



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Special Meeting**
Meeting Location: **McConnell Center, Room 306**
Meeting Date: **Wednesday, August 19, 2015**
Meeting Time: **To follow Workshop Session**

- 1. CALL TO ORDER**
- 2. ~~MOMENT OF SILENCE~~**
- 3. ~~PLEDGE OF ALLEGIANCE~~**
- 4. ROLL CALL ATTENDANCE**
- 5. PUBLIC HEARINGS**
- 6. CITIZEN'S FORUM**

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

- 7. UNFINISHED BUSINESS – None**
- 8. NEW BUSINESS**

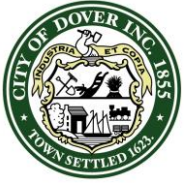
A. ORDINANCES

- 1. CHAPTER 170 – UPDATING THE DOVER ZONING ORDINANCE
(TO BE REMOVED FROM TABLE)
SPONSORED BY COUNCILOR GARRISON, PLANNING BOARD REPRESENTATIVE**

B. RESOLUTIONS:

- 1. ACCEPTANCE OF DEVELOPMENT AGREEMENT BETWEEN THE CITY OF
DOVER AND KOSTIS ENTERPRISES
(TO BE REFERRED TO A PUBLIC HEARING ON AUGUST 26, 2015)
SPONSORED BY MAYOR WESTON BY REQUEST**

- 9. ADJOURNMENT**



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

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

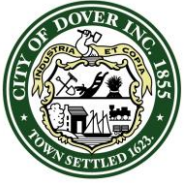
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6. "Definitions," to add new definitions and revise existing definitions to read as follows:

"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, 10-148, 10-149, 10-149A, 10-150, 10-158, 10-159, 10-160, 10-165, 10-166, 10-167, 10-168, 10-169, 10-169A,



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

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, 12-126, 12-126-A, 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.

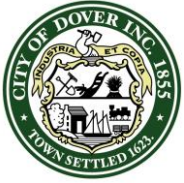
HR Heritage Residential District

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 well. In both instances their original occupants were likely community leaders, whether early tavern



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

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 or 35 feet, whichever is less.</u>
Abut a Street BUILD TO LINE-SETBACK	20 ft min, 35 ft max* <u>No closer than the principal BUILDING or 35 feet, whichever is less.</u>

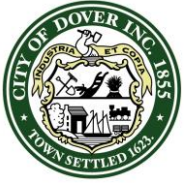
R-12 District:

OUTBUILDING/ACCESSORY USE	
Front SETBACK	15 <u>No closer than the principal BUILDING</u>
Abut a Street SETBACK	15 <u>No closer than the principal BUILDING</u>

RM-U District:

OUTBUILDING/ACCESSORY USE	
Front SETBACK	13 <u>No closer than the principal BUILDING</u>
Abut a Street SETBACK	13 <u>No closer than the principal BUILDING</u>

5. AMENDMENT



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

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>15 ft min, 25 ft max</u> [5]
Abut a Street SETBACK <u>BUILD TO LINE</u>	<u>15 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

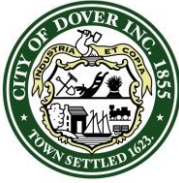
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12. “Applicability of Tables of Use and Dimensional Regulations by District,” by revising the Dimensional Regulations Table in the Urban Density Multi-Residential District (RM-U) to replace the Principal 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:



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

PRINCIPAL BUILDING

Front Primary BUILD TO LINE	0 ft min – 10 ft max [1]
Front Secondary BUILD TO LINE	0 ft min – 10 ft max [1]

[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.”

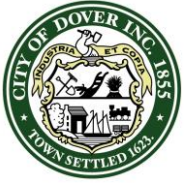
AND

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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

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

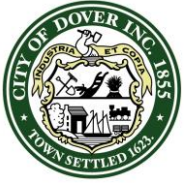
12. AMENDMENT

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> |
|---|

“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:



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

- 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. The APPLICANT shall provide a detailed narrative and floor plan, as well as any other relevant documentation, describing how the Alternative Treatment Center shall be secured. The security plan must take into account the measures that will be taken to ensure the safe delivery of any product to the facility (including permitted times for delivery), how the product will be secured on site, and how patient transactions will be facilitated in order to ensure safety. The security plan shall be reviewed and approved by the City of Dover Police Department.
- F. The use of cannabis on the premises is prohibited.
- G. The Alternative Treatment Center shall emit no cannabis related fumes, vapors or odors which can be smelled or otherwise perceived from beyond the LOT LINEs of the property where the facility is located."

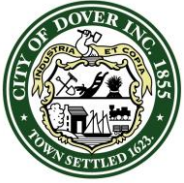
13. AMENDMENT

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

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:



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

“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 the titles of Articles VII through XII as follows:

“ARTICLE VIII
OVERRIDING DISTRICTS

ARTICLE ~~VIII~~
EXTRACTION INDUSTRIES EXCAVATIONS

ARTICLE IX
SIGNS AND FENCES

ARTICLE XI
NONCONFORMING LOTS, USES AND STRUCTURES

ARTICLE XII
OFF-STREET PARKING AND LOADING

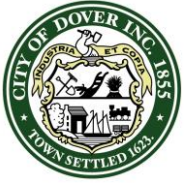
ARTICLE XIII
ADMINISTRATION

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by inserting a new Articles VII as follows:

“ARTICLE VII
FLOODPLAIN DEVELOPMENT”

“170-25. ~~Reserved Floodplain Development (Formerly Roadside Stands)~~



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

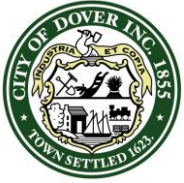
[HISTORY: Formerly Chapter 113, which was adopted by the City Council on 3-25-1987 as Ord. No. 7-87.1 Revised in its entirety by the City Council on 01-20-1999 by Ord. No. 26-98.; Amendments noted where applicable, Merged into 170 on 0#-##-2015 by Ord. No.#####]

- 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 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, 33017CO340E, and 33017CO0405E, dated September 30, 2015, which are declared to be a part of Chapter 170 and are hereby incorporated by reference. The FLOOD INSURANCE STUDY is on file at the Department of Planning and Community Development.
- D. Definitions. [Amended on 4-18-90 by Ord. No. 3-90]

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]**



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

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.

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

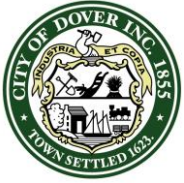
FLOOD INSURANCE STUDY (FIS) means an examination, evaluation and determination of FLOOD hazards and, if appropriate, corresponding WATER SURFACE ELEVATIONS, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or FLOOD-related erosion hazards.

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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

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.

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.

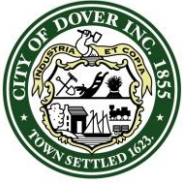
NEW CONSTRUCTION means STRUCTUREs for which the START OF CONSTRUCTION commenced on or after April 9, 1980 and includes any subsequent improvements to such STRUCTUREs.

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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

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.

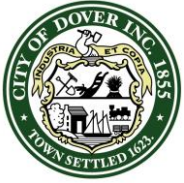
SUBSTANTIAL DAMAGE means damage of any origin sustained by a STRUCTURE whereby the cost of restoring the STRUCTURE to it's before damaged condition would equal or exceed fifty percent (50%) of the market value of the STRUCTURE before the damage occurred.

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 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:

- 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
- 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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

other datum, where specified) of FLOODs of various magnitudes and frequencies in the FLOODPLAINS.

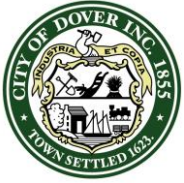
E. Development Review. [Amended on 10-14-2009 by Ord. No. 2009.09.23-21]

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

F. Required Data.

Applications for DEVELOPMENT shall include the following:

- (1) Plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed STRUCTUREs; fill storage of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required where appropriate:
 - (a) A certified FEMA Elevation Certificate with as-built elevation data in relation to MEAN SEA LEVEL, of the LOWEST FLOOR, including BASEMENT, and including whether or not such STRUCTUREs contain a BASEMENT.
 - (b) Elevation, in relation to MEAN SEA LEVEL, to which any STRUCTURE has been FLOOD PROOFED.
 - (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).
- (2) Permit review. The Department of Planning and Community Development shall:
 - (a) Review all DEVELOPMENT permits to determine that the requirements of this Section have been satisfied.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

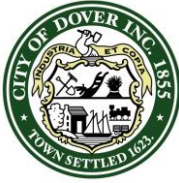
Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

- (b) Review all DEVELOPMENT permits to determine that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. It shall be the responsibility of the APPLICANT to certify these assurances to the Department of Planning and Community Development.
- (c) The Department of Planning and Community Development shall review all DEVELOPMENT permits to determine if the proposed DEVELOPMENT adversely affects the FLOOD-carrying capacity of the AREAS OF SPECIAL FLOOD HAZARD. For purposes of this Section, "adversely affects" means that the cumulative effect of the proposed DEVELOPMENT, when combined with all other existing and anticipated DEVELOPMENT, will not increase the BASE FLOOD ELEVATION more than one (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]

- (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.
- (2) In AREAS of SPECIAL FLOOD HAZARD, the Department of Planning and Community Development shall determine the BASE FLOOD ELEVATION in the following order of precedence according to the data available:
 - (a) In Zone AE, refer to the elevation data provided in the community's FLOOD INSURANCE STUDY and accompanying FIRM. [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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

(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.

(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.

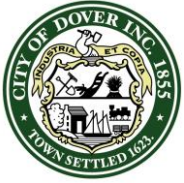
(2) The APPLICANT shall submit to the PLANING BOARD, in the form of a Conditional Use Permit application, certification provided by a professional engineer assuring that the FLOOD-carrying capacity of an altered or relocated watercourse can and will be maintained.

I. Interpretation of Boundaries.

(1) The Department of Planning and Community Development shall make interpretations, where needed, as to the exact location of the boundaries of the AREA OF SPECIAL FLOOD HAZARD in a construction proposal; for example, where there appears to be a conflict between a mapped boundary and actual field conditions. To assist in this determination, the APPLICANT may be required to submit an accurate site plan showing FLOODING relationships, including elevations.

(2) To determine accurately if a STRUCTURE is located in an AREA OF SPECIAL FLOOD HAZARD, the owner or APPLICANT may hire a licensed land surveyor or certified engineer to measure the distance from a physical feature on the FIRM to the STRUCTURE's location.

(3) The STRUCTURE is considered borderline if it is located within 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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

Community Development may request a Letter of Map Amendment (LOMA) from FEMA.

J. General Standards.

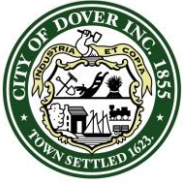
In all AREAS OF SPECIAL FLOOD HAZARD, the following standards are required:

(1) Anchoring

- (a) All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the STRUCTURE resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (b) All MANUFACTURED HOMEs to be placed or SUBSTANTIALLY IMPROVED within AREAS OF SPECIAL FLOOD HAZARD shall be elevated on a permanent foundation, such that the LOWEST FLOOR of the MANUFACTURED HOME is at least two (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

- (a) All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be constructed with materials resistant to FLOOD damage.
- (b) All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be constructed using methods and practices that minimize FLOOD damage.
- (c) All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

prevent water from entering or accumulating within the components during conditions of FLOODING.

(3) Utilities

- (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.
- (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.
- (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.

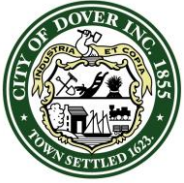
(4) Subdivision proposals

- (a) All subdivision proposals shall be consistent with the need to minimize FLOOD damage.
- (b) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize FLOOD damage.
- (c) All subdivision proposals shall include adequate drainage paths to guide FLOOD waters around and away from the proposed STRUCTUREs and to reduce exposure to FLOOD damage.
- (d) BASE FLOOD ELEVATION data shall be provided for subdivision proposals and other proposed DEVELOPMENT which contains at least 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:

- (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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

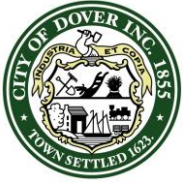
Planning Board Adopted on July 14, 2015

(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:

- (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;
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
- (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Section.

(3) MANUFACTURED HOMEs

- (a) MANUFACTURED HOMEs shall be anchored in accordance with Subsection K.(1)(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:
 - (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.
 - (ii) Adequate surface drainage and access for a hauler are provided.
 - (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;



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

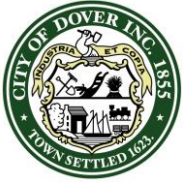
Planning Board Adopted on July 14, 2015

- (ii) Be fully licensed and ready for highway use; or
 - (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) For all NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs, fully enclosed areas below the LOWEST FLOOR that are subject to FLOODING are permitted, provided that the enclosed areas meet the following requirements:
 - (a) The enclosed area is unfinished or flood resistant, usable solely for parking of vehicles, BUILDING access or storage.
 - (b) The area is not a BASEMENT.
 - (c) The area shall be designed to automatically equalize hydrostatic FLOOD forces on exterior walls by allowing for the entry and exit of 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:
 - (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.
 - (ii) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (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) 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) 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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

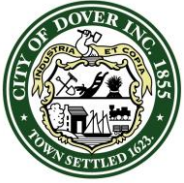
Planning Board Adopted on July 14, 2015

community during the BASE FLOOD discharge. In Zone A, the Department of Planning and Community Development shall obtain, review and reasonably utilize any REGULATORY FLOODWAY data available from a federal, state or other source as criteria for requiring that DEVELOPMENT meet the REGULATORY FLOODWAY requirements of this Subsection.

- (2) Along watercourses that have not had a REGULATORY FLOODWAY designated, 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) 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.

- (1) Any order, requirement, decision or determination of any official of the Department of Planning and Community Development made under this Section may be appealed to the ZONING BOARD of ADJUSTMENT as set forth in RSA 676:5.
- (2) If the APPLICANT, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the APPLICANT shall have the burden of showing, in addition to the usual variance standards under NH statute:
- (a) That the variance will not result in increased FLOOD heights, additional threats to public safety, or extraordinary public expense.
- (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.
- (c) That the variance is the minimum necessary, considering the FLOOD hazard, to afford relief.
- (3) The ZONING BOARD of ADJUSTMENT shall notify the APPLICANT in writing that: (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) The Department of Planning and Community Development shall:



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

- (a) Maintain a record of all variance actions, including their justification for their issuance, and;
- (b) Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator."

16. AMENDMENT

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 to read as follows:

"A. Filing of the Application

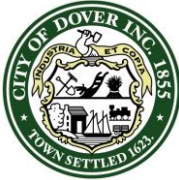
- (1) Applications for new EXCAVATION permits shall be filed with the Planning Office by April 1st ~~annually~~. Applications to renew EXCAVATION permits shall be due by April 1st once every two (2) years. Applications to renew shall be due by April 1st of the renewal year. EXCAVATIONS operating within 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).
- (2) The application will be reviewed with the APPLICANT upon submittal to the Planning Office, and will be accepted only if it is found to meet all submission requirements for a completed application. The application must be accepted as complete no later than April 15th in order to be scheduled for a public hearing. If the application is not completed by the deadline, then another meeting may be scheduled, but may not be later than the expiration date of the permit. All operations shall cease upon permit expiration until a new hearing is scheduled and a completed application is approved."

