MANUFACTURED HOME PARK or MANUFACTURED PARK SUBDIVISION means a parcel or CONTIGUOUS parcels of land divided into two (2) or more MANUFACTURED HOME LOTs for rent or sale.



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MEAN SEA LEVEL means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BASE FLOOD ELEVATIONS shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION means STRUCTUREs for which the START OF CONSTRUCTION commenced on or after April 9, 1980 and includes any subsequent improvements to such STRUCTUREs.

RECREATIONAL VEHICLE means a vehicle which is built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the BASE FLOOD without increasing the WATER SURFACE ELEVATION more than a designated height.

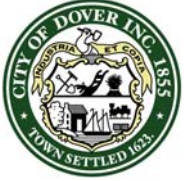
RIVERINE means relating to, formed by or resembling a river, including tributaries, stream, brook, etc.

START OF CONSTRUCTION means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. START OF CONSTRUCTION includes SUBSTANTIAL IMPROVEMENTs. The actual start means either the first placement of permanent construction of a STRUCTURE on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of EXCAVATION; or the placement of MANUFACTURED HOME on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of STREETs and/or walkways; nor does it include EXCAVATION for a BASEMENT, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory BUILDINGs, such as garages or sheds not occupied as DWELLING UNITs or part of the main STRUCTURE. [Added 4-18-90 by Ord. No. 3-90]

STRUCTURE means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a MANUFACTURED HOME.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a STRUCTURE whereby the cost of restoring the STRUCTURE to it's before damaged condition would equal or exceed fifty percent (50%) of the market value of the STRUCTURE before the damage occurred.

SUBSTANTIAL IMPROVEMENT or **SUBSTANTIALLY IMPROVED** means any combination of repairs, reconstruction, ALTERATIONS or improvement to a STRUCTURE, in which the cumulative cost equals or exceeds fifty percent (50%) of market value of the STRUCTURE-. The market value of the STRUCTURE should equal: (a) the appraised value prior to the start of the initial repair or improvement, or (b) in the case of damage, the value of the STRUCTURE prior to the damage occurring. For the purposes of this definition, "SUBSTANTIAL IMPROVEMENT" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the BUILDING



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commences, whether or not that alteration affects the external dimensions of the STRUCTURE. This term includes STRUCTURES that have incurred SUBSTANTIAL DAMAGE, regardless of actual repair work performed. The term does not, however, include either:

- ~~4-A.~~ Any project for improvement of a STRUCTURE required to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- ~~2-B.~~ Any alteration of a STRUCTURE listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the STRUCTURE's continued designation as a Historic Structure.

VIOLATION means the failure of a STRUCTURE or other DEVELOPMENT to be fully compliant with this Section. A STRUCTURE or other DEVELOPMENT without an elevation certificate, other certifications, or other evidence of compliance required herein is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of FLOODs of various magnitudes and frequencies in the FLOODPLAINS.

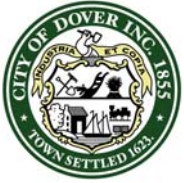
E. Development Review. [Amended on 10-14-2009 by Ord. No. 2009.09.23-21]

- ~~A.(1)~~ All proposed DEVELOPMENT in any AREA OF SPECIAL FLOOD HAZARD shall require a permit. Prior to the issuance of a building permit by the Building Official, whether for NEW CONSTRUCTION (MANUFACTURED HOMES included) or the SUBSTANTIAL IMPROVEMENT thereon, the Department of Planning and Community Development shall determine whether said project site is located in an AREA OF SPECIAL FLOOD HAZARD. If said project site is so located, wholly or in part, in an AREA OF SPECIAL FLOOD HAZARD, then compliance with the rules and regulations contained herein shall be required.
- ~~B.(2)~~ Prior to the granting of subdivision approval, the Zoning Administrator shall determine whether the property is located within an AREA OF SPECIAL FLOOD HAZARD, and, if so situated, compliance with the rules and regulations contained herein shall be required.
- ~~C.(3)~~ Prior to the granting of site review approval, the Zoning Administrator shall determine whether said site is located within an AREA OF SPECIAL FLOOD HAZARD, and, if so situated, compliance with the rules and regulations contained herein shall be required.

F. Required Data.

Applications for DEVELOPMENT shall include the following:

- ~~(a)(1)~~ Plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed STRUCTURES; fill storage of materials and drainage facilities;



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and the location of the foregoing. Specifically, the following information is required where appropriate:

~~a~~(a) A certified FEMA Elevation Certificate with as-built elevation data in relation to MEAN SEA LEVEL, of the LOWEST FLOOR, including BASEMENT, and including whether or not such STRUCTUREs contain a BASEMENT.

~~b~~(b) Elevation, in relation to MEAN SEA LEVEL, to which any STRUCTURE has been FLOOD PROOFED.

~~c~~(c) Certification by a registered engineer or architect that the FLOOD PROOFING methods for any nonresidential STRUCTURE meet the FLOOD PROOFING criteria in subsection L(2).

~~b~~(2) Permit review. The Department of Planning and Community Development shall:

~~a~~(a) Review all DEVELOPMENT permits to determine that the requirements of this Section have been satisfied.

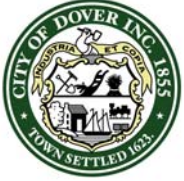
~~b~~(b) Review all DEVELOPMENT permits to determine that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. It shall be the responsibility of the APPLICANT to certify these assurances to the Department of Planning and Community Development.

~~c~~(c) The Department of Planning and Community Development shall review all DEVELOPMENT permits to determine if the proposed DEVELOPMENT adversely affects the FLOOD-carrying capacity of the AREAs OF SPECIAL FLOOD HAZARD. For purposes of this Section, "adversely affects" means that the cumulative effect of the proposed DEVELOPMENT, when combined with all other existing and anticipated DEVELOPMENT, will not increase the BASE FLOOD ELEVATION more than one (1) foot at any point within the City of Dover.

G. Information to be Obtained and Maintained. [Amended on 04-20-2005 by Ord. No. 13-2005]

~~3~~(1) The Department of Planning and Community Development shall maintain and record for public inspection the certification of FLOOD PROOFING required in Subsection L(2) and a certified FEMA Elevation Certificate with the as-built elevation, in relation to MEAN SEA LEVEL, of the LOWEST FLOOR, including the BASEMENT, of all new or SUBSTANTIALLY IMPROVED STRUCTUREs and shall include whether or not such STRUCTUREs contain a BASEMENT and, if the STRUCTURE has been FLOOD PROOFED, the as-built elevation, in relation to MEAN SEA LEVEL, to which the STRUCTURE was FLOOD PROOFED. This information must be furnished by the APPLICANT.