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 to read as follows:

A. Permits

- (1) Permits shall be issued only to the owner or his agent and shall not be transferable without the prior written consent of the Board. A copy of the permit shall be prominently displayed at the site or the principal access to the site.
- (2) A permit shall be valid for ~~one (1)~~ two (2) years and the expiration date shall be May 30th.
- (3) Failure to file for a permit shall be considered a violation and operators who fail to file will be issued a cease and desist order by the Zoning Administrator.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

- (4) The Board may include in the permit any such reasonable conditions as are consistent with the purpose of these regulations
- (5) All permitted sites shall be inspected ~~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.”

AND

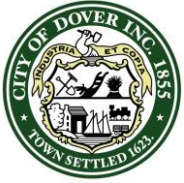
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32. “SIGN review and Regulations,” to read as follows:

ARTICLE IX

SIGNS AND FENCES

170-32. SIGN Rreview and Regulations. [Amended on 3-14-84 by Ord. No. 7-84; Amended on 6-10-87 by Ord. No. 13-87; Amended on 10-26-88 by Ord. No. 18-88; Amended on 08-01-90 by Ord. No. 8-90; Amended on 04-21-93 by Ord. NO. 04-93; Amended on 11-22-95 by Ord. No. 19-95; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 03-21-2007 by Ord. No. 01-07; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 2010.10.27-13; Amended on 02-22-2012 by Ord. No. 2012.01.25.]

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,



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

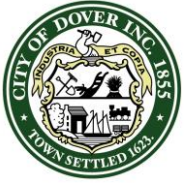
Planning Board Adopted on July 14, 2015

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.

- A. Permitted SIGN~~s~~. No SIGN shall be permitted within the City of Dover, except in accordance with the provisions of this ~~Section~~. See tables of Use and Dimensional Regulations ~~By~~ District for overview of permitted SIGN~~s~~.
- B. Permit required. No SIGN, other than a directional SIGN, a residential nameplate or SIGN advertising a sale or lease of a premise, shall be erected or placed in the City of Dover without a SIGN sign permit. Said permit shall be issued by the Zoning Administrator, provided that the SIGN meets all the regulations of this ~~Section~~, after the submission of a set of plans to an appropriate scale, showing site location, dimensions, method of illumination, if any, and types of materials to be used in construction. Replacement of existing SIGN~~s~~ and support STRUCTURE~~s~~, where the area, location or materials are being altered, shall require a permit, and such replacement shall conform to the regulations of this ~~Section~~.

~~The Zoning Administrator may issue a sign permit in conjunction with the approval of a site plan by the PLANNING BOARD, after sufficient review of compliance with the regulations herein and payment of any permit fees.~~

- C. General provisions. All SIGN~~s~~ shall conform to the following regulations:
- (1) All SIGN~~s~~ shall be located on the same LOT as the uses which they identify with the following exceptions:
 - (a) Political ~~A~~advertising SIGN~~s~~. Political advertising SIGN~~s~~ shall be regulated as required in Subsection L.
 - (b) Industrial Park SIGN~~s~~. Industrial Park SIGN~~s~~ shall be regulated as required in Subsection J.(2)(g).
 - (c) Temporary Real Estate and Yard Sale SIGN~~s~~. Temporary (forty eight (48) hours) real estate and yard sale SIGN~~s~~ may be located off site with the permission of the property owner of the land on which the SIGN is to be placed.
 - (d) ~~Temporary Non-profit, Ppublic Bbenefit and/or Mmunicipality Rrelated temporary SIGNs.S/ with consent of the Zoning Administrator. Temporary non-profit, public benefit and/or municipality related SIGNs shall be regulated as required in Subsection Q.~~



CITY OF DOVER

CITY OF DOVER – ORDINANCE

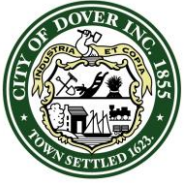
Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

- (2) All SIGNs~~s~~ shall be constructed, erected and maintained so as not to present a hazard to persons and property.
- (3) All SIGNs~~s~~ shall be erected in such a manner so as not to obstruct free and clear vision along or onto a public right-of-way.
- (4) All SIGNs~~s~~ shall be erected in such a manner so as not to obstruct the view of, be confused with or mistaken for any authorized traffic SIGN, signal or like device.
- (5) The illumination of any SIGN shall be nonflashing; spot- or floodlights shall be arranged so that the direct rays of light do not shine or reflect directly into adjacent properties or the line of vision or a motorist.
 - (a) FLASHING SIGNs~~s~~ are prohibited.
 - (b) Illuminance of the ~~sign~~SIGN face shall not exceed the following standards:
 - (i) External illumination: fifty (50) foot-candles as measured on the ~~sign~~SIGN face.
 - (ii) Internal illumination: five thousand (5,000) nits (candelas per square meter) during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the SIGN~~sign~~'s face.
 - (iii) Direct illumination: five thousand (5,000) nits during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the SIGN~~sign~~'s face.
- (6) The top edge of a WALL SIGN shall be at least one (1) foot below the top of the wall or PARAPET wall. The top edge of a roof SIGN shall be at least one (1) foot below the roof ridge or the highest point of the roof if no ridgepole exists.^{§§}
- (7) No SIGN shall be painted or affixed with adhesive directly on the surface of a BUILDING.
- (8) Rotating SIGNs~~s~~ or beacons, waving pennants or whirling devices are prohibited.
- (9) Temporary ~~A-frame, portable or wheeled SIDEWALK or curb~~ SIGNs~~s~~ are prohibited, except as otherwise provided in ~~this section. Refer to Subsections F (3), F (2), and K (2)Q.~~
- (10) All SIGNs~~s~~ are prohibited within the public right-of-way, except as otherwise provided in this Section.

^{§§} See Figure 1 of the SIGN Diagrams, Part I, included at the end of this Chapter.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

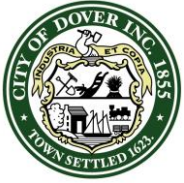
Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

- (11) The terms of this ~~S~~section shall not be construed so as to exclude SIGN~~s~~ 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 ~~C~~city regulations.
- (13) On a corner LOT, no FREESTANDING SIGN or support element shall be erected to materially impede vision between a HEIGHT of two and a half (2 ½) feet and eight (8) feet above curb grades in the same area bounded by the STREET lines of such corner LOT and a straight line joining points along said STREET lines thirty (30) feet from point of their intersection except as otherwise provided in this ~~S~~section.
- (14) Essential directional SIGN~~s~~ not exceeding four (4) square feet; in area; are permitted indicating entrance and exit driveways.
- (15) SIGN~~s~~ not exceeding two (2) square feet; in area; are permitted in parking LOT~~s~~ indicating aisles or reserved areas or spaces.
- (16) One (1) SIGN not exceeding thirty-two (32) square feet on a BUILDING or project under construction, identifying the architect, owner and/or contractor. Such SIGN shall be removed upon the receipt of a CERTIFICATE OF OCCUPANCY.
- (17) WALL SIGN~~s~~ shall conform to the following additional regulations:
- (a) No WALL SIGN shall be located in such a manner so as to extend above the next floor's window sill or descend below the top of the lower floor's lintel.***
 - (b) In all nonresidential zoning districts where a business/premises fronts on more than one (1) public STREET or municipal parking LOT, one (1) WALL SIGN shall be permitted for each FRONTAGE. The SIGN AREA displayed shall not exceed that area permitted by the FRONTAGE on that public STREET or parking LOT.†††
 - (c) In all nonresidential zoning districts, one (1) informational/directional WALL SIGN shall be permitted for each BUILDING entryway. Said SIGN shall not exceed four (4) square feet in area and shall not be illuminated.

*** See Figure 2 of the SIGN Diagrams, Part I, included at the end of this ~~C~~chapter.

††† See Figure 3 of the SIGN Diagrams, Part I, included at the end of this ~~C~~chapter.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

(18) All FREESTANDING SIGN~~s~~ shall conform to the following regulations:

- (a) No FREESTANDING SIGN~~s~~ shall be located in an area designated for parking unless said SIGN is protected along all sides by curbing. A four (4) foot clear space is required along all approaches.~~##~~
- (b) No FREESTANDING SIGN shall be placed within fifty (50) feet of a low-density residential district (R-40, R-20) boundary.

(19) All PROJECTING SIGN~~s~~ shall conform to the following additional regulations:

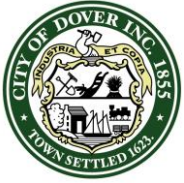
- (a) PROJECTING SIGN~~s~~ shall be attached to the main wall of the BUILDING.
- (b) PROJECTING SIGN~~s~~ shall be prohibited from projecting over a STREET, alley or other PUBLIC SPACE beyond four (4) feet eight (8) inches from a BUILDING facade or two-thirds (2/3) of the width of the SIDEWALK, whichever is less.~~§§§~~
- (c) A clear space of not less than ten (10) feet shall be provided below all parts of a PROJECTING SIGN, except for residential nameplates.
- (d) In all nonresidential zoning districts where a business/premise fronts on more than one (1) public STREET or municipal parking lot, one (1) PROJECTING SIGN shall be permitted for each FRONTAGE. The SIGN AREA displayed shall not exceed that area permitted by the FRONTAGE on that public STREET or parking lot.

(20) Awnings may be used in lieu of permitted WALL SIGN~~s~~ provided said letters, insignia or emblems do not exceed the square footage allowed for a WALL SIGN in the applicable zoning district.

D. SIGN~~s~~ permitted in residential districts. Any SIGN permitted in a Residential District shall conform to the following regulations (See tables for overview of permitted SIGN~~s~~):

⁺⁺⁺ See Figure 4 of the SIGN Diagrams, Part I, included at the end of this Chapter.

^{§§§} See Figure 5 of the SIGN Diagrams, Part I, included at the end of this Chapter.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

- (1) CUSTOMARY HOME OCCUPATION SIGN~~s~~ shall identify only the name of each occupant and the ~~street~~STREET address. Said SIGN shall not exceed two (2) square feet and shall not be subject to the permit requirements of this Section.
- (2) One (1) SIGN not to exceed four (4) square feet to announce for sale or rent real property or any part thereof upon which said SIGN is located. Said SIGN shall not be subject to the permit requirements of this Section.
- (3) One (1) SIGN not to exceed sixteen (16) square feet may be erected in connection with any legally permitted non-residential use, excepting home occupations and BED AND BREAKFAST~~s~~.
- (4) One (1) SIGN may be erected in connection with a lawfully maintained NONCONFORMING USE.
- (5) All nonresidential SIGN~~s~~ 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.
- (6) One (1) SIGN not to exceed four (4) square feet may be erected in connection with a BED AND BREAKFAST.
- (7) No SIGN shall be located greater than eight (8) feet above the ground, whether freestanding or attached to a BUILDING~~s~~.

E. SIGN~~s~~ permitted in CBD and CWD Zones. SIGN~~s~~ 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 SIGN~~s~~.)

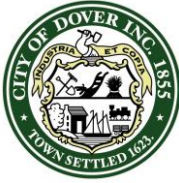
(1) WALL SIGN~~s~~^{****}

- (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.

(2) FREESTANDING SIGN~~s~~

**** See Figure 6 of the SIGN Diagrams, Part II, included at the end of this Chapter.

*** ~~References to Subsection P (formerly Subsection Q)~~



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

- (a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected for each FRONTAGE.

~~(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.~~

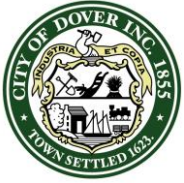
~~(v) SIGNS shall be located in front of the building occupied by the business or in front of the space occupied by the business if the business is located in a multi-tenant building.~~

~~(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 background 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.~~



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

- ~~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.~~
- ~~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.~~

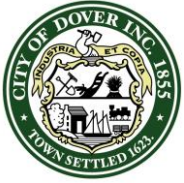
F. SIGNs permitted in B-3 Thoroughfare Business District. SIGNs shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within said premises. (See table for overview of permitted SIGNs.)

(1) FREESTANDING SIGNs

- (a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected for each FRONTAGE, provided that the BUILDING complies with applicable SETBACKs.
- (b) One (1) FREESTANDING SIGN shall be permitted for every principal entryway to a SHOPPING CENTER. Such SIGNAGE shall be a distance of five hundred (500) feet apart.

~~(2) 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, or per tenant if the PRINCIPAL BUILDING or BUILDINGS have multiple tenants.~~
- ~~(c) For temporary signs located on a City SIDEWALK or within a public right-of-way:~~



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

- ~~(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.~~

G. SIGN~~S~~ permitted in B-1 NEIGHBORHOOD Business Districts. SIGN~~S~~ 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 said premises. No SIGN shall be illuminated after 9:00 p.m. (See table for overview of permitted SIGN~~S~~.)

(1) PROJECTING SIGN~~S~~

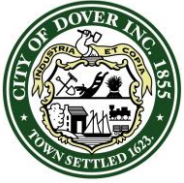
- (a) All PROJECTING SIGN~~S~~ shall only be illuminated by a constant indirect source of lighting. The lighting element shall be shielded and shall illuminate only the SIGN.

H. SIGN~~S~~ permitted in O Office District. SIGN~~S~~ shall relate only to the premises upon which they are located, identifying the occupancy of such premises or services available within said premises. No SIGN shall be illuminated after 9:00 p.m. (See table for overview of permitted SIGN~~S~~.)

- (1) SIGN~~S~~ shall only be illuminated by a constant indirect source of lighting. The lighting element shall be shielded and shall illuminate only the SIGN.

I. SIGN~~S~~ permitted in Industrial Districts I-1, I-2, and I-4. SIGN~~S~~ 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. (See table for overview of permitted SIGN~~S~~.)

(1) FREESTANDING SIGN~~S~~



CITY OF DOVER

CITY OF DOVER – ORDINANCE

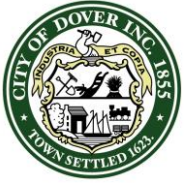
Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

- (a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected for each FRONTAGE, provided that the BUILDING complies with applicable SIGNAGE SETBACKS.
- (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.~~
- J. SIGNs permitted in ETP and B-4 Districts. 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. (See table for overview of permitted SIGNs.)
- (1) FREESTANDING SIGNs
- (a) Where a development fronts on more than one (1) public STREET or roadway, one (1) FREESTANDING SIGN shall be permitted for each FRONTAGE.
- (b) Each FREESTANDING SIGN shall not exceed sixteen (16) feet in height, except as provided for below, and shall be permanently affixed to the ground. Notwithstanding, FREESTANDING SIGNs fronting on the Spaulding Turnpike shall not exceed thirty (30) feet in height.
- (c) SIGN AREA shall not exceed sixty (60) square feet in area. Notwithstanding, a FREESTANDING SIGN fronting the Spaulding Turnpike shall not exceed one hundred (100) square feet in area.
- K. SIGNs permitted in the B-5, Commercial/Retail District 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. (See table for overview of permitted SIGNs.)
- (1) FREESTANDING SIGNs
- (a) Where a development fronts on more than one (1) public STREET, one (1) FREESTANDING SIGN shall be permitted for each FRONTAGE.
- Notwithstanding, no FREESTANDING SIGN shall be allowed on Old Rochester Road.

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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

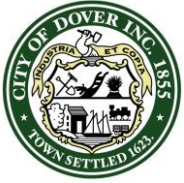
Planning Board Adopted on July 14, 2015

- ~~(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, or per tenant if the PRINCIPAL BUILDING or BUILDINGS have multiple tenants.~~
- ~~(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.~~

L. Political advertising SIGNs. Political advertising SIGNs are permitted as follows:

- (1) The provisions of this Section are in addition to the political advertising SIGN provisions of State law
- (2) The person whose name appears on political advertising SIGN, or the person providing consent to placement, is responsible for the placement of and removal of the SIGNsign.
- (3) No SIGN in any district shall be larger than sixteen (16) square feet.
- (4) Removal of a political advertising SIGN not placed or removed in accordance with State law or local ordinance shall be subject to an administrative fine as contained in the local fee schedule.