~~4~~(2) In AREAs of SPECIAL FLOOD HAZARD, the Department of Planning and Community Development shall determine the BASE FLOOD ELEVATION in the following order of precedence according to the data available:



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- (a) In Zone AE, refer to the elevation data provided in the community's FLOOD INSURANCE STUDY and accompanying FIRM. [Amended 04-20-2005 by Ord. No. 13-2005]
- (b) In Zone A the Building Official shall obtain, review and reasonably utilize any BASE FLOOD ELEVATION data available from any federal, state or other source including data submitted for DEVELOPMENT proposals (i.e. subdivisions, site review plans, etc.) to the community.
- (c) In Zone A where the BASE FLOOD ELEVATION is not available, the BASE FLOOD ELEVATION shall be at least two (2) feet above the HIGHEST ADJACENT GRADE.
- (d) In Zone AO, the BASE FLOOD ELEVATION is determined by adding the elevation of the HIGHEST ADJACENT GRADE to the depth number specified on the FIRM or, if no depth number is specified on the FIRM, at least two (2) feet.

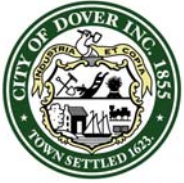
~~(5)~~(3) The Department of Planning and Community Development shall maintain for public inspection all records pertaining to the provisions of this Section.

H. Alteration of Watercourses.

- (1) In RIVERINE situations, prior to the alteration or relocation of a watercourse, the APPLICANT for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the PLANNING BOARD in the form of a Conditional Use Permit application, in addition to the copies required by RSA 482-A:3. Further, the APPLICANT shall be required to submit copies of said notification to those adjacent communities as determined by the Department of Planning and Community Development, including notice of all scheduled hearings before the Wetlands Bureau, and notice of scheduled hearings before the Planning Board for Conditional Use Permits as required by Section 170-27, Conservation District & Section 170-27.1, Wetland Protection District.
- (2) The APPLICANT shall submit to the PLANING BOARD, in the form of a Conditional Use Permit application, certification provided by a professional engineer assuring that the FLOOD-carrying capacity of an altered or relocated watercourse can and will be maintained.

I. Interpretation of Boundaries.

- ~~(1)~~(1) The Department of Planning and Community Development shall make interpretations, where needed, as to the exact location of the boundaries of the AREA OF SPECIAL FLOOD HAZARD in a construction proposal; for example, where there appears to be a conflict between a mapped boundary and actual field conditions. To assist in this determination, the APPLICANT may be required to submit an accurate site plan showing FLOODING relationships, including elevations.
- ~~(2)~~(2) To determine accurately if a STRUCTURE is located in an AREA OF SPECIAL FLOOD HAZARD, the owner or APPLICANT may hire a licensed land surveyor or certified engineer to measure the distance from a physical feature on the FIRM to the STRUCTURE's location.



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~~(iii)~~(3) The STRUCTURE is considered borderline if it is located within one hundred (100) feet of a boundary. A certified engineer shall compare the BASE FLOOD ELEVATION and the lowest ground elevation at the borderline STRUCTURE's location to determine if the STRUCTURE is in or out of the AREA OF SPECIAL FLOOD HAZARD. If the engineer certifies the STRUCTURE as out of the AREA OF SPECIAL FLOOD HAZARD, but the Planning or Engineering Departments have historic or other data that confirms the property is prone to FLOODING, the Department of Planning and Community Development may request a Letter of Map Amendment (LOMA) from FEMA.

J. General Standards.

In all AREAS OF SPECIAL FLOOD HAZARD, the following standards are required:

•(1) Anchoring

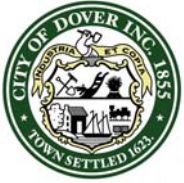
~~Ø(a)~~ All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the STRUCTURE resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

~~Ø(b)~~ All MANUFACTURED HOMEs to be placed or SUBSTANTIALLY IMPROVED within AREAS OF SPECIAL FLOOD HAZARD shall be elevated on a permanent foundation, such that the LOWEST FLOOR of the MANUFACTURED HOME is at least two (2) feet above the BASE FLOOD ELEVATION and shall be securely anchored to resist flotation, collapse or lateral movement by providing over-the-top or frame ties to ground anchors. Specific requirements shall be that:

- ~~(i)~~ Over-the-top ties shall be provided at each of the four (4) corners of the MANUFACTURED HOME, with two (2) additional ties per side at intermediate locations, with MANUFACTURED HOMEs less than fifty (50) feet long requiring one (1) additional tie per side, or;
- ~~(ii)~~ Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, with MANUFACTURED HOMEs less than fifty (50) feet long requiring four (4) additional ties per side.
- ~~(iii)~~ All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
- ~~(iv)~~ Any additions to the MANUFACTURED HOME shall be similarly anchored.

•(2) Construction materials and methods

~~Ø(a)~~ All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be constructed with materials resistant to FLOOD damage.



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~~Ø(b)~~ All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be constructed using methods and practices that minimize FLOOD damage.

~~Ø(c)~~ All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of FLOODING.

•(3) Utilities

~~Ø(a)~~ The APPLICANT shall provide the Department of Planning and Community Development with assurance that all new and replacement water supply systems, including on-site systems, shall be designed to minimize or eliminate infiltration of FLOOD waters into the system.

~~Ø(b)~~ The APPLICANT shall provide the Department of Planning and Community Development with assurance that new and replacement sanitary sewerage systems, including on-site systems, shall be designed to minimize or eliminate infiltration of FLOOD waters into the systems and discharge from the systems into the FLOOD waters.

~~Ø(c)~~ The APPLICANT shall provide the Department of Planning and Community Development with assurance that on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during FLOODING.

•(4) Subdivision proposals

~~Ø(a)~~ All subdivision proposals shall be consistent with the need to minimize FLOOD damage.

~~Ø(b)~~ All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize FLOOD damage.

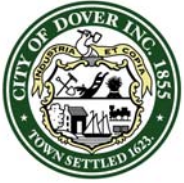
~~Ø(c)~~ All subdivision proposals shall include adequate drainage paths to guide FLOOD waters around and away from the proposed STRUCTUREs and to reduce exposure to FLOOD damage.

~~Ø(d)~~ BASE FLOOD ELEVATION data shall be provided for subdivision proposals and other proposed DEVELOPMENT which contains at least fifty (50) LOTs or five (5) acres, whichever is less.

K. Specific Standards.

In all AREAS OF SPECIAL FLOOD HAZARD where BASE FLOOD ELEVATION data has been established per subsection G.(2), the following provisions are required:

~~B.(1)~~ Residential construction, NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENT of any residential STRUCTURE shall have the LOWEST FLOOR, including the BASEMENT, elevated to at least two (2) feet above BASE FLOOD ELEVATION.



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~~C.~~(2) All NEW CONSTRUCTION or SUBSTANTIAL IMPROVEMENTs of nonresidential STRUCTUREs have the LOWEST FLOOR, including BASEMENT, elevated to at least two (2) feet above the BASE FLOOD ELEVATION; or together with attendant utility and sanitary facilities, shall:

- ~~1.~~(a) Be FLOOD PROOFED so that below the BASE FLOOD ELEVATION the STRUCTURE is watertight at least two (2) feet above the BASE FLOOD ELEVATION with walls substantially impermeable to the passage of water;
- ~~2.~~(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
- ~~3.~~(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.

~~D.~~(3) MANUFACTURED HOMEs

~~a.~~(a) MANUFACTURED HOMEs shall be anchored in accordance with subsection K.(1)(b).