M. Obsolete SIGNs. Any SIGN which is located on property which becomes vacant and unoccupied for a period of more than six (6) months or any SIGN which pertains to a business, service activity or event which no longer applies because of discontinuance or relocation of said business, service, activity or event shall be deemed to have been abandoned, and the SIGN shall be considered obsolete. Such obsolete SIGNs are prohibited and shall be removed by the owner of the SIGN or



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

owner of the premises. In the event that the said SIGN(s) and support(s) are not removed as requested by the Zoning Administrator, the City of Dover may remove said STRUCTURE(s) and assess all costs and expenses incurred in said removal against the STRUCTURE's owners and/or the owner of the land upon which said STRUCTURE(s) is located.

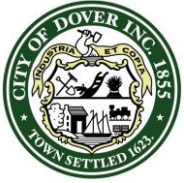
N. Nonconforming SIGNs. A SIGN installed prior to the effective date of this Section which meets the applicable requirements of the zoning code then in effect but which is not in conformance with the provisions of this code shall be deemed a permitted nonconforming SIGN if a permit is obtained for said SIGN within six (6) months after the effective date of this Section. Such nonconforming SIGN shall, however, be subject to the following regulations.

- (1) No nonconforming SIGN shall be altered in any way in STRUCTURE or material, which makes the SIGN less in compliance with the requirements of this Section than it was before the alterations.
- (2) No nonconforming SIGN shall be relocated to a position making it less compliant with the requirements of this Section.
- (3) 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.
- (4) Should a nonconforming SIGN be destroyed by any means to an extent of more than seventy-five percent (75%) of its replacement cost at the time of its destruction, it shall not be reconstructed except in conformity with the provisions of this Section.

O. Mill motif design criteria.

(1) Intent.

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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

metal, cast iron in particular, and internal lighting or use of plastics, aluminum and vinyl was nonexistent.

- (b) The use of a mill motif SIGNAGE theme is an attempt to promote a style 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:~~

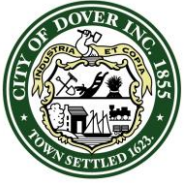
- ~~(a) The Zoning Administrator shall be responsible for the issuance of SIGN permits relative to mill motif accessory SIGNS. Application for said SIGNS shall include the following items:~~
- ~~(i) A scaled elevation drawing of the entire BUILDING façade(s).~~
 - ~~(ii) Proposed SIGN clearly delineated on the elevation drawing, plus detailed drawings indicating materials, size, colors and style of lettering, lighting and attachment method.~~
 - ~~(iii) A photograph of the BUILDING.~~
 - ~~(iv) 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 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) 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~~



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

design criteria to be followed when determining conformity with the mill motif theme. Refer to Subsection P) (4) (c) for graphic guidelines.

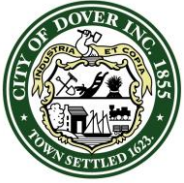
(a) Lettering.

- (i) No more than one (1) ~~lettering style~~font shall be permitted per SIGN. More than one (1) size is permitted.
- (ii) Letters may be attached to the BUILDING façade.
- (iii) Light-colored letters on a dark background are ~~preferred~~required. ~~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.,~~ 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.

(b) Color.

- (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 is limited to one (1) color.~~
- (ii) Colors used in SIGNAGE should relate to the color composition of the BUILDING material and be compatible with them.
- (iii) The determination of SIGN color must relate to the degree of contrast between the SIGN lettering and SIGN background.

(c) Lighting.



CITY OF DOVER

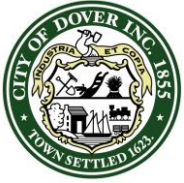
CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

- (i) Internally-lit or back-lit SIGNs are prohibited.
- (ii) Only shielded indirect light shall be permitted if lighting is used.
- (d) Materials.
 - (i) ~~The appearance of~~ Traditional materials, such as wood, glass, brass, bronze or iron, is required are preferred. 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~~
 - (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.
 - (iv) No support for a PROJECTING SIGN shall extend above the cornice line of the BUILDING to which it is attached.
- ~~(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~~



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

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.####

- (iii) Letter styles:*****

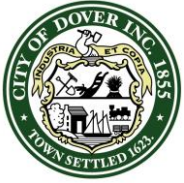
(4) Permit process

- (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 façade(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.

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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

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

P. Fees for the review of SIGNAGE are set annually and may be found in the City's Fee Schedule.

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). The following regulations shall apply:

(1) 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:

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

(i) Special events shall include sales, product promotions, business sponsored fundraisers and other similar events.

(ii) 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.

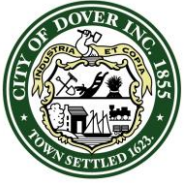
(iii) The special event SIGN shall be limited to twenty-four (24) square feet in size and shall not be placed in such a manner so as to create a traffic or safety hazard.

(iv) 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.

(v) 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.

(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:

(i) The SIGN is not located on a City SIDEWALK or within a public right-of-way.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

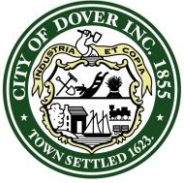
Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

- (ii) The maximum size of the SIGN is eight (8) square feet.
- (iii) 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.
- (i) 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.
- (ii) The following additional regulations shall apply to SIGNS located in the CBD-General District:

 - 1. 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.
 - 2. 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.
 - 3. The material for changeable messages shall be either chalk board or dry erase board. SIGNS with moveable slide-in plastic letters are not permitted.
 - 4. SIGNS using stencils or spray paint are not permitted.
 - 5. 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:



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

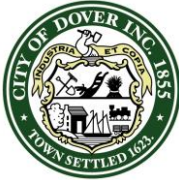
- (i) A certificate of insurance in the amount of one hundred thousand (\$100,000.00) dollars (bodily injury/property damage) shall be filed as part of the temporary sign permit application to assure sufficient liability coverage of the APPLICANT.
- (ii) A hold-harmless certification letter shall be 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.

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 eChapter:

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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

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

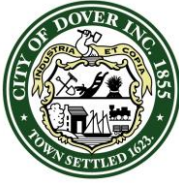
~~H. In the CBD and CWD Zoning Districts, none of the on-site parking standards shall be binding except in such cases where new construction is proposed that would create additional BUILDING square footage; and or when conversions or changes of use that would result in an increase in the number of residential units.~~

~~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:~~

- ~~(a) The APPLICANT submits an analysis justifying a request for reduced parking requirements.~~
- ~~(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.~~
- ~~(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.~~
- ~~(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.~~
- ~~(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:~~
 - ~~(i) facilitate employee/customer use of mass transit.~~
 - ~~(ii) facilitate employee/customer use of ride share/van pool program.~~
 - ~~(iii) establish Alternative work hours/flex time program.~~



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

- ~~(iv) provide incentives to encourage non-vehicular trips, i.e. pedestrian and bicycle alternatives.~~
- ~~(v) provide preferred parking for ride share/van pool participants.~~
- ~~(vi) create shuttle bus service to/from train/bus stations.~~
- ~~(vii) establish an information center to coordinate ride share/van pool efforts among separate uses within a STRUCTURE or complex.~~
- ~~(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 Strafford 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.~~

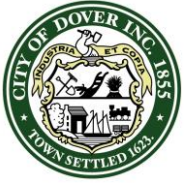
D.7. PARKING SPACES for non-residential uses and MULTI-FAMILY DWELLINGs shall have independent access to an aisle or driveway, and be accessible year round.”

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.”



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

- 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 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.”

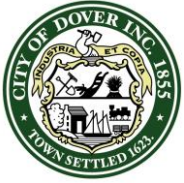
AND

“~~**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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

~~“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.”~~

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 eException. 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 eException 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:

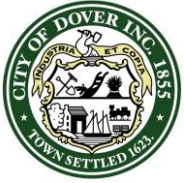
~~“D. No more than twenty-five percent (25%) of the existing net FLOOR AREA\of the principal and any accessory BUILDINGS~~ ACCESSORY STRUCTURE ~~not to exceed six hundred (600) square feet is devoted to such use.”~~

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 Section may be directed to the Zoning Board of Appeals~~ ZONING BOARD OF ADJUSTMENT ~~(as outlined in 170 – 52).”~~

AND



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

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.(1), 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~~ubsection ~~G~~ F below in return for the acquisition of land or DEVELOPMENT RIGHTS from the SENDING AREA within the same TDR DISTRICT. The performance standards for the Residential TDR DISTRICT are outlined in ~~S~~ubsection ~~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,” Subsection F.(1), 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~~ubsection ~~F~~ E above, may be counted for the OPEN SPACE requirement for a development site in a RECEIVING AREA. The amount of land preserved in a SENDING AREA shall equal or exceed the OPEN SPACE requirement for the development site, but in no case be less than one (1) acre. Notwithstanding, development sites within the I-4 and B-4 zoning districts shall maintain OPEN SPACE or landscaped area on at least ten percent (10%) of the site. The design of the development site shall locate the OPEN SPACE or landscaped area to maximize the aesthetic value of the site.”

AND

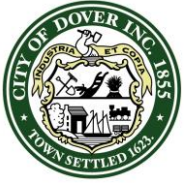
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 “Zoning Board of Adjustment,” Section C.(3)(c), to read as follows:

“(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 City 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.

TO BE REFERRED TO A PUBLIC HEARING



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

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: 07/22/2015
Approved Date: 08/12/2015 Amendment #15 only

Public Hearing Date: 08/12/2015
Effective Date:

DOCUMENT ACTIONS:

August 12, 2015:

Councilor Garrison moved for its adoption; seconded by Councilor O'Connor.

City Manager Joyal said the Council can separate the vote for the amendments, and it would take a 2/3 vote against to reject an amendment.

Councilor McManus moved to postpone the vote to allow the Council to have a workshop; seconded by Councilor Cheney.

Motion and second were withdrawn for discussion.

Mayor Weston asked if the Council could pull Amendment #15, Floodplains, and vote on it.

Councilor McManus said he would make that motion; seconded by Councilor Cheney.

Mayor Weston asked for a roll call vote on the motion.

Roll Call Vote: 9/0.

Council discussed the motion.

Mayor Weston asked for a roll call vote on the Amendment #15.

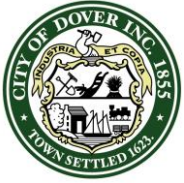
Roll Call Vote: 8/1. Councilor Cheney was opposed.

City Manager Joyal asked to clarify the original motion. He asked Councilor McManus if his motion was to pull Amendment #15 and approve it.

Councilor McManus agreed that was his intent.

Councilor McManus made a motion that the remaining Amendments be tabled to allow for a City Council Workshop; seconded by Councilor Cheney.

Vote: 5/4; Passed. Councilors Gagnon, Councilor Hooper, Councilor O'Connor, and Councilor Thibodeaux were opposed.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

VOTING RECORD

Date of Vote: August 12, 2015

YES

NO

Mayor Karen Weston

X

Deputy Mayor Robert Carrier

X

Councilor John O'Connor, Ward 1

X

Councilor William Garrison, Ward 2

X

Councilor Deborah Thibodeaux, Ward 3

X

Councilor Dorothea Hooper, Ward 4

X

Councilor Catherine Cheney, Ward 5

X

Councilor Jason Gagnon, Ward 6

X

Councilor Anthony MacManus, At Large

X

Total Votes:

8

1

Resolution does pass.

August 19, 2015:

VOTING RECORD

Date of Vote: August 19, 2015

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

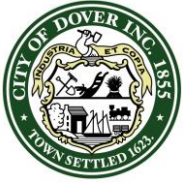
Councilor Catherine Cheney, Ward 5

Councilor Jason Gagnon, Ward 6

Councilor Anthony MacManus, At Large

Total Votes:

Ordinance does / does not pass.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

ORDINANCE BACKGROUND MATERIAL:

The amendments, which the Planning Board posted on April 28th, 2015, were drafted by staff and the Planning Board during the winter and spring of 2014/2015. The amendments are the result of a comprehensive effort by the Planning Board to involve the public in the process.

These amendments were suggested after a review of Zoning Board of Adjustment applications, the NH Office of Energy and Planning review of our Floodplain Ordinance for compliance with FEMA regulations, property owners and the Planning staff. Goals of the amendments include the protection of Dover's character, promotion of development that will have a positive tax impact, and protection of natural resources. Since some amendments affect all zoning districts in the City, a notice was sent to all property owners inviting them to a public hearings on June 9th and June 23, 2015. A further public hearing was held by the Board on July 14, 2015.

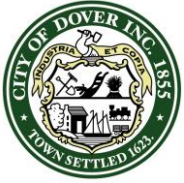
The City of Dover was awarded \$10,000 by New Hampshire Housing through a competitive grant process to examine the zoning regulations in and around Silver Street. This project became known as the "Heritage Residential District." This was completed at the request of residents who wish to have regulations which encourage the continuation of the historic character of their neighborhood.

Over the course of several months, the Planning Department and the City's consultant, Jeffrey H. Taylor and Associates, performed on the ground inventories of the neighborhood and engaged in substantial public outreach including:

- mailings to all residents, property owners and business owners within the neighborhood,
- conducting stakeholder interviews with property owners, developers, design professionals, city officials, and transportation and housing advocates,
- conducting public information sessions in April, June and July 2013 where participants were asked to share their thoughts on how the neighborhood should change over time, and
- The Planning Board held public hearings on October 14th and 28th, 2014 after having discussion about the proposed amendment over the preceding year.

New Hampshire's medical marijuana bill, HB 573, was signed into law on June 18, 2013. In short, the bill (codified at RSA 126:X) allows patients with qualifying medical conditions to register with the New Hampshire Department of Health and Human Services (HHS) to possess up to two ounces of marijuana at a time. The bill also allows HHS to register four non-profit alternative treatment centers (ATCs) to grow and sell marijuana to patients.

In considering the impact of RSA 126:X, staff recognized that unless specific zoning regulations are adopted for ATCs, a determination would need to be made by staff to fit an ATC proposal into an



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

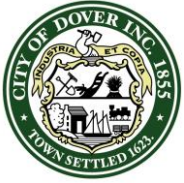
existing use category, or in the alternative, the ATC proposal could seek a variance from the Zoning Board of Adjustment. Instead, staff has worked closely with other City departments including Economic Development, Police, and Legal to craft specific regulations for ATCs so that if presented with a proposal for such a facility, the City will have regulations for these uses that serve to reasonably and effectively promote the public interest.

In incorporating existing language in Chapter 113 of the Code, staff and the Planning Board recommend rescinding that separate Chapter of the Code in its entirety.

During the July 14, 2015 meeting the Planning Board unanimously voted to approve the zoning amendments and forwarded them to the City Council. The Council may overturn the amendments with a 2/3rds vote.

The following is a list of the amendments summarized:

1. Purpose statement.
2. Amend Chapter 170-6 to clarify the definition of “Build To Line”, to account for environmental constraints.
3. Amend 170-8 to rezone 73.4 acres located along Silver St, Summer St, Fisher St, Elm St, Locust St, Spring St, Trakey St, Hamilton St, Belknap St, Cushing St, Lexington St, West Concord St, Richmond St, Washington St, and Trask Drive from Urban Density Multi-Residential (RM-U) District to Heritage Residential (HR) District and to rezone a 22.1 acre area located along Silver St, Towle Avenue, Clifford St, Fisher St, Parker St, Woodman Park Drive, Rutland St, and West Concord St from Medium-Density Residential (R-12) to Heritage Residential (HR) District, and revise Chapter 179-7 to establish the Heritage Residential (HR) District.
4. Amend Chapter 170-12 to revise the Dimensional Regulations Table 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, to allow the structure/use to be no closer than the principal structure.
5. Amend Chapter 170-12 to revise 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 that is between 15 and 25 feet.
6. Amend Chapter 170-12 to revise 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 calculation, limiting the properties used in the calculation to those within 250' of the property on the same side of the street as the property.
7. Amend Chapter 170-12 to revise the Dimensional Regulations Table in the CBD General Sub-District to replace the Principal Building front primary build-to and front secondary build-to line calculation, limiting the properties used in the calculation to those within 250' of the property on the same side of the street as the property.
8. Amend Chapter 170-12 to revise the Dimensional Regulations Table in the CBD General Sub-District to clarify the Height of Building Principal Building may not exceed 5 stories.
9. Amend Chapter 170-12 to revise the Applicability of Tables of Use and Dimensional Regulations By District, by revising the Signage Regulations Table in the CBD Downtown Gateway Sub-District



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2015.07.22 – 017**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Planning Board Adopted on July 14, 2015

to amend the freestanding signs to have a maximum size of 4 sf per tenant and to revising the Signage Regulations Table in the CBD General, Downtown Gateway, TOD and Mixed use Sub-Districts to permit temporary signs.

10. Amend Chapter 170-12 to revise the Applicability of Tables of Use and Dimensional Regulations By District, by revising the Permitted Uses Table in the CBD Downtown Gateway and Mixed Use Sub-Districts to restrict residential density to 5,000 sf of lot area per unit, 10 units max.
11. Amend Chapter 170-12 to revise the 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 allow uses of similar nature to manufacturing, assembly and repair of products.
12. Amend Chapter 170-12 to revise the Applicability of Tables of Use and Dimensional Regulations By District, by revising the Permitted Uses Table in the Hotel/Retail (B-4) District and the Rural Restricted Industrial (I-2) District to allow State Statute defined Alternative Treatment Centers.
13. Amend Chapter 170-12 to revise the Applicability of Tables of Use and Dimensional Regulations By District, by revising the Permitted Uses Table in the Mixed Use Sub-Districts to remove architectural requirements for 4 or more residential units.
14. Amend Chapter 170-28.3 to revise the boundaries of the Secondary Groundwater Protection Zones associated with the Smith, Cummings and Cotton wells, add new Groundwater Protection Zones associated with Willand Pond and update the date of the map.
15. Amend Chapter 170-7 to add a Floodplain Overlay district, and add a new Floodplain Development section to 170-25 incorporating existing language in Chapter 113 of the Code, which will be rescinded in its entirety, as well as updating the regulations as per FEMA requirements.
16. Amend Article VIII of Chapter 170 to include the term Excavations, and revise 170-30.2 to allow for biennial permitting of Excavation operations.
17. Amend Chapter 170-6 to revise the definition of “Freestanding Sign” and “Sign Area” and revise Chapter 170-32 to revise the temporary sign regulations city wide, to restrict the illumination of signs in the CBD Downtown Gateway Sub-district, clarify the permit process for sign applications, and to reduce the requirements of the mill motif in the Central Business District.
18. Amend Chapter 170-44 to remove off-street parking and loading regulations already found in Chapter 149 of the Code.
19. Amend Chapter 170-51 to allow for enforcement of the Chapter as per RSAs 31:39-d, 676:14, 676:15, 676:17, 676:17-a, and 676:17-b.
20. Amend various sections of Chapter 170 to remove clerical or scriveners’ errors.

In addition to the above, Planning Staff has provided a summary document of the amendments, the required report to the City Council and a copy of the presentation which the Planning Board held on June 9th .

To: Dover City Council
From: Christopher Parker, AICP
CC: J. Michael Joyal, City Manager
Dover Planning Board
Date: July 16, 2014
Re: Zoning Amendments

ISSUE:

On July 14, 2015, the Planning Board unanimously approved 18 amendments to the City's Zoning Ordinance, Chapter 170.

INTENT:

This memo will briefly describe the findings of the Planning Board and ensure compliance with Chapter 170-53(F) of the Code.

GOALS:

The proposed zoning amendments must meet certain criteria for the Planning Board to support their adoption. This memo reviews the report criteria laid out in Chapter 170 to explain the findings of the Planning Board.

PROCESS:

The Planning Board and staff prepared a set of amendments in response to work completed by a subcommittee reviewing the sign ordinance, Federal requirements on floodplain development, and work completed with the public on establishing an Heritage Residential District.

The Planning Board posted the amendments after consideration on April 28, 2015. It held public hearings on June 9, June 23 and July 14, 2015. The Board unanimously approved the amendments at the conclusion of the July 14th hearing and forwarded them to the City Council for ratification.

ATTACHMENTS:

- Proposed new tables
- Proposed map of ATC areas
- Proposed Groundwater Map
- Summary of amendments

As per section 170-53(F), the Planning Board shall provide to the City Council a report on each proposed amendment that has been proposed and endorsed by it. This report shall include the Board's findings and recommendations on the following:

The consistency of the proposed amendments with the Master Plan;

The 2015 update to the City's Land Use Chapter of its Master Plan is entitled "It's All About Tomorrow." This chapter emphasizes the need for new development to be in keeping with the existing conditions in a neighborhood, and promotes adaptive reuse of existing infrastructure and buildings/areas. Amendments 11 is connected with recommendation ED 1.3, which encourages looking at ways to keep industrial areas current. The remaining amendments less directly support the overall themes and vision of the 2012 Vision Chapter.

The consistency of the proposed amendment with other plans, studies, or technical reports prepared by or for the Board and the City;

The proposed amendments do not conflict with any other plans, studies or technical reports.

The effect of the proposed amendment on the City's municipal services and capital facilities as described in the Capital Improvements Program;

The proposed amendments do not conflict with the Capital Improvements Program. A review of the City's infrastructure/services indicates no adverse impact.

The effect of the proposed amendment on the natural, environment, and historical resources of the City;

In promoting contextually sensitive development, the amendments will increase the level of protection of the City's heritage and character.

The effect of the proposed amendment on neighborhood including the extent to which nonconformities will be created or eliminated;

Amendment 3 draws new district boundaries, based upon a citizen request to create a district around their neighborhood, the Zoning Ordinance will require contextually sensitive development for these areas. Existing uses were included in the new district, and dimensional regulations are consistent with the neighborhood.

A review indicates that few if any non-conformities are created as a result of these amendments. In fact, any that are created are mitigated by existing sections of the Zoning Ordinance, 170-14, 170-39, 170-40 and 170-41

The effect of the proposed amendment on the City's economy and fiscal resources; and

The Planning Board sought to create amendments which foster economic diversity and to allow for continued and sustained growth in Dover. Amendments 9, 11, 13, and 17 all promote the City's economy. Amendment 11 in particular is designed to ensure that Dover's industrial zones are up to date with modern nomenclature and trends, and encourage new industry.

The proposed amendments provide additional flexibility for temporary signs in the zoning districts where they are currently permitted. In the

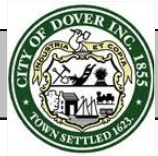
Central Business District and Cochecho Waterfront District, business owners will have more clarity of mill motif design criteria for signage.

The recommendation of the Planning Board relative to whether the proposed amendment should be adopted or rejected, and any recommendations for modifications to the proposed amendment.

The Planning Board unanimously approved the amendments and hereby submits them to the City Council for ratification.

Heritage Residential (HR) District

Adopted: 11-28-12 by Ord. No. 2014-



Permitted Uses***

- ACCESSORY DWELLING UNIT
- ADULT DAY CARE
- BED AND BREAKFAST
- CHILD CARE FACILITY
- CHILD CARE HOME
- Dwelling, 2 Family
- DWELLING, SINGLE FAMILY [3]
- Conversion of Existing Dwelling to Accommodate not more than 2 units [3]
- FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [4]
- PUBLIC RECREATION
- Public Utility [5]
- ROOMING HOUSE
- ROADSIDE FARM STAND [6]

***See reverse side for architectural standards, required for new construction and additions.

Uses Permitted by Conditional Use Permit***

- Conversion of Existing Dwelling to accommodate not more than 4 units
- Dwelling, 3 to 4 Family
- ELDERLY ASSISTED CARE HOME
- GROUP HOME FOR MINORS
- Retail Store

***See reverse side for architectural standards, required for new construction and additions.

Sign Regulations

Size	HR District
Total signs permitted	1
Total area permitted	8 sf (CUSTOMARY HOME OCCUPATION SIGN 2 sf max)
Type	
FREESTANDING	permitted (10 ft setback required)
PROJECTING	permitted
WALL/ Awning	not permitted
Temporary	not permitted

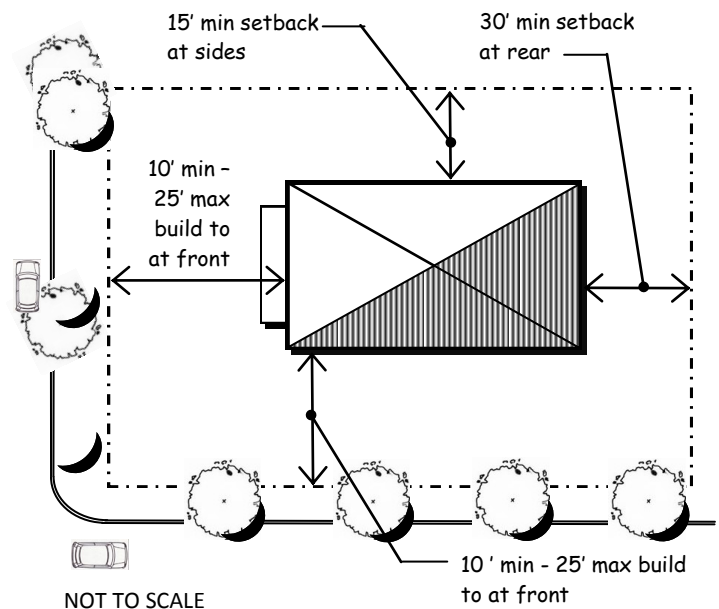
Dimensional Regulations [1] [2]

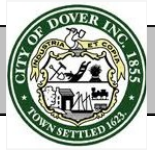
LOT	
Minimum LOT Size	10,000 sf
Maximum LOT Coverage	40%
Minimum FRONTAGE	80 ft
PRINCIPAL BUILDING	
Front BUILD TO LINE	10 ft min, 25 ft max*
Abut a Street SETBACK	10 ft min, 25 ft max*
Side SETBACK	15 ft
Rear SETBACK	30 ft
OUTBUILDING/ACCESSORY USE	
Front SETBACK	45 ft
Abut a Street SETBACK	45 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	24 ft min**, 40 ft max
OUTBUILDING	40 ft max

*Expansions to, or renovations of, existing structures have a ten (10) foot setback.

**The minimum principal building height shall not apply to additions constructed onto the rear of the principal building, provided the addition is located no closer than 45 ft from the front lot line where the addition will be closer to either side lot line than the existing principal building.

Principal Building Placement





Footnotes

- [1] Refer to 170-13 and 170-14 for exceptions to lot size, frontage and set-back requirements.
- [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required.
- [3] 2 family dwellings shall be designed to look like SINGLE FAMILY DWELLINGS (i.e. the 2 family dwelling should not look like it was designed to occupy more than one family). At a minimum, this shall mean that only one entrance shall be visible from a public street.
- [4] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met: Chickens: No more than six (6) chickens and no roosters, with three (3) square feet of chicken coop and twenty (20) square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be twenty (20) feet from any property line. Sheep or goats: one animal per 10,000 square feet of lot area, with a maximum of six (6) animals; ten (10) square feet of shelter and thirty (30) square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be thirty (30) feet from any property line.
- [5] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.
- [6] ROADSIDE FARM STANDS shall be set back a minimum of twenty (20) feet from all abutting vehicular rights-of-way. The area of any BUILDING associated with the ROADSIDE FARM STAND shall not be greater than two hundred (200) square feet in area, and shall be considered an accessory structure if a residence is also located on the property. The total of the display area, including the building, shall not exceed four hundred (400) sq. ft. Off-street parking shall be provided in the amount of one (1) off-street parking space per 250 sq. ft. of display and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.

Architectural Standards (for new construction and additions only)

The goal of the Heritage Residential District is to recognize, celebrate, and enhance the historic character of this area, in part by promoting architecture with a strong sense of place, fine detailing, quality materials, and designed with the site context and adjacent development in mind. To that end, the following standards shall apply in the Heritage Residential District:

- A. Applicants for new construction shall refer to the Dover Historic Preservation Guide (June, 1991) for examples of architecture and design that is fitting for the Heritage Residential District. This document is available for viewing on the Planning Department webpage and at the offices of the Planning Department and Inspection Services, and is intended to serve as a guide to help encourage and inspire thoughtful and attractive development.
- B. Additions to existing buildings must be designed and constructed in the same architectural style and with the same exterior materials as the existing building, and at a HEIGHT not taller than the existing building. Deviations from this requirement shall be permitted by Conditional Use Permit.

Conditional Use Permit Criteria

Conversion to, or creation of Dwelling, 3-4 Family:

Three- or four-family dwellings and conversions of existing dwellings to three (3) or four (4) units shall be subject to the following regulations:

- A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the HR District that are wholly or partly within two hundred (200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.
- B. Off-street parking, in accordance with Chapter 149, Site Review, shall be provided as to avoid vehicles backing into the street. Two (2) parking spaces per unit shall be required.
- C. Parking lots shall be at least five (5) feet from a side property line and ten (10) feet from a front property line.
- D. Parking areas shall be screened from the street and from abutting lots.
- E. Structures shall be at least twenty (20) feet from a front property line, thirty (30) feet from a rear property line and fifteen (15) from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet.

ELDERLY ASSISTED CARE FACILITY:

ELDERLY ASSISTED CARE HOME is allowed in accordance with the densities and provisions stated below:

- A. ELDERLY ASSISTED CARE HOMES larger than 6 bedrooms are permitted at a density of one bedroom per 2,500 sq. ft.
- B. Parking and service areas are screened from abutting residential uses.
- C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in Chapter 170-44 (Off Street Parking). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

GROUP HOME FOR MINORS:

GROUP HOME FOR MINORS shall be subject to the following conditions:

- A. The group home site shall be compatible with abutting uses.
- B. The group home shall be located in areas of transitional land use or mixed land uses.
- C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.
- D. Open space shall be maintained on the property in an amount comparable to the neighborhood.
- E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

NURSING HOME:

NURSING HOME is allowed in accordance with the density and provisions stated below:

- A. One unit per 2,000 sq. ft. of land.
- B. Parking and service areas must be screened from abutting residential uses.