~~b.~~(b) For new MANUFACTURED HOME PARK and MANUFACTURED HOME SUBDIVISIONs; for expansions to existing MANUFACTURED HOME PARKs and MANUFACTURED HOME SUBDIVISIONs; for existing MANUFACTURED HOME PARKs and MANUFACTURED HOME SUBDIVISIONs where the repair, reconstruction or improvement of the STREETs, utilities and pads equals or exceeds fifty percent (50%) of the value of the STREETs, utilities and pads before the repair, reconstruction or improvement has commenced; and for MANUFACTURED HOMEs not placed in a MANUFACTURED PARK or MANUFACTURED HOME SUBDIVISION:

~~1.~~(i) Stands or LOTs are elevated on compacted fill or on pilings so that the LOWEST FLOOR of the MANUFACTURED HOME will be at least two (2) feet above the BASE FLOOD level.

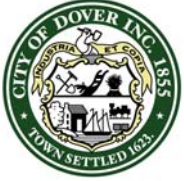
~~2.~~(ii) Adequate surface drainage and access for a hauler are provided.

~~3.~~(iii) In the instance of elevation on pilings, LOTs are large enough to permit steps; piling foundations are placed in stable soil no more than ten (10) feet apart and reinforcement is provided for pilings more than six (6) feet above the ground level.

(c) RECREATIONAL VEHICLEs placed on sites within Zones A and AE shall either:
[Amended on 04-20-2005 by Ord. No. 13-2005]

(i) Be on the site for fewer than one hundred eighty (180) days;

(ii) Be fully licensed and ready for highway use; or



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(iii) Meet all standards of subsection C.(1) and the elevation and anchoring requirements for MANUFACTURED HOMEs in subsections L.(3)(a) and (b).

~~4.(4)~~ For all NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs, fully enclosed areas below the LOWEST FLOOR that are subject to FLOODING are permitted, provided that the enclosed areas meet the following requirements:

~~1.(a)~~ The enclosed area is unfinished or flood resistant, usable solely for parking of vehicles, BUILDING access or storage.

~~2.(b)~~ The area is not a BASEMENT.

~~3.(c)~~ The area shall be designed to automatically equalize hydrostatic FLOOD forces on exterior walls by allowing for the entry and exit of FLOOD waters. Designs for meeting this requirement must either be certified by a professional engineer or architect or must meet or exceed the following minimum criteria:

~~1.(i)~~ A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to FLOODING shall be provided.

~~2.(ii)~~ The bottom of all openings shall be no higher than one (1) foot above grade.

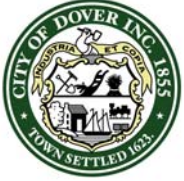
~~3.(iii)~~ Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of FLOOD waters.

~~5.(5)~~ Proposed STRUCTUREs to be located on SLOPEs within Zone AO shall include adequate drainage paths to guide FLOOD waters around and away from the proposed STRUCTUREs.

L. Regulatory Floodways.

Located within AREAS OF SPECIAL FLOOD HAZARD established in subsections C and I are areas designated as REGULATORY FLOODWAYs. Since the REGULATORY FLOODWAY is an extremely hazardous area due to the velocity of FLOOD waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

~~1.(1)~~ Along watercourses that have a designated REGULATORY FLOODWAY, no encroachments, including fill, NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTs or other DEVELOPMENT, are allowed within the designated REGULATORY FLOODWAY unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in FLOOD levels within the community during the BASE FLOOD discharge. In Zone A, the Department of Planning and Community Development shall obtain, review and reasonably utilize any REGULATORY FLOODWAY data available from a federal, state or other source as criteria for requiring that DEVELOPMENT meet the REGULATORY FLOODWAY requirements of this subsection.



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~~2-(2)~~ Along watercourses that have not had a REGULATORY FLOODWAY designated, on NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTs or other DEVELOPMENT (including fill), shall be permitted within Zone AE, unless it is demonstrated that the cumulative effect of the proposed DEVELOPMENT, when combined with all other existing and anticipated DEVELOPMENT, will not increase the WATER SURFACE ELEVATION of the BASE FLOOD more than one (1) foot at any point within the community. **[Amended on 04-20-2005 by Ord. No. 13-2005]**

~~3-(3)~~ If Subsection 1 is satisfied, all NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall comply with all applicable FLOOD hazard reduction provisions set forth herein.

M. Variances and Appeals.

~~4-(1)~~ Any order, requirement, decision or determination of any official of the Department of Planning and Community Development made under this Section may be appealed to the ZONING BOARD of ADJUSTMENT as set forth in RSA 676:5.

~~2-(2)~~ If the APPLICANT, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the APPLICANT shall have the burden of showing, in addition to the usual variance standards under NH statute:

~~4-(a)~~ That the variance will not result in increased FLOOD heights, additional threats to public safety, or extraordinary public expense.

~~2-(b)~~ That if the requested variance is for activity within a designated REGULATORY FLOODWAY, no increase in FLOOD levels during the BASE FLOOD discharge will result.

~~3-(c)~~ That the variance is the minimum necessary, considering the FLOOD hazard, to afford relief.

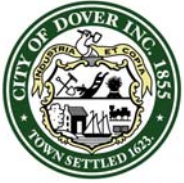
~~3-(3)~~ The ZONING BOARD of ADJUSTMENT shall notify the APPLICANT in writing that: (i) the issuance of a variance to construct below the BASE FLOOD level will result in increased premium rates for flood insurance up to amounts as high as twenty-five (\$25.00) dollars for one hundred (\$100.00) dollars of insurance coverage, and (ii) such construction below the base level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

~~4-(4)~~ The Department of Planning and Community Development shall:

~~4-(a)~~ Maintain a record of all variance actions, including their justification for their issuance, and;

~~2-(b)~~ Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator."

16. AMENDMENT



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the title of Article VIII to read as follows:

~~“EXTRACTION INDUSTRIES~~ EXCAVATIONS”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-30.2. “Application Procedures,” by revising Section A.(1) to read as follows:

“(1) Applications for new EXCAVATION permits shall be filed with the Planning Office by April 1st ~~annually.~~ Applications to renew EXCAVATION permits shall be due by April 1st once every two (2) years. Applications to renew shall be due by April 1st of the renewal year. EXCAVATIONS operating within the Primary and Secondary Groundwater Protection Zones must still comply with the annual reporting requirements set forth in Section 170-28.3.F.(2)(a).”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-30.4. “Administration and Enforcement,” by revising Section A.(5) to read as follows:

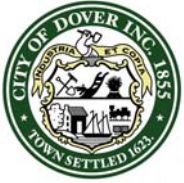
“(5) All permitted sites shall be inspected ~~on a bi-annual basis~~ once every two (2) years. Inspections ~~by the Zoning Administrator or their designee~~ shall be scheduled in April to coincide with ~~annual~~ permit renewal applications ~~and in October each year by the Zoning Administrator or his designee.~~ The inspection reports shall be timely submitted to the PLANNING BOARD for their review.”

17. AMENDMENT

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

“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 SIGN. TEMPORARY PORTABLE SIGN. (See the definition of “TEMPORARY PORTABLE SIGN.”) Each individual tenant panel on a multi-tenant SIGN shall require a SIGN permit and shall be counted towards each tenants’ permitted number of SIGNS and SIGN AREA.”