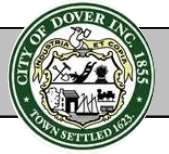
Retail Store:

Retail stores are permitted on Silver Street only and are subject to the following regulations:

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

Medium Density Residential (R-12) District

Amended: 11-28-12 by Ord. No. 2012-11.14-24



Permitted Uses

- ACCESSORY DWELLING UNIT
- ASSEMBLY HALL
- BED and BREAKFAST
- CHILD CARE FACILITY
- CONSERVATION LOT
- CHILD CARE HOME
- Conversion of Existing Dwelling to Accommodate not more than 2 units [6]
- Dwelling, 2 Family [7]
- DWELLING, SINGLE FAMILY
- EDUCATIONAL INSTITUTION, K-12
- EDUCATIONAL INSTITUTION, POST SECONDARY
- FARM [8]
- FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [9]
- OFFICE [10]
- PUBLIC RECREATION
- Public Utility [11]
- ROADSIDE FARM STAND [12]

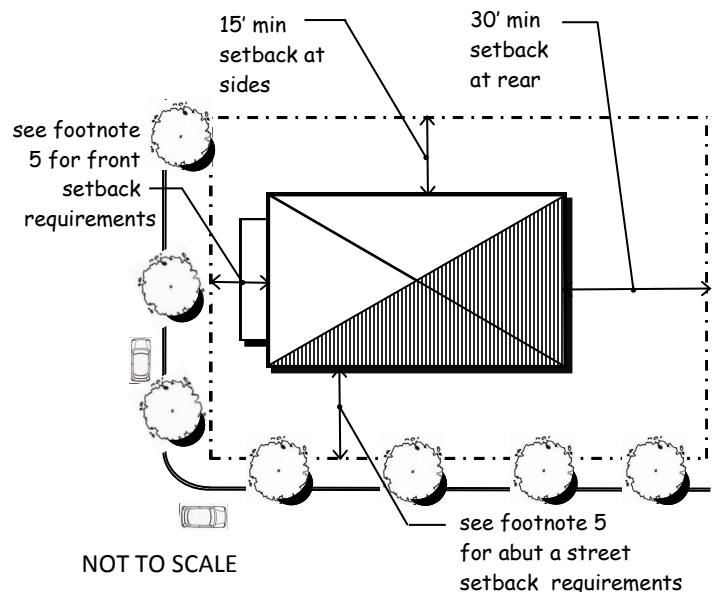
Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size [3] [4]	12,000 sf
Maximum LOT COVERAGE	30%
Minimum FRONTAGE	100 ft
PRINCIPAL BUILDING	
Front SETBACK BUILD TO LINE	15 ft min, 25 ft max [5]
Abut a Street SETBACK BUILD TO LINE	15 ft min, 25 ft max [5]
Side SETBACK	15 ft
Rear SETBACK	30 ft
OUTBUILDING/ACCESSORY USE	
Front SETBACK	[5] No closer than the principal BUILDING
Abut a Street SETBACK	[5] No closer than the principal
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	35 ft max
OUTBUILDING	35 ft max

Uses Permitted by Special Exception

- ELDERLY ASSISTED CARE HOME

Principal Building Placement



Sign Regulations

Size	R-12 District
Total SIGNS permitted	1
Total area permitted	16 sf (CUSTOMARY HOME OCCUPATION SIGN max 2 sf, development identification sign 20 sf max)
Type	
FREESTANDING	permitted (10 ft setback required)
PROJECTING	permitted
WALL/ Awning	not permitted
Temporary	not permitted



Footnotes

- [1] In the case of an Open Space Subdivision, in accordance with Article IV of Chapter 155 of the Code of Dover, the dimensional requirements shall be as specified in 155-22 of the Code of the City of Dover, 1983. [Added 6-10-87 by Ord. No. 13-87]
- [2] Refer to 170-13 and 170-14 for exceptions to lot size, frontage and setback requirements.
- [3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required.
- [4] Refer to Chapter 155, Subdivision of Land, Article IV for the minimum lot size for a major Subdivision. Any major subdivision in an R-12 district, must follow the procedures for an OSS if the original lot meets the minimum lot size required. [Amended 1-22-2003 by Ord. No. 35]
- [5] ~~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] Any dwelling unit existing on or before May 27, 1964, may be converted, provided that the lot shall contain at least four thousand (4,000) square feet per dwelling unit and a minimum floor area of five hundred (500) square feet per dwelling unit.
- [7] Two family dwellings are permitted in the R-12 Districts when incorporated in an open space subdivision and comply with all regulations specified in Chapter 155, Subdivision of Land, Article IV, Open Space Subdivisions, of the Code of the City of Dover, 1983. [Added 9-14-88 by Ord No. 13-88] [Amended 1-15-03 by Ord No. 35-11]
- [8] Shall not include the raising and sale of FARM ANIMALS; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of fresh water fish or other aquaculture products; and/or the breeding of poultry or game birds.
- [9] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met: Chickens: No more than six (6) chickens and no roosters, with three (3) square feet of chicken coop and twenty (20) square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be twenty (20) feet from any property line. Sheep or goats: one animal per 10,000 square feet of lot area, with a maximum of six (6) animals; ten (10) square feet of shelter and thirty (30) square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be thirty (30) feet from any property line. [Amended 12-08-10 by Ord. No. 2010-10.27-13]
- [10] Permitted only if operated as a CUSTOMARY HOME OCCUPATION (Refer to definition in 170-6B).
- [11] The Utility Facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within. [Amended 10-28-88 by Ord. No. 18-88]
- [12] ROADSIDE FARM STANDS shall be set back a minimum of twenty (20) feet from all abutting vehicular rights-of-way. The area of any BUILDING associated with the ROADSIDE FARM STAND shall not be greater than two hundred (200) square feet in area, and shall be considered an accessory structure if a residence is also located on the property. The total of the display area, including the building, shall not exceed four hundred (400) sq. ft. Off-street parking shall be provided in the amount of one (1) off-street parking space per 250 sq. ft. of display and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases."

Special Exception Criteria (see 170-52(C)(3) for additional regulations)

ELDERLY ASSISTED CARE HOME [Added 09-15-93 by Ord. No. 19-93]:

ELDERLY ASSISTED CARE HOME is allowed by Special Exception in accordance with the densities and provisions stated below:

- A. ELDERLY ASSISTED CARE HOME Is larger than 6 bedrooms shall meet the following density requirements: In the R-12 District at a density of one bedroom per 3,000 sq. ft.
- B. Provided that parking and service areas are screened from abutting residential uses.
- C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in Chapter 170-44 (Off Street Parking). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure. [Added 01-22-03 by Ord. No. 35-02]

Low Density Residential (R-20) District

Amended: 11-28-12 by Ord. No. 2012-11.14-24



Permitted Uses

- ACCESSORY DWELLING UNIT
- ADULT DAY CARE [5]
- ASSEMBLY HALL
- Bank [5]
- Beauty and Barber Shop [5]
- BED and BREAKFAST
- CHILD CARE FACILITY
- CHILD CARE HOME
- CONSERVATION LOT
- Conversion of Existing Dwelling to Accommodate not more than 2 units [5]
- Dwelling, 2 Family [6]
- Dwelling, 3 To 4 family [7]
- DWELLING, SINGLE FAMILY
- EDUCATIONAL INSTITUTION, K-12
- FARM [8]
- FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [9]
- OFFICE [10] [5]
- PERSONAL SERVICE ESTABLISHMENT [5]
- PUBLIC RECREATION
- Public Utility [11]
- Retail Sale of Agricultural or Farm Products Raised on Site
- ROADSIDE FARM STAND [12]
- Theater [5]
- Veterinary Office, Animal Hospital or KENNEL [13]

Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size [3]	20,000 sf
Maximum LOT COVERAGE	30%
Minimum FRONTAGE	125 ft
PRINCIPAL BUILDING	
Front BUILD TO LINE	20 ft min, 35 ft max*
Abut a Street BUILD TO LINE	20 ft min, 35 ft max*
Side SETBACK	20 ft
Rear SETBACK	30 ft
OUTBUILDING/ACCESSORY USE	
Front BUILD TO LINE SETBACK	20 ft min, 35 ft max*—No closer than the principal BUILDING or 35 feet whichever is less
Abut a Street BUILD TO LINE SETBACK	20 ft min, 35 ft max*—No closer than the principal BUILDING or 35 feet whichever is less
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	35 ft max
OUTBUILDING	35 ft max

*Expanding or renovations of, existing structures have a twenty (20) foot setback.

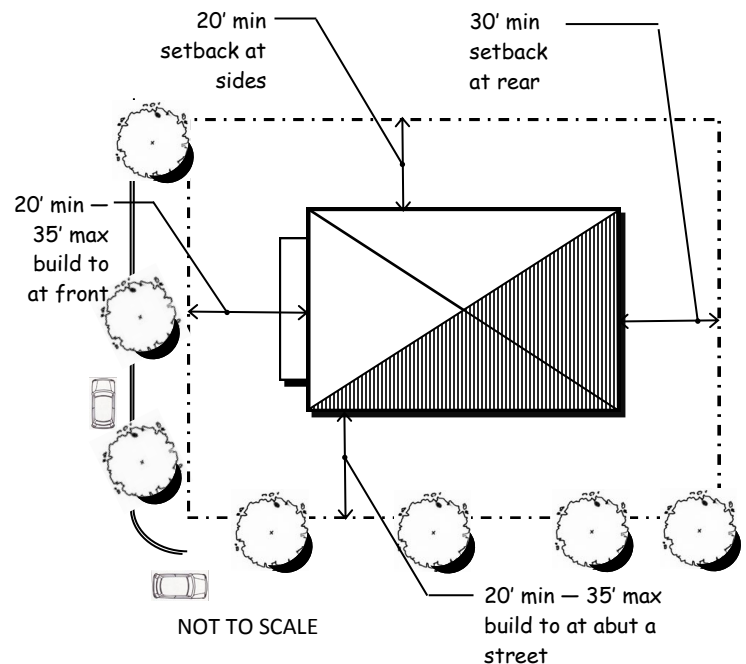
Uses Permitted by Special Exception

- ASSISTED LIVING FACILITY
- CONGREGATE CARE FACILITY
- CONTINUING CARE COMMUNITY FACILITY
- EDUCATIONAL INSTITUTION, POST SECONDARY
- ELDERLY ASSISTED CARE HOME
- Helicopter Take Offs & Landings
- NURSING HOME

Sign Regulations

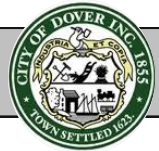
Size	R-20 District
Total signs permitted	1
Total area permitted	16 sf (CUSTOMARY HOME OCCUPATION SIGN 2 sf max, development identification SIGN 20 sf max)
Type	
FREESTANDING	permitted (10 ft SETBACK required)
PROJECTING	permitted
WALL/ Awning	not permitted
Temporary	not permitted

Principal Building Placement



Low Density Residential (R-20) District

Amended: 11-28-12 by Ord. No. 2012-11.14-24



Footnotes

- [1] In the case of an Open Space Subdivision, in accordance with Article IV of Chapter 155 of the Code of Dover, the dimensional requirements shall be as specified in 155-22 of the Code of the City of Dover, 1983. [Added 6-10-87 by Ord. No. 13-87]
- [2] Refer to 170-13 and 170-14 for exceptions to lot size, frontage and setback requirements.
- [3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required.
- [4] Refer to Chapter 155, Subdivision of Land, Article IV for the minimum lot size for a major Subdivision. Any major subdivision in an R-20 district, must follow the procedures for an OSS if the original lot meets the minimum lot size required. [Amended 1-22-2003 by Ord. No. 35]
- [5] Use is allowed as a commercial component to an Open Space Subdivision. (See 155.22 section 7). [Added 1-22-2003 by Ord. No. 35].
- [6] Any dwelling unit existing on or before May 27, 1964, may be converted, provided that the lot shall contain at least four thousand (4,000) square feet per dwelling unit and a minimum floor area of five hundred (500) square feet per dwelling unit.
- [7] Use is allowed when included within an Open Space Subdivision with commercial components. (See 155.22 section 7). [Added 1-22-2003 by Ord. No. 35].
- [8] FARM ANIMALS permitted, provided that the tract upon which such animals are kept shall support a minimum land area of one hundred thousand (100,000) square feet. In no instance shall the shelters and pens or runs used to contain said animals be closer than one hundred (100) feet from any property boundary.
- [9] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met: Chickens: No more than six (6) chickens and no roosters, with three (3) square feet of chicken coop and twenty (20) square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be twenty (20) feet from any property line. Sheep or goats: one animal per 10,000 square feet of lot area, with a maximum of six (6) animals; ten (10) square feet of shelter and thirty (30) square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be thirty (30) feet from any property line. [Amended 12-08-10 by Ord. No. 2010-10.27-13]
- [10] Permitted only if operated as a customary home occupation (Refer to definition in 170-6B).
- [11] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within. [Amended 10-28-88 by Ord. No. 18-88]
- [12] ROADSIDE FARM STANDS shall be set back a minimum of twenty (20) feet from all abutting vehicular rights-of-way. The area of any BUILDING associated with the ROADSIDE FARM STAND shall not be greater than two hundred (200) square feet in area, and shall be considered an accessory structure if a residence is also located on the property. The total of the display area and BUILDING area shall not exceed six hundred (600) square feet. Off-street parking shall be provided in the amount of one (1) off-street parking space per 250 sq. ft. of display and BUILDING area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.
- [13] Veterinary Office, Animal Hospital uses are allowed as a commercial com-

ponent to an Open Space Subdivision. (See 155.22 section 7) [Added 1-22-2003 by Ord. No. 35]. Shelters and runs used to house and/or contain animals shall be no closer than one hundred (100) feet from any property line and must support a minimum tract size of one hundred thousand (100,000) square feet.

Special Exception Criteria (see 170-52(C)(3) for additional regulations)

ASSISTED LIVING FACILITY:

- A. The facility shall be serviced by municipal sewer.
- B. The density per unit requirement is 5,000 square feet of lot area in the R-20 District.
- C. Parking lots and service areas are screened from abutting residential uses.
- D. The facility shall obtain a license from the State of New Hampshire.

CONGREGATE CARE FACILITY [Added 09-15-93 by Ord. No. 19-93]:

CONGREGATE CARE FACILITY is allowed as a Special Exception in accordance with the density and provisions stated below:

- A. In the R-20 District at one unit per 5,000 sq. ft. of land;
- B. Provided that parking and service areas are screened from abutting residential uses.

CONTINUING CARE COMMUNITY FACILITY:

- A. The facility shall be serviced by municipal sewer.
- B. The density per unit requirement is 5,000 square feet of lot area in the R-20 District.
- C. Parking lots and service areas are screened from abutting residential uses.
- D. The facility shall obtain a license from the State of New Hampshire.

ELDERLY ASSISTED CARE HOME [Added 09-15-93 by Ord. No. 19-93]: ELDERLY ASSISTED CARE HOME is allowed by Special Exception in accordance with the densities and provisions stated below:

- A. ELDERLY ASSISTED CARE HOME is larger than 6 bedrooms shall meet the following density requirements: In the R-20 District at a density of one bedroom per 5,000 sq. ft.
- B. Provided that parking and service areas are screened from abutting residential uses.
- C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in Chapter 170-44 (OFF STREET PARKING). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure. [Added 01-22-03 by Ord. No. 35-02]

Helicopter Take-offs and Landings: Helicopter Take-offs and Landings are allowed as a special exception subject to the following conditions:

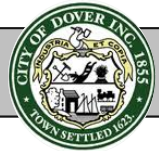
- A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
- B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
- C. The facility shall be accessory to the principal use located on the lot.
- D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.
- E. The conditions for granting a Special Exception, contained in Chapter 170-52-C(3), must also be satisfied.

NURSING HOME [Added 09-15-93 by Ord. No. 19-93]: NURSING HOME is allowed as a Special Exception in accordance with the density and provisions stated below:

- A. In the R-20 District at one unit per 5,000 sq. ft. of land;
- B. Provided that parking and service areas are screened from abutting residential uses.