“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.* For FREESTANDING SIGNS, SIGN AREA does not include any portion of the SIGN displaying the BUILDING address.”



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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,” to revise the title and first paragraph as read as follows:

170-32. SIGN ~~Review~~ and Regulations.

“Purpose. The purpose of this section is to create a legal framework for SIGNAGE regulations that is intended to facilitate a flexible and agreeable communication between people. Such an ordinance acknowledges the need to protect the safety and welfare of the public, the need for a well-maintained and attractive appearance throughout the City of Dover and the need for adequate business identification, advertising and communication. While this section recognizes that aesthetics and design quality cannot be satisfactorily legislated, it does, however, operate on the premise that a large percent of that which is unattractive can be eliminated by sensible quality control through ~~adequate~~ maintenance and inspection and by ~~reasonable~~ guidelines formulated to minimize clutter.”

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,” Section B, to delete the second paragraph as follows:

~~“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 170-32. “SIGN Review and Regulations,” Section C.(1)(d), to read as follows:

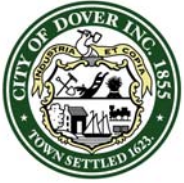
~~“(d) Temporary n~~Non-profit, public benefit and/or municipality related temporary SIGNS ~~with consent of the Zoning Administrator. Temporary non-profit, public benefit and/or municipality related SIGNS shall be regulated as required in Subsection Q.”~~

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,” Section C.(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 E (3), F (2), and K (2) Q.”~~

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,” Section C.(11) and C.(12), to read as follows:

“(11) The terms of this section shall not be construed so as to exclude SIGNS being necessary for the public welfare, and as such, are required by the municipal government and historical associations, etc. ~~Display SIGNS pertaining to SERVICE CLUBS and/or civic associations may be erected or displayed within all districts upon approval of the Zoning Administrator.~~

(12) The material and construction of any SIGN or supporting elements shall be in accordance with the ~~National~~ Building and Electrical Codes (in use by the City at the time of installation) and all other applicable ~~e~~City regulations.”

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,” Section D.(5), to read as follows:

“(5) All nonresidential SIGNS may only be illuminated by a constant indirect source of lighting. The lighting element shall be shielded and shall illuminate only the SIGN. No SIGN shall be ~~so~~ illuminated after 9:00 p.m.”

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,” Section E, to read as follows:

“SIGNS permitted in CBD, and CWD Zones. SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises. No SIGN in the CBD Downtown Gateway sub-district shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted SIGNS.)

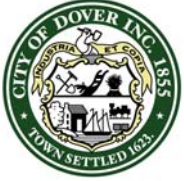
AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32. “SIGN Review and Regulations,” Section E.(1)(a), to read as follows:

“(a) An additional one (1) square foot of SIGN AREA per one (1) foot of BUSINESS FRONTAGE shall be permitted, provided that the character of the SIGN conforms to mill motif design criteria. Refer to Subsection ~~P~~ Q for applicable criteria.
~~References to Subsection P (formerly Subsection Q)~~”

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,” to delete section E.(3), as follows:



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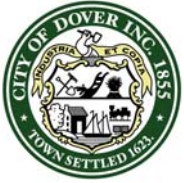
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~~“(3) Temporary Signs. Temporary SIGNS may be erected subject to the following regulations:~~

- ~~(a) Temporary signs require a temporary sign permit. The permit shall remain in effect for a period of one (1) year and can be renewed on an annual basis.~~
- ~~(b) One (1) temporary SIGN shall be permitted per each PRINCIPAL BUILDING. BUILDINGS with an excess of one hundred (100) feet of STREET FRONTAGE shall be permitted one (1) additional temporary SIGN per every one hundred (100) feet of STREET FRONTAGE.~~
- ~~(c) For temporary signs located on a City SIDEWALK or within a public right of way:~~
 - ~~(i) A certificate of insurance in the amount of one hundred thousand dollars (\$100,000.00) (bodily injury/property damage) shall be filed as part of the temporary sign permit application to assure sufficient liability coverage of the APPLICANT.~~
 - ~~(ii) A hold harmless certification letter shall be filed as part of the temporary sign permit application to relieve the City of Dover from bodily injury and property damage liability.~~
 - ~~(iii) SIGNS shall only be displayed during business hours.~~
 - ~~(iv) A five (5) foot, clear passageway must be maintained at all times.~~
 - ~~(v) SIGNS shall be located in front of the building occupied by the business or in front of the space occupied by the business if the business is located in a multi tenant building.~~
 - ~~(vi) Demonstration of compliance with the mill motif design criteria (Subsection O, subparagraph 4) shall be filed as part of the temporary sign permit application. To meet this requirement, the applicant must demonstrate compliance with at least four (4) of the eight (8) following criteria:~~
 - ~~1. No more than one (1) lettering style shall be permitted per SIGN.~~
 - ~~2. Light colored letters on a dark background are preferred. Dark letters on a light back ground shall only be permitted if it compliments the BUILDING's color composition.~~
 - ~~3. Product trademarks are discouraged; however, trade SIGNS (e.g., a shoe for a cobbler, a mortar and pestle for a druggist) are preferred.~~
 - ~~4. Letter styles shall be limited to the classic genre, i.e., Copper Plate Gothic, Times, Franklin Gothic, Benton, Clarendon, Haas Helvetica, Folio Caravelle Medium, Windsor, and Times Roman.~~
 - ~~5. No more than three (3) colors are preferred, including black and white. Lettering shall preferably be one (1) color.~~
 - ~~6. Colors used in SIGNAGE should relate to the color composition of the BUILDING material and be compatible with them.~~



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7. ~~Traditional materials, such as wood, glass, brass, bronze or iron, are preferred. The use of plastic, aluminum and vinyl will only be permitted if styled and composed to imitate wood or iron.~~
8. ~~Wooden SIGNS shall be constructed of dense, clear wood that adapts to engraving/carving and paint or stain. Ordinary plywood will not withstand exposure; therefore, only overlay, exterior or marine plywood shall be permitted."~~

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," to delete Section F.(2), as follows:

~~"(2) Temporary SIGNS. Temporary SIGNS may be erected subject to the following regulations:~~

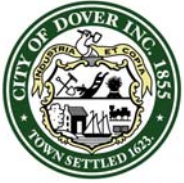
- ~~(i)(a) Temporary signs require a temporary sign permit. The permit shall remain in effect for a period of one (1) year and can be renewed on an annual basis.~~
- ~~(ii)(b) One (1) temporary SIGN shall be permitted per each PRINCIPAL BUILDING, or per tenant if the PRINCIPAL BUILDING or BUILDINGS have multiple tenants.~~
- ~~(iii)(c) For temporary signs located on a City SIDEWALK or within a public right-of-way:~~
 - ~~(a)(i) A certificate of insurance in the amount of one hundred thousand dollars (\$100,000.00) (bodily injury/property damage) shall be filed as part of the temporary sign permit application to assure sufficient liability coverage of the APPLICANT.~~
 - ~~(b)(ii) A hold harmless certification letter shall be filed as part of the temporary sign permit application to relieve the City of Dover from bodily injury and property damage liability.~~
 - ~~(c)(iii) SIGNS shall only be displayed during business hours.~~
 - ~~(d)(iv) A five (5) foot, clear passageway must be maintained at all times.~~
 - ~~(e)(v) SIGNS shall be located in front of the building occupied by the business or in front of the space occupied by the business if the business is located in a multi-tenant building."~~