Urban Density Multi Residential (RM-U) District

Amended: 11-28-12 by Ord. No. 2012-11.14-24



Permitted Uses

- ACCESSORY DWELLING UNIT
- ADULT DAY CARE
- ASSEMBLY HALL
- CHILD CARE FACILITY
- CHILD CARE HOME
- CONSERVATION LOT
- Conversion of Existing Dwelling to Accommodate not more than 2 units [4]
- Dwelling, 2 Family
- DWELLING, SINGLE FAMILY
- EDUCATIONAL INSTITUTION, K-12
- FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [5]
- Funeral Parlor
- OFFICE [6]
- PUBLIC RECREATION
- Public Utility [7]
- ROOMING HOUSE

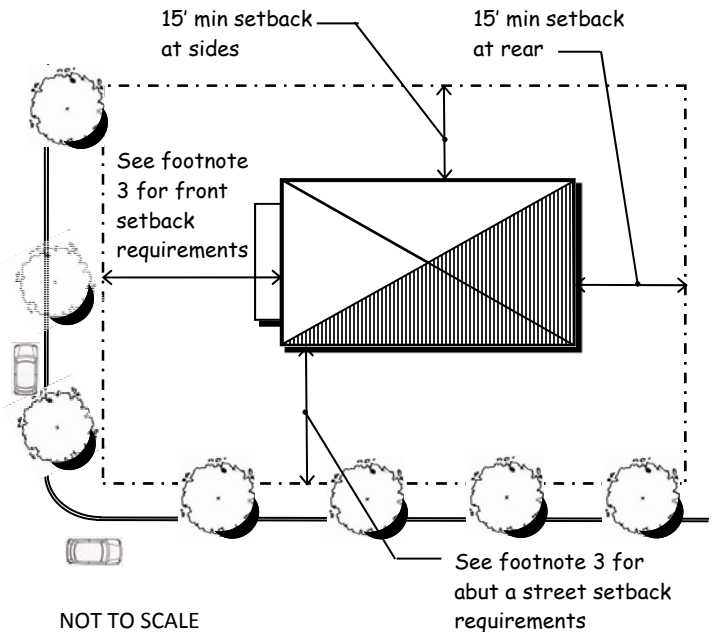
Uses Permitted by Special Exception

- ASSISTED LIVING FACILITY
- Beauty and barbershop
- CONGREGATE CARE FACILITY
- CONTINUING CARE COMMUNITY FACILITY
- Conversion of Existing Dwelling to accommodate not more than 4 units
- Dwelling, 3 to 4 Family
- ELDERLY ASSISTED CARE HOME
- GROUP HOME FOR MINORS
- NURSING HOME
- Retail Store

Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size	10,000 sf
Maximum LOT Coverage	40%
Minimum FRONTAGE	80 ft
PRINCIPAL BUILDING	
Front SETBACK	[3]
Abut a Street SETBACK	[3]
Side SETBACK	15 ft
Rear SETBACK	15 ft
OUTBUILDING/ACCESSORY USE	
Front SETBACK	[3] No closer than the principal BUILDING
Abut a Street SETBACK	[3] No closer than the principal BUILDING
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	40 ft max
OUTBUILDING	40 ft max

Principal Building Placement



Sign Regulations

Size	RM-U District
Total signs permitted	1
Total area permitted	16 sf (CUSTOMARY HOME OCCUPATION SIGN 2 sf max, development identification sign 20 sf max)
Type	
FREESTANDING	permitted (10 ft setback required)
PROJECTING	permitted
WALL/ Awning	not permitted
Temporary	not permitted



Footnotes

- [1] Refer to 170-13 and 170-14 for exceptions to lot size, frontage and setback requirements.
- [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required.
- ~~[3] The front setback and about 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. 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.~~
- [4] Provided that the lot contains at least two thousand (2,000) square feet for each dwelling unit plus an additional five hundred (500) square feet for every bedroom contained in such multiunit residence. A maximum of four (4) units per lot is allowed.
- [5] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met: Chickens: No more than six (6) chickens and no roosters, with three (3) square feet of chicken coop and twenty (20) square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be twenty (20) feet from any property line. Sheep or goats: one animal per 10,000 square feet of lot area, with a maximum of six (6) animals; ten (10) square feet of shelter and thirty (30) square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be thirty (30) feet from any property line. [Amended 12-08-10 by Ord. No. 2010-10.27-13]
- [6] Permitted only if operated as a customary home occupation (Refer to definition in 170-6B).
- [7] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within. [Amended 10-28-88 by Ord. No. 18-88]

Special Exception Criteria (see 170-52(C)(3) for additional regulations)

ASSISTED LIVING FACILITY:

- A. The facility shall be serviced by municipal sewer.
- B. The density per unit requirement is 2,500 square feet of lot area in the RM-U District.
- C. Parking lots and service areas are screened from abutting residential uses.
- D. The facility shall obtain a license from the State of New Hampshire.

Barber and Beauty Shops: Barber and beauty shops shall be subject to the following regulations:

- A. No more than one (1) operator's chair is permitted.
- B. No assistants are to be employed.
- C. All operators are to be members of the immediate family who reside in the home.
- D. All such uses shall conform to the regulations governing customary home

occupations in 170-18.

CONGREGATE CARE FACILITY [Added 09-15-93 by Ord. No. 19-93]:

CONGREGATE CARE FACILITY is allowed as a Special Exception in accordance with the density and provisions stated below:

- A. In the RM-U District at one unit per 2,500 sq. ft. of land;
- B. Provided that parking and service areas are screened from abutting residential uses.

CONTINUING CARE COMMUNITY FACILITY:

- A. The facility shall be serviced by municipal sewer.
- B. The density per unit requirement is 5,000 square feet of lot area in the R-20 District.
- C. Parking lots and service areas are screened from abutting residential uses.
- D. The facility shall obtain a license from the State of New Hampshire.

Conversion to, or creation of Dwelling, 3-4 Family.[Added 3-25-87 by Ord. No. 6-87]: Three- or four-family dwellings and conversions of existing dwellings to three (3) or four (4) units shall be subject to the following regulations:

- A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the RM-U District that are wholly or partly within two hundred (200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.
- B. Off-street parking, in accordance with Chapter 149, Site Review, shall be provided as to avoid vehicles backing into the street. Two (2) parking spaces per unit shall be required.
- C. Parking lots shall be at least five (5) feet from a side property line and ten (10) feet from a front property line.
- D. Parking areas shall be screened from the street and from abutting lots.
- E. Structures shall be at least twenty (20) feet from a front property line, fifteen (15) feet from a rear property line and fifteen (15) from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet.

ELDERLY ASSISTED CARE FACILITY [Added 09-15-93 by Ord. No. 19-93]:

ELDERLY ASSISTED CARE HOME is allowed by Special Exception in accordance with the densities and provisions stated below:

- A. ELDERLY ASSISTED CARE HOMES larger than 6 bedrooms shall meet the following density requirements: In the RM-U District at a density of one bedroom per 2,500 sq. ft.
- B. Provided that parking and service areas are screened from abutting residential uses.
- C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in Chapter 170-44 (Off Street Parking). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure. [Added 01-22-03 by Ord. No. 35-02]

GROUP HOME FOR MINORS [Added 09-01-93 by Ord. No. 20-93]:

GROUP HOME FOR MINORS shall be subject to the following conditions:

- A. The group home site shall be compatible with abutting uses.
- B. The group home shall be located in areas of transitional land use or mixed land uses.
- C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.
- D. Open space shall be maintained on the property in an amount comparable to the neighborhood.
- E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

NURSING HOME [Added 09-15-93 by Ord. No. 19-93]:

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

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

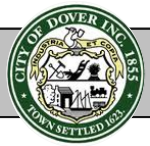
Retail Store [Added 12-08-10 by Ord. No. 2010-10.27-13]:

A Retail Store shall be subject to the following regulations:

- A. The store shall contribute to a NEIGHBORHOOD feel and be pedestrian friendly.

Restricted Industrial (I-1) District

Amended: 11-28-12 by Ord. No. 2012-11.14-24



Permitted Uses [4]

- CHILD CARE FACILITY
- COMMERCIAL PARKING FACILITY
- Establishments for the manufacture assembly, services and repair of the products listed below and other uses of a similar nature:
 - ◊ Drugs
 - ◊ Office, computing and accounting machines
 - ◊ Radio and television receiving equipment
 - ◊ Communication equipment
 - ◊ Electronic components and Engineering, laboratory, scientific and research instruments and associated equipment
 - ◊ Measuring and controlling instruments
 - ◊ Optical instruments and lenses
 - ◊ Surgical, medical and dental instruments and supplies
 - ◊ Photographic equipment and supplies
 - ◊ Electrotherapeutic, electro-medical and X-ray apparatus
- FARM
- Fuel, Oil, or Gas Storage
- Helicopter Take Offs & Landings [6]
- HOTEL/MOTEL
- LIGHT INDUSTRY
- Liquor Store
- New Car Sales
- OFFICE
- Open Storage [5]
- PERSONAL SERVICE ESTABLISHMENT
- PUBLIC RECREATION
- Public Utility
- PUBLISHING FACILITY
- Retail Sale of Agricultural or Farm Products Raised on Site
- Trucking Terminal
- Veterinary Office, Animal Hospital or KENNEL
- WAREHOUSING
- WHOLESALING

Uses Permitted by Special Exception

- AUTO SERVICE
- VEHICLE REFUELING AND RECHARGING STATION

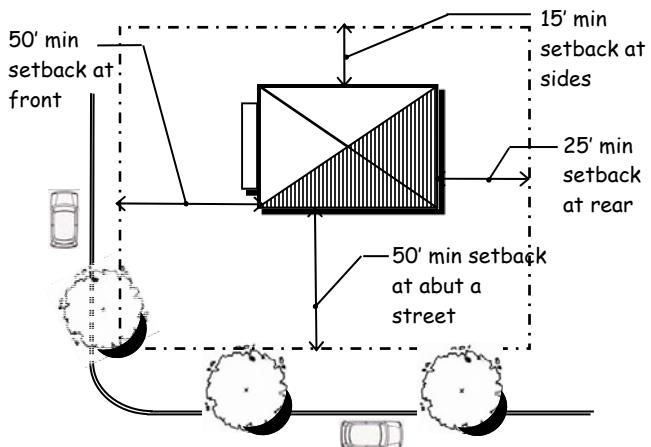
Sign Regulations

Size	I-1 District
Total SIGNS permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each 100 sf of leased space; if less than 700 sf of leased space, then 6 sf max
Type	
FREESTANDING	permitted, provided that the principal building is set back at least 35 ft. (max ht 30 ft, max size 100 sf)
PROJECTING	permitted
WALL/ Awning	permitted
Temporary	not permitted

Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size	40,000 sf
Maximum LOT COVERAGE	50%
Minimum FRONTAGE	150 ft
PRINCIPAL BUILDING	
Front SETBACK	50 ft
Abut a Street SETBACK	50 ft
Side SETBACK	15 ft
Rear SETBACK	25 ft
OUTBUILDING/ACCESSORY USE	
Front SETBACK	50 ft
Abut a Street SETBACK	50 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING [3]	50 ft max
OUTBUILDING	40 ft max

Principal Building Placement



NOT TO SCALE



Footnotes

- [1] Refer to 170-13 and 170-14 for exceptions to lot size, frontage and setback requirements.
- [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required.
- [3] The maximum building heights may be increased to seventy-five (75') feet in the Industrial Districts provided the following conditions are met:
 - A. The additional building height above fifty (50') feet is necessary to meet an industrial function.
 - B. The building is located a minimum of 150 feet from a Residential District.
 - C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.
 - D. The building is for a use permitted in the I-1, I-2 or I-4 Zones. [Amended 09-16-92 by Ord. No. 23-92]
- [4] See 170-19 Flexible Zoning in the I-1 District, for more uses.
- [5] Provided that safety precautions be implemented so to prevent the endangerment of people and property adjacent to said storage. Screening, of at least six (6) feet in height, of all open storage shall be accomplished through use of a fence, wall or vegetal (evergreens) material.
- [6] Helicopter take offs and landings are allowed subject to the following conditions:
 - A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
 - B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
 - C. The facility shall be accessory to the principal use located on the lot.
 - D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

Special Exception Criteria (see 170-52(C)(3) for additional regulations)

VEHICLE REFUELING AND RECHARGING and AUTO SERVICE STATIONS:

- A. The use of land for a VEHICLE REFUELING AND RECHARGING and AUTO SERVICE STATION may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any VEHICLE REFUELING AND RECHARGING and AUTO SERVICE STATION which discontinues operations for a period in excess of ninety (90) days shall be required to file a new application for a special exception with the Zoning Board of Adjustment. Such conditions may include but need not be limited to the provision of adequate and properly maintained screening around land so used.
- B. The minimum lot size shall be sixty thousand (60,000) square feet, the minimum lot width shall be one hundred fifty (150) feet. Twenty-five percent (25%) of the subject parcel shall be open/green space. The total permitted sign area shall not exceed one hundred (100) square feet.

Rural Restricted Industrial (I-2) District

Amended: 11-28-12 by Ord. No. 2012-11.14-24



Permitted Uses

- CHILD CARE FACILITY
- Clinic
- COMMERCIAL PARKING FACILITY
- COMMERCIAL RECREATION
- Eating and Drinking Establishment [5]
- EDUCATIONAL INSTITUTION, POST-SECONDARY
- Establishments for the manufacture assembly, services and repair of the products listed below and other uses of a similar nature:
 - ◊ Drugs
 - ◊ Office, computing and accounting machines
 - ◊ Radio and television receiving equipment
 - ◊ Communication equipment
 - ◊ Electronic components and Engineering, laboratory, scientific and research instruments and associated equipment
 - ◊ Measuring and controlling instruments
 - ◊ Optical instruments and lenses
 - ◊ Surgical, medical and dental instruments and supplies
 - ◊ Photographic equipment and supplies
 - ◊ Electrotherapeutic, electro-medical and X-ray apparatus
- FARM [6]
- Fuel, Oil, or Gas Storage
- Helicopter Take Offs & Landings [7]
- HOTEL/MOTEL
- Industry
- LIGHT INDUSTRY
- Liquor Store
- New Car Sales
- OFFICE
- Open Storage [8]
- PERSONAL SERVICE ESTABLISHMENT
- Public Utility
- PUBLISHING FACILITY
- Retail Sale of Agricultural or Farm Products Raised on Site
- Trucking Terminal
- WAREHOUSING
- WHOLESALING

Uses Permitted by Special Exception

- AUTO SERVICE
- VEHICLE REFUELING AND RECHARGING STATION

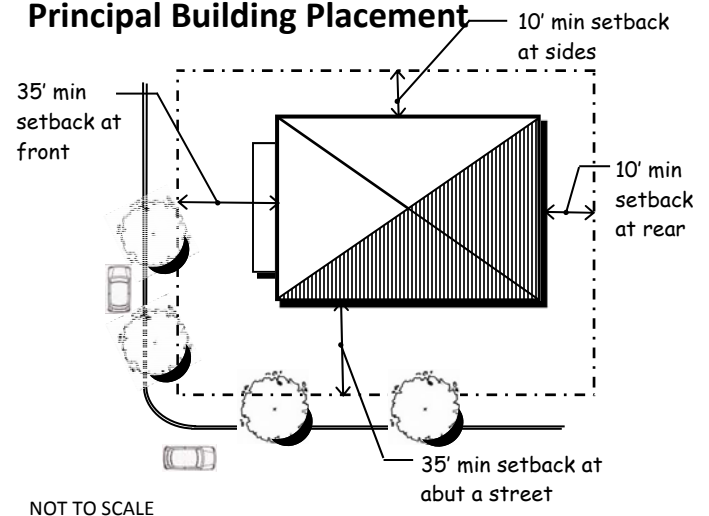
Uses Permitted by Conditional Use

- Alternative Treatment Center

Dimensional Regulations [1] [2]