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," Section I.(1)(b), to read as follows:

- ~~"(b) Two (2) FREESTANDING SIGNS shall be permitted within an approved industrial park, provided that the combined square footage of such SIGNS does not exceed five hundred (500) square feet in area, that they are used solely for the purposes of identifying the park, its occupancies and uses, location and layout, and that, if on a corner LOT, such SIGNS shall be set so as to not materially impede vision, subject to the discretion of the Building Official and the City Engineer."~~

[Master Document of amendments 2015v7](#)
[Master Document of amendments 2015v7](#)
[Master Document of amendments 2015v6](#)



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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,” to delete Section K.(2), as follows:

~~“(2) Temporary SIGNS. Temporary SIGNS may be erected subject to the following regulations:~~

- ~~(i)(a) Temporary signs require a temporary sign permit. The permit shall remain in effect for a period of one (1) year and can be renewed on an annual basis.~~
- ~~(ii)(b) One (1) temporary SIGN shall be permitted per each PRINCIPAL BUILDING, or per tenant if the PRINCIPAL BUILDING or BUILDINGS have multiple tenants.~~
- ~~(iii)(c) For temporary signs located on a City SIDEWALK or within a public right of way:~~
 - ~~(i) A certificate of insurance in the amount of one hundred thousand dollars (\$100,000.00) (bodily injury/property damage) shall be filed as part of the temporary sign permit application to assure sufficient liability coverage of the APPLICANT.~~
 - ~~(ii) A hold harmless certification letter shall be filed as part of the temporary sign permit application to relieve the City of Dover from bodily injury and property damage liability.~~
 - ~~(iii) SIGNS shall only be displayed during business hours.~~
 - ~~(iv) A five (5) foot, clear passageway must be maintained at all times.~~
 - ~~(v) SIGNS shall be located in front of the building occupied by the business or in front of the space occupied by the business if the business is located in a multi tenant building.”~~

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,” Section N.(3), to read as follows:

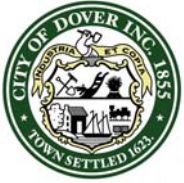
~~“(3) Non-conforming FREESTANDING SIGNS and PROJECTING SIGNS may be replaced upon approval of a sign permit application, provided that the support structure of the SIGN remains in place and the dimensions of the SIGN are the same or smaller. If the any other nonconforming SIGN is replaced, it shall be replaced in total with a SIGN that is in conformance with the provisions of this Section.”~~

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,” Section O, to read as follows:

“O. Mill motif design criteria.

(1) Intent.



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~~(1)(a)~~ A recurring architectural theme exists within the Central Business District, where the use of brick, granite and slate dominates much of the existing commercial BUILDING stock. Influenced by the early 19th century mill development, SIGNAGE was closely integrated with the style and composition of the BUILDING, often consisting of handsomely carved and painted wooden signboards. The use of dark background tones, highlighted with bright lettering was dominant. PROJECTING SIGNS were typically constructed from dark-hued metal, cast iron in particular, and internal lighting or use of plastics, aluminum and vinyl was nonexistent.

~~(2)(b)~~ The use of a mill motif SIGNAGE theme is an attempt to promote a style or architectural continuity within Dover's urban center. Within the defined mill motif theme, a great amount of flexibility is permitted where design and materials are involved, and all SIGNAGE should be guided by general design criteria.

~~(2)~~ Permit process.

~~(1)(a)~~ The Zoning Administrator shall be responsible for the issuance of SIGN permits relative to mill motif accessory SIGNS. Application for said SIGNS shall include the following items:

~~(a)(i)~~ A scaled elevation drawing of the entire BUILDING façade (s).

~~(b)(ii)~~ Proposed SIGN clearly delineated on the elevation drawing, plus detailed drawings indicating materials, size, colors and style of lettering, lighting and attachment method.

~~(c)(iii)~~ A photograph of the BUILDING.

~~(d)(iv)~~ A sample color rendering of the intended SIGN.

~~(ii)(b)~~ Upon completion of the review, the Zoning Administrator will approve or disapprove the application and inform the APPLICANT in writing of the decision.

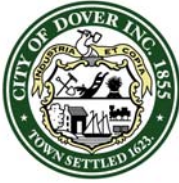
~~(3)~~ (2) SIGN location. The physical placement of SIGNAGE on a BUILDING shall be as important in perpetuating the mill motif theme as the SIGN composition itself. To maximize the effectiveness of SIGNS and a BUILDING's architecture,

~~(a)~~ ~~e~~Every SIGN shall be required to be an integral part of its BUILDING.

~~(b)~~ 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 E) (4) (e) for graphic guidelines.

~~(4)~~ (3) SIGN composition. The visual style of a SIGN is determined by the relationship of its lettering, colors, lighting, and material used. Within the defined mill motif theme, a great range of variations exist among these elements. The design standards set forth herein constitute general design criteria to be followed when determining conformity with the mill motif theme. Refer to Subsection P) (4) (e) for graphic guidelines.

~~(1)(a)~~ Lettering.



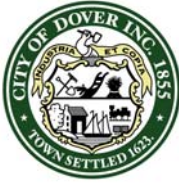
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- ~~(i)~~ No more than one (1) ~~lettering style font~~ shall be permitted per SIGN. More than one size is permitted.
 - ~~(ii)~~ Letters may be attached to the BUILDING façade.
 - ~~(iii)~~ Light-colored letters on a dark background are required preferred. ~~Dark letters on a light background shall only be permitted if it complements the BUILDING's color composition.~~
 - ~~(iv)~~ Lettering ~~and signboards~~ shall be located so as not to obstruct architectural detailing on the BUILDING face.
 - ~~(v)~~ Product trademarks are not permitted. ~~discouraged; however, Generic trade SIGNS symbols (e.g., a shoe for a cobbler, a mortar and pestle for a druggist) are permitted preferred.~~
 - ~~(vi)~~ Letter styles shall be limited to the classic genre, ~~i.e. e.g.~~, Copper plate Gothic, Times, Franklin Gothic, Benton, Clarendon, Haas Helvetica, Folio Caravelle Medium, Windsor, and Times Roman.
 - ~~(vii)~~ The size of the lettering shall be in proportion to both the SIGN configuration and the BUILDING.
- ~~(2)(b)~~ Color.
- ~~A.(i)~~ No more than three (3) colors are preferred, including plus black and white. Differences in shade or hue are considered different colors. Lettering shall preferably be limited to one (1) color.
 - ~~B.(ii)~~ Colors used in SIGNAGE should relate to the color composition of the BUILDING material and be compatible with them.
 - ~~C.(iii)~~ The determination of SIGN color must relate to the degree of contrast between the SIGN lettering and SIGN background.
- ~~(3)(c)~~ Lighting.
- ~~(+)(i)~~ Internally-lit or back-lit SIGNS are prohibited.
 - ~~(2)(ii)~~ Only shielded indirect light shall be permitted if lighting is used.
- ~~(4)(d)~~ Materials.
- ~~(+)(i)~~ The appearance of Traditional materials, such as wood, glass, brass, bronze or iron, are preferred is required. The use of plastic, aluminum and vinyl will only be permitted if styled and composed to imitate wood or iron.
 - ~~(+)(ii)~~ Wooden SIGNS shall be constructed of dense, clear wood that adapts to engraving/ carving and paint or stain. Ordinary plywood will not withstand exposure; therefore, only The use of plywood shall be limited to overlay, exterior or marine plywood. shall be permitted



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~~(e)(iii)~~ PROJECTING SIGNS shall be supported by black, iron attachments to the BUILDING. Guy wires shall not be permitted as a principle SIGN support member.

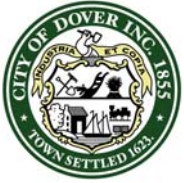
~~(e)(iv)~~ No support for a PROJECTING SIGN shall extend above the cornice line of the BUILDING to which it is attached.

~~(5)(e)~~ Graphic guidelines. The zoning ordinance regarding SIGNS was developed in an effort to limit the size, clutter and inefficiency of uncontrolled SIGNAGE, while encouraging more effective SIGNS through better and more appropriate design. The regulations that have been outlined in this section pertain primarily to maximums for height, size and content of business SIGNS. Concern for size alone, however, does not guarantee the effectiveness of a SIGN or its appropriateness to its location, and both are important for the overall selling power of the SIGN. In order to help business owners, manufacturers and designers and others with the design of quality mill motif SIGNS, the following notes have been prepared as a brief guide:

~~(i)~~ Because it is an old city, Dover's Central Business District (CBD) has evolved from a mill era architectural influence. Almost all of the business STRUCTURES in this area have an architectural character worth preserving and enhancing. In this district, however, whether an individual BUILDING is of great architectural merit does not matter as much as the fact that individual BUILDINGS and rows of BUILDINGS visually relate to each other. This sense of history and feeling of architectural unity is one of Dover's unique characteristics; it is attractive to both tourists and residents alike. And although nothing in the long run can replace the quality and character of a business concern's services or merchandise in drawing and keeping customers, the architecture of an individual BUILDING and the combined impact of groups of adjoining BUILDINGS, can be part of the attraction of a shopping district. Ideally, then, to maximize the effectiveness of SIGNS and BUILDING its BUILDING, and each BUILDING should have a good visual influence within its BLOCK of BUILDINGS. As a result, the BUILDING and its SIGN become part of an overall image, each supporting the other and helping to draw customers. This leads to a simple but vital point: A SIGN on a BUILDING should always be thought of as part of the BUILDING and not as an unrelated object attached to it. Figures A, B, C and D illustrate this point. ###

~~(ii)~~ Just as a SIGN should respect a BUILDING façade, a row of shops and their SIGNS are most effective when the architecture and rhythm of the STREET is preserved and even emphasized by the design of all the SIGNS.

The matter of SIGNS becomes a concern for all neighboring businesses; a harmonious and uncluttered row of shops with legible well designed SIGNS is much more attractive to shoppers than a hodge podge of SIGNS that confuse the shopper rather than draw him to the area and the individual shops. One of the most common causes of this confusion is the tendency of shop fronts to burst out of their frames in an upward and outward direction until nothing of the original FRONTAGE is visible. Figures E, F and G illustrate the effects of this on a typical stretch of STREET front. \$\$\$\$



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(iii) Letter styles: *****

~~### See Figures A, B, C and D are included in SIGN Diagrams, Part III, at the end of this chapter.~~

~~§§§§ See Figures E, F AND G are included in SIGN Diagrams, Part IV, at the end of this chapter~~

~~***** Samples of the various letter styles are on file in the office of the City Clerk and are available for inspection during normal business hours.~~

(4) Permit process

(a) The Zoning Administrator shall be responsible for the issuance of sign permits relative to mill motif accessory SIGNS. Application for said SIGNS shall include the following items:

(i) A scaled elevation drawing of the entire BUILDING facade(s).

(ii) Proposed SIGN clearly delineated on the elevation drawing.

(iii) Detailed drawings indicating materials, size, colors and style of lettering, lighting and attachment method.

(iv) A photograph of the BUILDING.

(v) A sample color rendering of the intended SIGN.

(b) Upon completion of the review, the Zoning Administrator will approve or disapprove the application and inform the APPLICANT of the decision in writing.”

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 adding a new Section Q, to read as follows:

“Q. Temporary SIGNS. No temporary SIGN shall be erected or placed in the City of Dover without a temporary sign permit issued by the Planning Department, except as noted in Subsections (1)(b) and (2)(b) below. The following regulations shall apply:

(1) Non-profit, public benefit, and/or municipality related.

(a) Off-Premise SIGNS.

(i) The City of Dover has designated the following locations as areas that are suitable for off-premise displays of Dover-based non-profit, public benefit, and/or municipality related temporary SIGNS:

~~(1)~~• Week’s Crossing (Indian Brook Road and New Rochester Road)

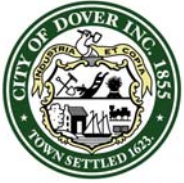
~~(2)~~• Lower Square (Central Avenue and Washington Street)

~~(3)~~• Intersection of Back River Road and Durham Road

~~(4)~~• Intersection of Littleworth Road and Knox Marsh Road

~~(5)~~• Intersection of Indian Brook and Sixth Street

(ii) A temporary sign permit must be obtained from the Planning Department. The application fee shall be waived.



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(iii) No more than two (2) SIGNS may be displayed at each of the above locations at the same time.

(iii) The event advertised must be community based and/or charitable, and must take place within the City of Dover.

(v) SIGNs may be no larger than eight (8) square feet in size, and shall be securely anchored. SIGNs shall be displayed no longer than fourteen (14) days prior to the event and must be removed within 24 hours after the event.

(vi) A hold-harmless certification letter shall be filed as part of the temporary sign permit application to relieve the City of Dover from bodily injury and property damage liability.

(b) On-Premise SIGNs:

~~1-(i)~~ One (1) temporary SIGN may be displayed at the property where the non-profit, public benefit, and/or municipality related event is being held.

~~2-(ii)~~ The SIGN shall be no larger than 24 square feet and may be erected no earlier than fourteen (14) days prior to the event, and shall be removed within ~~twenty-four~~ (24) hours after the event.

~~3-(iii)~~ No permit shall be required for SIGNs meeting these conditions.

(2) Business Advertising. Business advertising temporary SIGNs are permitted in the CBD-General, CBD-Downtown Gateway, ~~CBD~~-Mixed Use, CBD-TOD, CWD, B-3 and B-5 Districts only, and are subject to the following regulations:

~~1-(a)~~ Special Events. A business may obtain a temporary sign permit for a special event, provided that all of the following conditions are met:

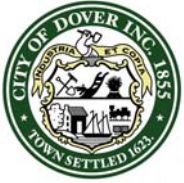
~~2-(1)~~ Special events shall include sales, product promotions, business sponsored fundraisers, and other similar events.