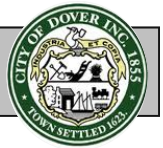
LOT	
Minimum LOT Size	20,000 sf
Maximum LOT COVERAGE	50%
Minimum FRONTAGE	100 ft
PRINCIPAL BUILDING	
Front SETBACK [3]	35 ft
Abut a Street SETBACK	35 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
OUTBUILDING/ACCESSORY USE	
Front SETBACK	35 ft
Abut a Street SETBACK	35 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
BUILDING HEIGHT	
PRINCIPAL BUILDING [4]	50 ft max
OUTBUILDING/ACCESSORY USE	40 ft max

Principal Building Placement



Sign Regulations

Size	I-2 District
Total SIGNS permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each 100 sf of leased space (if less than 700 sf of leased space, then 6 sf max)
Type	
FREESTANDING	permitted, provided that the principal building is set back at least 35 ft (max size 100 sf, max ht 30 ft)
PROJECTING	permitted
WALL/ Awning	permitted
Temporary	not permitted



Footnotes

- [1] Refer to 170-13 and 170-14 for exceptions to lot size, frontage and setback requirements.
- [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required.
- [3] Except where parcels front Littleworth and Knox Marsh Roads, the front setback shall be 50 feet.
- [4] The maximum building heights may be increased to seventy-five (75') feet in the Industrial Districts provided the following conditions are met:
 - A. The additional building height above fifty (50') feet is necessary to meet an industrial function.
 - B. The building is located a minimum of 150 feet from a Residential District.
 - C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.
 - D. The building is for a use permitted in the I-1, I-2 or I-4 Zones. [Amended 09-16-92 by Ord. No. 23-92]
- [5] If the eating and drinking establishment has drive-in services, said service shall be setback either 50' from a residential abutting lot line, or 100' from the abutting residential structure whichever is greater. [Added 1-22-2003 by Ord. No. 35]
- [6] Shall not include the raising and sale of FARM ANIMALS; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of fresh water fish or other aquaculture products; and/or the breeding of poultry or game birds.
- [7] Helicopter take offs and landings are allowed subject to the following conditions:
 - A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
 - B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
 - C. The facility shall be accessory to the principal use located on the lot.
 - D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.
- [8] Provided that safety precautions be implemented so to prevent the endangerment of people and property adjacent to said storage.

Screening, of at least six (6) feet in height, of all open storage shall be accomplished through use of a fence, wall or vegetal (evergreens) material.

Special Exception Criteria (see 170-52(C)(3) for additional regulations)

VEHICLE REFUELING AND RECHARGING and AUTO SERVICE STATIONS:

- A. The use of land for a VEHICLE REFUELING AND RECHARGING and AUTO SERVICE STATION may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any VEHICLE REFUELING AND RECHARGING and AUTO SERVICE STATION which discontinues operations for a period in excess of ninety (90) days shall be required to file a new application for a special exception with the Zoning Board of Adjustment. Such conditions may include but need not be limited to the provision of adequate and properly maintained screening around land so used.
- B. The minimum lot size shall be sixty thousand (60,000) square feet, the minimum lot width shall be one hundred fifty (150) feet. Twenty-five percent (25%) of the subject parcel shall be open/green space. The total permitted sign area shall not exceed one hundred (100) square feet.

Conditional Use Permit Criteria

- 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. The APPLICANT shall provide a detailed narrative and floor plan, as well as any other relevant documentation, describing how the Alternative Treatment Center shall be secured. The security plan must take into account the measures that will be taken to ensure the safe delivery of any product to the facility (including permitted times for delivery), how the product will be secured on site, and how patient transactions will be facilitated in order to ensure safety. The security plan shall be reviewed and approved by the City of Dover Police Department.
- F. The use of cannabis on the premises is prohibited.
- G. The Alternative Treatment Center shall emit no cannabis related fumes, vapors or odors which can be smelled or otherwise perceived from beyond the LOT LINES of the property where the facility is located.

Assembly and Office (I-4) District

Amended: 11-28-12 by Ord. No. 2012-11.14-24



Permitted Uses

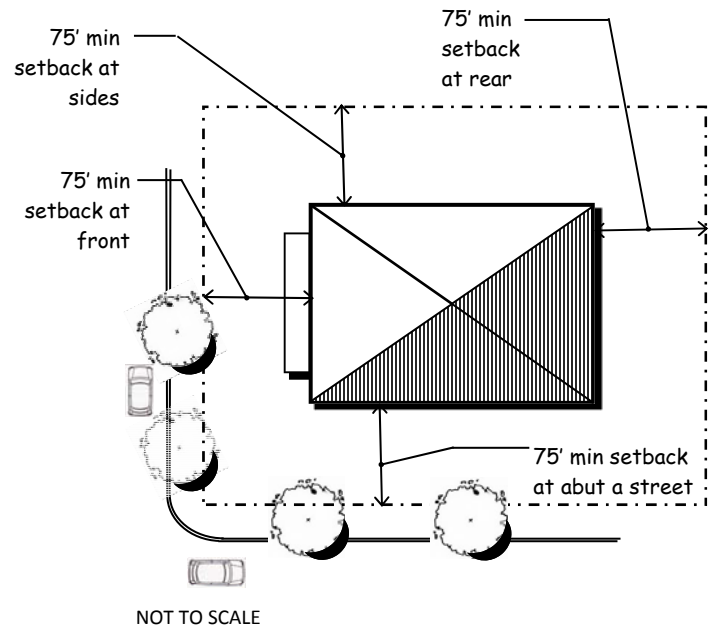
- CHILD CARE FACILITY
- Computer and data processing
- Establishments for the manufacture assembly, services and repair of the products listed below and other uses of a similar nature:
 - ◊ Drugs
 - ◊ Office, computing and accounting machines
 - ◊ Radio and television receiving equipment Communication equipment
 - ◊ Electronic components and Engineering, laboratory, scientific and research instruments and associated equipment
 - ◊ Measuring and controlling instruments
 - ◊ Optical instruments and lenses
 - ◊ Surgical, medical and dental instruments and supplies
 - ◊ Photographic equipment and supplies
 - ◊ Electrotherapeutic, electro-medical and X-ray apparatus
- EXCAVATION
- FARM [6]
- Helicopter Take Offs & Landings [7]
- Laboratories (scientific, medical chemical) and testing facilities devoted to experimental production, research, product development or similar activity
- OFFICE
- Public Utility [8]
- PUBLISHING FACILITY
- Retail Sale of Agricultural or Farm Products Raised on Site
- Veterinary Office, Animal Hospital or KENNEL [9]
- WAREHOUSING
- WHOLESALING

Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size	5 acres
Maximum LOT COVERAGE [3]	33%
Minimum FRONTAGE	400 ft
PRINCIPAL BUILDING	
Front SETBACK [4]	75 ft
Abut a Street SETBACK	75 ft
Side SETBACK	75 ft
Rear SETBACK	75 ft
OUTBUILDING/ACCESSORY USE*	
Front SETBACK	75 ft
Abut a Street SETBACK	75 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING [5]	40 ft max
OUTBUILDING	55 ft max

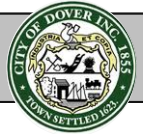
*Parking areas shall be set back at least twenty-five (25) feet from property lines. [Added 7-8-87 by Ord. No. 15-87]

Principal Building Placement



Sign Regulations

Size	I-4 District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each lineal foot of business FRONTAGE (see 170-32 for regulations for businesses bordering the Spaulding Turnpike)
Type	
FREESTANDING	permitted, provided that the principal building is setback at least 35 ft (max ht 30 ft, max size 100 sf)
PROJECTING	permitted
WALL/ Awning	permitted
Temporary	not permitted

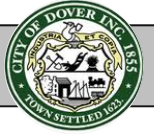


Footnotes

- [1] Refer to 170-13 and 170-14 for exceptions to lot size, frontage and setback requirements.
- [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required.
- [3] At least thirty-three percent (33%) of the site shall be maintained as open space, either landscaped or left natural. A maximum of thirty-three percent (33%) of the site can be covered by buildings. [Added 10-26-88 by Ord. No. 18-88]
- [4] Buildings shall be at least one hundred fifty (150) feet from all residential structures that exist on the date of enactment of the B-4 Zoning District. A continuous visual buffer of either vegetation or fencing shall separate buildings from these existing residential structures. [Added 10-26-88 by Ord. No. 18- 88]
- [5] The maximum building heights may be increased to seventy - five (75') feet in the Industrial Districts provided the following conditions are met:
 - A. The additional building height above fifty (50') feet is necessary to meet an industrial function.
 - B. The building is located a minimum of 150 feet from a Residential District.
 - C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.
 - D. The building is for a use permitted in the I-1, I-2 or I-4 Zones. [Amended 09-16-92 by Ord. No. 23-92]
- [6] Where FARM ANIMALS are raised and boarded, shelters to house said animals shall not be less than one hundred (100) feet from any property boundary.
- [7] Helicopter take offs and landings are allowed subject to the following conditions:
 - A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
 - B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
- C. The facility shall be accessory to the principal use located on the lot.
- D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.
- [8] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within. [Amended 10-28-88 by Ord. No. 18-88]
- [9] Shelters and runs used to house and/or contain animals shall be no closer than one hundred (100) feet from any property line and must support a minimum tract size of one hundred thousand (100,000) square feet. [Amended 8-1-90 by Ord. 8-90]

Executive Technology Park (ETP) District

Added: 11-28-12 by Ord. No. 2012-11.14-24



Permitted Uses [8] [9] [10] [11] [12] [13] [14]

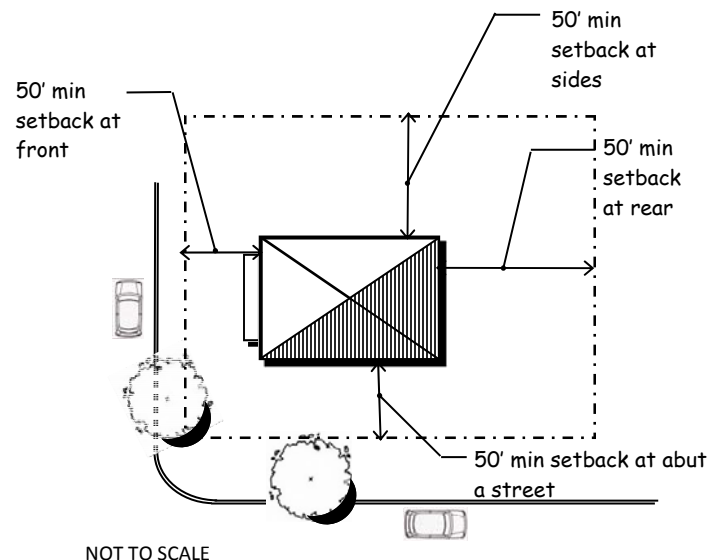
- CHILD CARE FACILITIES
- Computer and data processing
- EDUCATIONAL INSTITUTION, POST-SECONDARY
- Establishments for the manufacture assembly, services and repair of the products listed below and other uses of a similar nature:
 - ◊ Drugs
 - ◊ Office, computing and accounting machines
 - ◊ Radio and television receiving equipment
 - ◊ Communication equipment
 - ◊ Electronic components and Engineering, laboratory, scientific and research instruments and associated equipment
 - ◊ Measuring and controlling instruments
 - ◊ Optical instruments and lenses
 - ◊ Surgical, medical and dental instruments and supplies
 - ◊ Photographic equipment and supplies
 - ◊ Electrotherapeutic, electro-medical and X-ray apparatus
- FARM [15]
- Helicopter Take Offs & Landings [16]
- Laboratories (scientific, medical chemical) and testing facilities devoted to experimental production, research, product development or similar activity
- OFFICE
- Other [17]
- PUBLISHING FACILITY
- Research Institutes
- Retail Sale of Agricultural products Raised on Site
- Veterinary Office, Animal Hospital or KENNEL [18]

Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size [3]	3 acres
Maximum LOT COVERAGE [4]	33%
Minimum FRONTAGE	N/A
PRINCIPAL BUILDING [5]	
Front SETBACK	50 ft
Abut a Street SETBACK	50 ft
Side SETBACK [6]	50 ft
Rear SETBACK [6]	50 ft
OUTBUILDING/ACCESSORY USE* [7]	
Front SETBACK	50 ft
Front Secondary SETBACK	50 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
BUILDING HEIGHT	
PRINCIPAL BUILDING	55 ft max
OUTBUILDING/ACCESSORY USE	55 ft max

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

Principal Building Placement



Sign Regulations

Size	ETP District
Total SIGNS permitted	1 (per tenancy, and LOT, excluding development identification SIGNS)
Total area permitted	1 sf for each lineal foot of business FRONTAGE (see regulations for businesses bordering the Spaulding Turnpike)
Type	
FREESTANDING	permitted (max size 60 sf, max height 16 ft, one SIGN per side of FRONTAGE)
PROJECTING	not permitted
WALL/ Awning	permitted
Temporary	not permitted

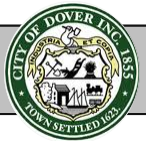


Footnotes

- [1] Refer to 170-13 and 170-14 for exceptions to lot size, frontage and setback requirements.
- [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required.
- [3] Parcels greater than four hundred seventy-five thousand six hundred (475,600) square feet in area that contain a residential structure as of the public hearing posting date of this chapter may be subdivided one (1) time in such a manner as to separate the residential structure from the remaining vacant property. At least forty thousand (40,000) square feet of land area shall remain with the structure. [Added 7-8-87 by Ord. No. 15-87]
- [4] At least thirty-three percent (33%) of the site shall be maintained as open space, either landscaped or left natural.
- [5] All new buildings shall be setback a minimum of one hundred (100) feet from Sixth Street, County Farm Road and Watson Road, and from all residential structures existing at the date of enactment of this amendment. All new parking lots shall be setback a minimum of fifty (50) feet from Sixth Street, County Farm Road and Watson Road, and from all residential structures existing at the date of enactment of this amendment. The building and parking lot setbacks. From residential structures shall not apply to existing residential structures located on the same lot as the proposed building. [Added by Ord. No. 6-05-13-98]
- [6] The building setback may be reduced to thirty-five (35) feet if a continuous visual buffer of vegetation is installed and maintained within the reduced setback area. [Added by Ord. No. 6-05/13/98]
- [7] Structures shall be separated by a distance at least equal to the height of the taller structure. [Added 7-8-87 by Ord. No. 15-87]
- [8] A minimum of ten percent (10%) of the land contained within the perimeter of parking lots shall be landscaped and maintained as permanent open spaces.
- [9] Parking areas shall be screened from public streets and existing residential uses so as to minimize the visibility of such areas. Screening may consist of vegetation, earth berms, fencing or any combination of the above.
- [10] A landscaping plan shall be submitted as part of the development application. The landscaping plan shall depict a scheme that creates a park-like setting. Maintenance of existing vegetation may be incorporated in the landscaping plan when appropriate.
- [11] Exterior lighting shall be low profile. High-intensity directional lighting shall be prohibited. Lighting shall be designed and oriented so as to avoid glare onto adjacent property or streets.
- [12] The allowed activities shall not be obnoxious or offensive by reason of emission of dust, odor, smoke, gas, noise or similar cause. Prior to site plan approval, the applicant shall submit evidence to the Planning Board identifying waste products to be generated by on-site activities. A plan for removal of the waste shall be approved by the Planning Board. Developments that will use, store or generate hazardous chemicals shall identify such chemicals prior to site plan approval. A plan for storage and use of hazardous chemicals shall be approved by the Planning Board. Plans pertaining to waste or hazardous chemicals shall verify compliance with applicable federal, state and local regulations.
- [13] A residential structure located within the Executive and Technology Park Zone and existing prior to the posting date of this amendment may be increased up to twenty percent (20%) of the gross floor area of habitable space. New dwelling units shall not be allowed. Furthermore, customary accessory structures shall be allowed within the Executive and Technology Park Zone, but must remain within seventy-five (75) feet of the nonconforming residential structure.
- [14] Development within the ETP District shall conform to design standards contained in Chapter 149, entitled Site Review, Chapter 149-14.1. [Amended 5-13-98 by Ord. No. 6]
- [15] Where FARM ANIMALS are raised and boarded, shelters to house said animals shall not be less than one hundred (100) feet from any property boundary.
- [16] Helicopter take offs and landings are allowed subject to the following conditions:
 - A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
 - B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
 - C. The facility shall be accessory to the principal use located on the lot.
 - D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.
- [17] Uses that are accessory and complimentary to the principal use. Such uses and related structures shall be designed and operated to serve only the principal use and not be designed and operated so as to serve the general public.
- [18] Shelters and runs used to house and/or contain animals shall be no closer than one hundred (100) feet from any property line and must support a minimum tract size of one hundred thousand (100,000) square feet. [Amended 8-1-90 by Ord. 8-90]