~~3-(2)~~ Special event temporary sign permits are valid for a consecutive- seven (7) day period and may be obtained once every three (3) months, for a maximum of four (4) special event signs per business per year. If a special event sign permit is not used in one (1) quarter it shall not be carried over to the next quarter.

(3) The special event SIGN shall be limited to twenty-four (24) square feet in size, and shall not be placed in such a manner so as to create a traffic or safety hazard.

(4) The special event SIGN shall be removed within twenty-four (24) hours after the end of the event. If a special event SIGN or banner is not removed within twenty-four (24) hours, the SIGN or banner may be removed by the City of Dover.

(5) If the SIGN is located on a City SIDEWALK or within a public right-of-way, the requirements in Subsection Q.(2)(d) must be met.



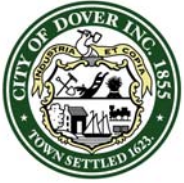
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- (b) SIGNs Allowed Without a Permit. One (1) temporary A-frame sandwich board SIGN is permitted per business and does not require a permit, provided all of the following conditions are met:
- (1) The SIGN is not located on a City SIDEWALK or within a public right-of-way.
 - (2) The maximum size of the SIGN is eight (8) square feet.
 - (3) The SIGN must be placed directly in front of the business at a distance no greater than two (2) feet from the BUILDING, and must not impede pedestrian or handicapped access to the business or adjacent businesses.
- (c) SIGNs Allowed With Annual Permit. One (1) temporary SIGN shall be permitted per each PRINCIPAL BUILDING. BUILDINGs with an excess of one hundred (100) feet of STREET FRONTAGE shall be permitted one (1) additional temporary SIGN per every one hundred (100) feet of STREET FRONTAGE. See District Tables of Use for additional requirements.
- (1) If the SIGN is located on a City SIDEWALK or within a public right-of-way, the requirements in Subsection Q.(2)(d) must be met.
 - (2) The following additional regulations shall apply to SIGNs located in the CBD-General District:
 - (a) The structure of the temporary SIGN must consist of medium density overlay plywood, or a similar durable wood-like material which can withstand the weather, or metal (except as supplemented by material for changeable messages, see below). The use of other materials is permitted if styled and composed to imitate wood or metal.
 - (b) Any graphics, lettering, words, numbers, messages and/or symbols on the temporary SIGN shall be applied directly onto the surface of the SIGN and/or shall be made with sign plastic film.
 - (c) The material for changeable messages shall be either chalk board or dry erase board. SIGNs with moveable slide-in plastic letters are not permitted.
 - (d) SIGNs using stencils or spray paint are not permitted.
 - (e) SIGNs may not be painted traffic yellow or construction-zone orange, or use any reflective or fluorescent materials.
- (d) SIGNs Located on a City SIDEWALK or Within a Public Right-of-Way. SIGNs located on a City SIDEWALK or within a public right-of-way shall meet the following requirements:
- (1) A certificate of insurance in the amount of one hundred thousand (\$100,000.00) dollars (bodily injury/property damage) shall be filed as part of the temporary sign permit application to assure sufficient liability coverage of the APPLICANT.
 - (2) A hold-harmless certification letter shall be filed as part of the temporary sign permit application to relieve the City of Dover from bodily injury and property damage liability.



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- (3) SIGNS shall only be displayed during business hours.
- (4) A five (5) foot, clear passageway must be maintained at all times.
- (5) SIGNS shall be located in front of the BUILDING occupied by the business or in front of the space occupied by the business if the business is located in a multi-tenant BUILDING.”

18. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article XI “Off-Street Parking and Loading,” Chapter 170-44 “Applicability” to read as follows:

“The following conditions shall apply to all parking and loading spaces provided in conformance with this Chapter:

~~(1)A.~~ Conformity with the Site Review Regulations, Chapter 149, Subsections 149-14 and 149-15, site development criteria.

~~(2)B.~~ The enlargement of any BUILDING shall require the provision of OFF STREET PARKING for the existing BUILDING as if it were newly erected, in addition to the required OFF STREET PARKING SPACES for the enlargement.

~~(3)C.~~ All required PARKING SPACES in residential districts shall be upon or adjacent to the LOT upon which they are designed to serve. In all nonresidential districts, such PARKING SPACES shall be provided within a five hundred foot radius of the primary STRUCTURE.

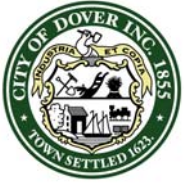
~~(4)D.~~ Where one (1) BUILDING is used for more than (1) use, parking requirements shall be computed for each use as if it were a principal use.

~~(5)E.~~ Where a parking area is provided to serve two (2) or more STRUCTURES, the total number of spaces provided shall be not less than the sum of the individual total numbers of spaces required.

~~4.B.~~ Where PARKING SPACES are provided for nonresidential STRUCTURES and this parking area adjoins a residential use, suitable screening at least seven (7) feet in height HEIGHT shall be provided and maintained.

~~G.C.~~ In CBD/CWD Municipal parking facilities may LOTS shall not be substituted for the requirements of this section.

~~H.~~ In the CBD and CWD Zoning Districts, none of the on site parking standards shall 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.



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~~PARKING SPACES~~ required the ~~CBD and CWD Zoning Districts~~ may be located off site within one thousand (1,000) 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.

~~I. Conditional Use Approval:~~

~~(1) Conditional use approval may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing for the purpose of altering any provisions of Article XI OFF-STREET PARKING and Loading, provided that the proposed project complies with the following standards:~~

~~(1)(a) The APPLICANT submits an analysis justifying a request for reduced parking requirements.~~

~~(2)(b) The conditional use application shall describe the limits of any parking area subject to the reduced requirements and the reduction applicable to each use.~~

~~(3)(c) The APPLICANT submit an analysis and/or a parking study substantiating the availability of nearby Alternative parking to be used as a credit towards reducing parking requirements. The APPLICANT must show that the use(s) can be adequately served by a combination of on and OFF-STREET PARKING.~~

~~(4)(d) The APPLICANT submits data and/or a transit study that indicates that existing and planned transit service in the vicinity justifies the reduction requested. The PLANNING BOARD shall make the determination.~~

~~(5)(e) The APPLICANT submits a Traffic Reduction and/or Transportation Management Plan which outlines the measure(s) to be taken to permanently reduce parking demand. The plan may include any/all of the following initiatives:~~

~~(1)(i) facilitate employee/customer use of mass transit.~~

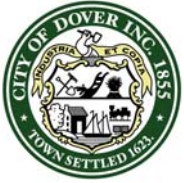
~~(2)(ii) facilitate employee/customer use of ride share/van pool program.~~

~~(3)(iii) establish Alternative work hours/flex time program.~~

~~(4)(iv) provide incentives to encourage non-vehicular trips, i.e. pedestrian and bicycle alternatives.~~

~~(5)(v) provide preferred parking for ride share/van pool participants.~~

~~(6)(vi) create shuttle bus service to/from train/bus stations.~~



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~~(7)(vii)~~ establish an information center to coordinate ride share/van pool efforts among separate uses within a STRUCTURE or complex.

~~(6)(f)~~ There shall be no detrimental effects on surrounding properties by any proposal.

~~(2)~~ Conditional use approval may also be granted by the PLANNING BOARD to allow a decrease in the OFF STREET PARKING requirements for a BUILDING or BUILDINGS in close proximity serving more than one (1) use. To obtain such an approval, the APPLICANT must conclusively demonstrate that one (1) or more such uses will generate a demand for PARKING SPACES primarily during periods when the other use or uses are not in operation. Calculations for parking reduction shall be consistent with nationally accepted parking publications such as Shared Parking, (Urban Land Institute, Washington, DC, 1990). The location of all shared PARKING SPACES shall conform with the provisions outlined in Subsections 170-44.C and 170-44.H unless determined otherwise by the PLANNING BOARD.

~~(3)~~ Conditional use approval shall be subject to a formal agreement between the PLANNING BOARD and the APPLICANT. Said agreement shall be recorded at the Stafford County Registry of Deeds.

~~(4)~~ Any conditional use approval shall apply only to the application specified at the time of approval and shall not be transferable to a different application, BUILDING EXPANSION, or change of use regardless of size. Any subsequent change(s) to a project or plan that has a shared parking agreement shall be subject to review by the Planning Director. If the proposed parking demand is determined to increase, the project shall be referred to the PLANNING BOARD for further review.

~~D.J.~~ PARKING SPACES for non-residential uses and MULTI-FAMILY DWELLINGS shall have independent access to an aisle or driveway, and be accessible year round.”

19. AMENDMENT

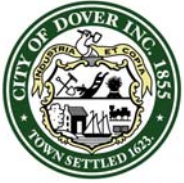
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-51 “Violations and Penalties,” to read as follows:

“170-51. Violations and Penalties. [Amended on 9-24-80 by Ord. No. 15-80.]

“The administration and enforcement of this ordinance shall be in any manner authorized by State statute, including but not limited to, RSA 31:39-d, 676:14, 676:15, 676:17, 676:17-a, and 676:17-b.”

~~A.~~ Violations. The administrative officer shall serve a notice of violation and order to any owner or person responsible for the erection, construction, reconstruction, conversion or ALTERATIONS of a STRUCTURE, increase in intensity of use or extension or displacement of use of any STRUCTURE or LOT in violation of any approved plan, information or drawing pertinent thereto, or in violation of a permit or certificate issued under the provisions of this chapter, and such order

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~~shall direct the immediate discontinuance of the unlawful action, use or condition and the abatement of the violation. Any owner or person who has been served with a notice and ceases any work or other activity shall not leave any STRUCTURE or LOT in such a condition as to be a hazard or menace to the public safety, health or general welfare.~~

- B. ~~Prosecution of violations. If the notice of violation and order is not complied with, the Building Inspector shall cause to be initiated the appropriate action or proceeding so to prevent any continued unlawful action or condition and to restrain, correct or abate such violations. Any person who knowingly takes part in continuance of said violation(s) shall, for each and every violation(s), be liable to a fine not to exceed one hundred dollars (\$100.00). Each day beyond the expiration of the aforementioned notice of violation and order shall constitute a separate offense."~~

20. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 "Definitions," to delete existing definitions and revise existing definitions to read as follows:

"ACCESSORY USE means a use existing on the same LOT and within the same zoning district as the principal use which shall be customarily incident and subordinate to the principal use, subject, however, to the provisions of 170-2010E."

AND

"EDUCATIONAL INSTITUTION, K-2012 means a facility, licensed by the State of New Hampshire, that provides curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools."

AND

~~**"GENERAL FARMING** means the pursuit of those activities normally associated with the raising of a crop or the care of animals for agricultural purposes."~~

AND

~~**"NEIGHBORHOOD STORE** is any retail store containing a maximum of fifteen hundred (1,500) square feet of enclosed space with no on-site parking permitted or required."~~

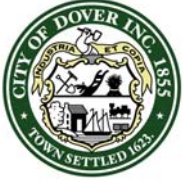
AND

~~**"NONCONFORMING BULK** means a BUILDING or use of land is nonconforming as to BULK if it does not conform to the prescribed BULK regulations of the district in which it is located."~~

AND

"REGULATING PLAN means a zoning map or set of maps that shows the sub-districts subject to regulation by the form-based code Section 170-20."

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AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-11 “Use Regulations,” Section B, second paragraph, to read as follows:

“Uses Permitted by ~~sSpecial e~~Exception. A use listed in the Uses ~~Via~~ Permitted by Special Exception section of the Tables of Use and Dimensional Regulations by District may be permitted as a ~~sSpecial e~~Exception granted by the ~~PLANNING BOARD of Adjustment~~ ZONING 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.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-11 “Use Regulations,” Section D.(2), to read as follows:

“(2) All multi-family residential uses wherein ~~more than five (5)~~ or more units are proposed for development.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-18 “Customary Home Occupations,” Section D, to read as follows:

“D. No more than twenty-five percent (25%) of the existing net FLOOR AREA of the principal and any ~~accessory BUILDINGS~~ ACCESSORY STRUCTURE not to exceed six hundred (600) square feet is devoted to such use.”

AND

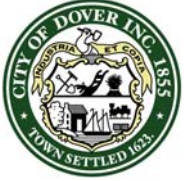
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-20 “Central Business District Regulations,” Section H.(1), second sentence, to read as follows:

“Administrative appeals from this ~~S~~section may be directed to the ~~Zoning Board of Appeals~~ ZONING BOARD OF ADJUSTMENT (as outlined in 170 – 52).”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.2 “Transfer of Development Rights”, Section E, to read as follows:

“(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 ~~S~~subsection ~~G~~ F below in return for the acquisition of land or



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DEVELOPMENT RIGHTS from the SENDING AREA within the same TDR DISTRICT. The performance standards for the Residential TDR DISTRICT are outlined in subsection ~~H~~ G below.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.2 “Transfer of Development Rights,” Section F, first sentence, to read as follows:

“(1) Land within a SENDING AREA, when surveyed, approved by the PLANNING BOARD and preserved by easement or covenant as specified in ~~S~~ subsection ~~F~~ E above, may be counted for the OPEN SPACE requirement for a development site in a RECEIVING AREA.”

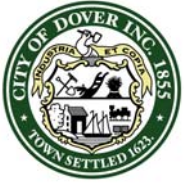
AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 “Zoning Board of Adjustment,” Section C.(3)(c), to read as follows:

“(c) The requested use will not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Ccity will be unduly subjected to hazards affecting health, safety or the general welfare. ~~Refer to Article VI of this Chapter for additional provisions regarding special exceptions.~~”

21. TAKES EFFECT

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



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AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor William Garrison
City Council Planning Board
Representative

Approved as to Legal Form
and Compliance: Anthony Blenkinsop
City Attorney

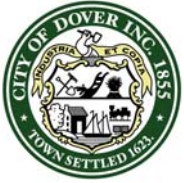
Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Karen Weston		
Deputy Mayor Robert Carrier		
Councilor John O'Connor, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Anthony MacManus, At Large		
Total Votes:		
Resolution does does not pass.		



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ORDINANCE BACKGROUND MATERIAL:

DRAFT