Hotel/Retail (B-4) District

Amended: 11-28-12 by Ord. No. 2012-11.14-24



Permitted Uses

- Bank
- CHILD CARE FACILITY
- COMMERCIAL PARKING FACILITY
- COMMERCIAL RECREATION
- Drive In Theater
- Eating and Drinking Establishment [5]
- EDUCATIONAL INSTITUTION, POST SECONDARY
- FARM
- HOTEL / MOTEL
- Liquor Store
- OFFICE
- PERSONAL SERVICE ESTABLISHMENT
- PUBLISHING FACILITY
- Retail Store of Agricultural Farm Products Raised on Site
- Retail Store
- Theater
- Veterinary Office, Animal Hospital or KENNEL

Uses Permitted by Special Exception

- Helicopter Take Offs & Landings

Sign Regulations

Size	B-4 District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each lineal ft of business FRONTAGE (see 170-32 for regulations for businesses bordering the Spaulding Turnpike)
Type	
FREESTANDING	permitted (Max size 60 sf, max height 16 ft. One SIGN per side of frontage. FREESTANDING signs shall be located on low planter walls or be monument SIGNS. SIGNS shall be designed and located to be visible from both pedestrian and vehicular areas, and shall be designed to further the design theme of the building and be consistent with any SIGN package. Paint SIGN backgrounds and SIGN cabinets to complement building colors.)
PROJECTING	not permitted
WALL/ Awning	permitted (Provide building signage that is proportional to the SCALE of the tenant façade. SIGNS should be designed to further the design theme of the building and be consistent with any SIGN package. Paint SIGN backgrounds and sign cabinets to complement building colors.)
Temporary	not permitted

Uses Permitted by Conditional Use Permit

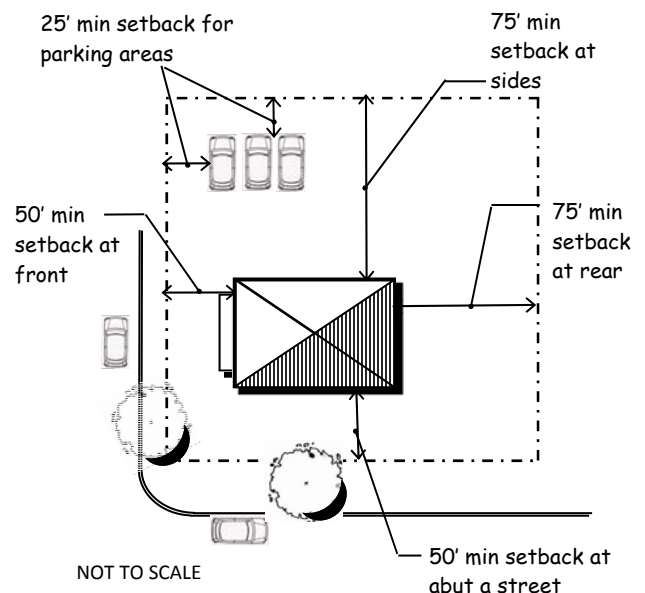
- Alternative Treatment Center

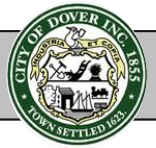
Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size	5 acres
Maximum COVERAGE [3]	33%
Minimum FRONTAGE	400 ft
PRINCIPAL BUILDING [4]	
Front SETBACK	50 ft
Abut a Street SETBACK	50 ft
Side SETBACK	75 ft
Rear SETBACK	75 ft
OUTBUILDING/ACCESSORY USE*	
Front SETBACK	75 ft
Abut a Street SETBACK	75 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	55 ft max
OUTBUILDING	55 ft max

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

Principal Building Placement





Footnotes

- [1] Refer to 170-13 and 170-14 for exceptions to lot size, frontage and setback requirements.
- [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required.
- [3] At least thirty-three percent (33%) of the site shall be maintained as open space, either landscaped or left natural. A maximum of thirty-three percent (33%) of the site can be covered by buildings. [Added 10-26-88 by Ord. No. 18-88]
- [4] Buildings shall be at least one hundred fifty (150) feet from all residential structures that exist on the date of enactment of the B-4 Zoning District. A continuous visual buffer of either vegetation or fencing shall separate buildings from these existing residential structures. [Added 10-26-88 by Ord. No. 18- 88]
- [5] Eating and Drinking Establishments permitted fully enclosed with no drive-in service.

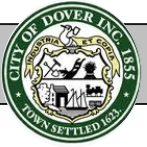
Special Exception Criteria (see 170-52(C)(3) for additional regulations)

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

- A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
- B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
- C. The facility shall be accessory to the principal use located on the lot.
- D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.
- E. The conditions for granting a Special Exception, contained in Chapter 170-52-C(3), must also be satisfied.

Conditional Use Permit Criteria

- 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. The APPLICANT shall provide a detailed narrative and floor plan, as well as any other relevant documentation, describing how the Alternative Treatment Center shall be secured. The security plan must take into account the measures that will be taken to ensure the safe delivery of any product to the facility (including permitted times for delivery), how the product will be secured on site, and how patient transactions will be facilitated in order to ensure safety. The security plan shall be reviewed and approved by the City of Dover Police Department.
- F. The use of cannabis on the premises is prohibited.
- G. The Alternative Treatment Center shall emit no cannabis related fumes, vapors or odors which can be smelled or otherwise perceived from beyond the LOT LINES of the property where the facility is located.



Statement of Purpose

From the late 1700's, when Dover began to shift from a farming community to a manufacturing center, the land and blocks in and around Washington and Main Streets and Central Avenue have been the community's commercial core. Both redevelopment and new development should reflect that 250 year history. A wide array of retail and commercial activity should be encouraged here. Residential activity should be encouraged on the upper floors of buildings. New construction, where needed, should follow the pattern of existing development in terms of building placement, building height, and the use of durable construction materials. Public spaces are important here, and should be encouraged and maintained properly.

Dimensional Regulations

PRINCIPAL BUILDING	
Lot Size	NA
Minimum Lot Coverage	75%
Frontage Build-Out	70% min
Front Primary Build-To	0 ft min — 10 ft max [1]
Front Secondary Build-To	0 ft min — 10 ft max [1]
Side Setback	0 ft min - 24 ft max
Rear Setback	10 ft min
OUTBUILDING	
Front Setback	not permitted
Side Setback	not permitted
Rear Setback	not permitted
Private Frontages <i>see table</i>	
Common Yard	not permitted
Porch and Fence	not permitted
Terrace / Lightwell	not permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted
HEIGHT OF BUILDING	
Principal Building	2 story min & 5 story max
Outbuilding/Accessory	not permitted

"[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."

*CUP may be used to adjust standards

Special Regulations

Parking Location Standards (See 170-44) - New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

- Parking spaces may be located off-site within 1,000 feet of the proposed use.
- Parking spaces may be leased from the City or a private landowner.
- Parking spaces shall be screened from the street with a masonry wall, see Section 170-20(F)(4).

Ground Floor Standards

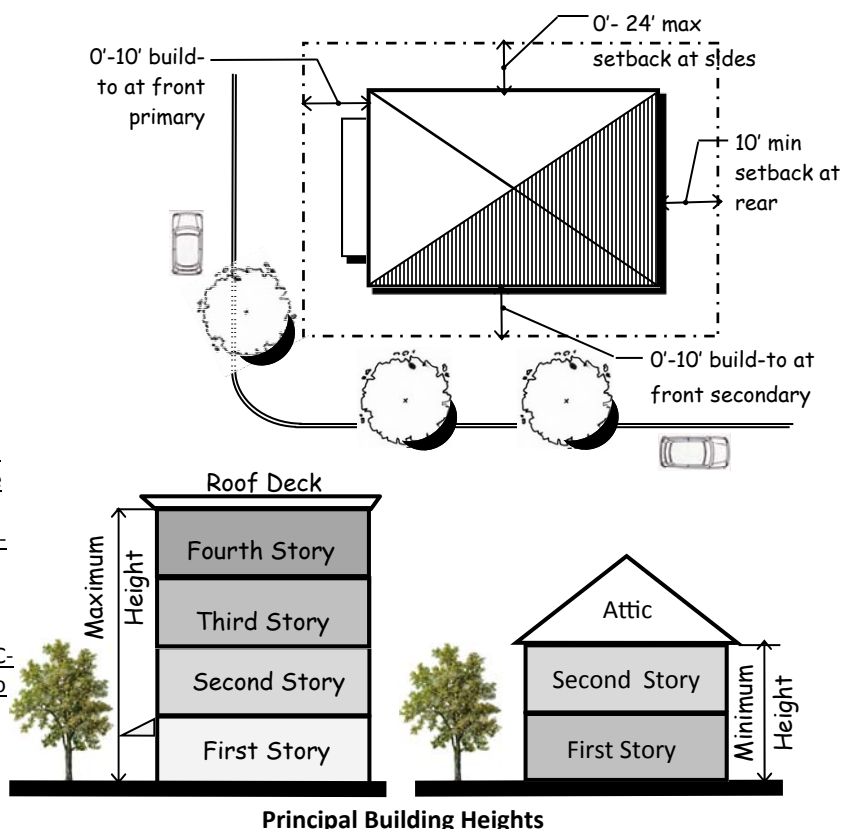
- No less than 30% of the façade shall be windows.
- A pedestrian entrance shall be required at the street side or front façade.
- For new construction only non-residential uses shall be on the ground floor level.

Streetscape Standards (See 170-20 (E)) - All elements must be consistent with Dover Streetscape Standards.

- Street trees shall be planted at an average spacing of 25 to 30 feet on center.
- Unpaved ground area along the frontage shall be planted with appropriate groundcover or shrubs; no bare ground is permitted.
- Sidewalks shall be concrete or brick and a minimum of 5 feet wide.
- Street furniture shall be provided as follows:
 - * 1 bench for every 75 feet of frontage
 - * At least 1 waste bin at each block corner
 - * 1 bike rack per non-residential project
- Lighting and mechanical equipment standards per sect 170-20 E.

Architectural Standards (See 170-20 (F))

- LEED standards or an equivalent standard are encouraged.
- No Drive-in Service permitted.
- These standards are required. The fast track review provisions of 170-20(G) shall apply.



Principal Building Heights

Permitted Uses - Central Business District

Uses	General	Mixed Use	Residential	Downtown Gateway	TOD
Residential	Permitted, but not on ground floor, except in an existing use	Permitted, but not on GROUND FLOOR ground floor except in existing STRUCTURES structures Density allowed at 5,000 sf per unit, 10 units max.	Permitted	Permitted, buildings of four or more units on ground GROUND FLOOR floor allowed only if Architectural Standards are followed. Density allowed at 5,000 sf per unit, 10 units max.	Permitted but not on ground floor, except as an existing use.
Lodging	Permitted	Permitted, up to 12 rooms w/stays up to 14 days	Permitted, up to 12 rooms w/stays up to 14 days	Permitted, up to 12 rooms, 13+ rooms if Arch Standards followed.	Permitted
Professional Services & Offices	Permitted	Permitted	Via CUP	Permitted	Permitted
Eating and Drinking Establishments	Permitted	Not Permitted	Not Permitted	Permitted	Permitted
Retail/ Personal Services	Permitted	Permitted	Via CUP	Permitted	Permitted
Industrial	Not Permitted	Not Permitted	Not Permitted	Permitted on Broadway via CUP	Not Permitted
For Conditional Use Permit (CUP) criteria See Section 170-20 B	Permitted	Permitted	Permitted	Permitted	Permitted
Other Signage Regulations	Via CUP	Via CUP	Via CUP	Via CUP	Via CUP

Central Business District

Sign Size & Quantity	General	Mixed Use	Residential	Downtown Gateway	TOD
Total Signs Permitted	2	1	1	2	2
Total area of all signs	1 sf per lf of frontage (4)	12 sf	16	24 sf	1 sf per lf of frontage (4)
Sign Type					
Freestanding	not permitted	not permitted	not permitted	permitted (5)	not permitted
Projecting	permitted (1)	not permitted	permitted (1)	permitted (1)	permitted (1)
Wall/ Awning	permitted, 40 sf max	permitted (3)	permitted (3)	permitted	permitted, 40 sf max
Temporary	permitted per 170-32.E.3(2) <u>170-32.Q (2)</u>	not permitted per 170-32.Q (2) <u>170-32.Q (2)</u>	not permitted	permitted per 170-32.E.3(2) <u>170-32.Q (2)</u>	permitted per 170-32.E.3(2) <u>32.Q (2)</u>

- 1) 10 ft min above sidewalk, 25 ft max ht. 24 sf max size.
- 2) 1 year permit granted, 1 sign per building, for lots with over 100 lf of frontage 2 signs permitted. Max ht 3 ft, 6 sf max size. Mill Motif not required for Downtown Gateway.
- 3) 16 ft max ht, or to bottom of second floor window sills, which ever is lowest.
- 4) Area may be increased if Mill Motif is adhered to.
- 5) One per lot, 5 ft max ht and 4 sf max size per tenant.



Statement of Purpose

North of the Downtown core are neighborhoods of smaller homes, once the residences of mill employees, shopkeepers, and others for whom the close proximity to the Downtown was an important feature. Smaller in scale than the more ornate homes in the Mixed Use District, many of these buildings still present considerable architectural detailing. Many of them have outbuildings at the rear of the property. The continued use of these areas as residential neighborhoods is important, both to the city's heritage and to achieving the smart growth and low carbon impact goals of the master plan. Where new structures are added, they should mimic the placement,

Special Regulations

Parking Location Standards (See 170-44)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

- Two (2) spaces per unit are required.
- Additional parking spaces may be leased from the City or a private landowner.

Ground Floor Standards

- No less than 30% of the façade shall be windows.
- A pedestrian entrance shall be required at the street side or front façade.

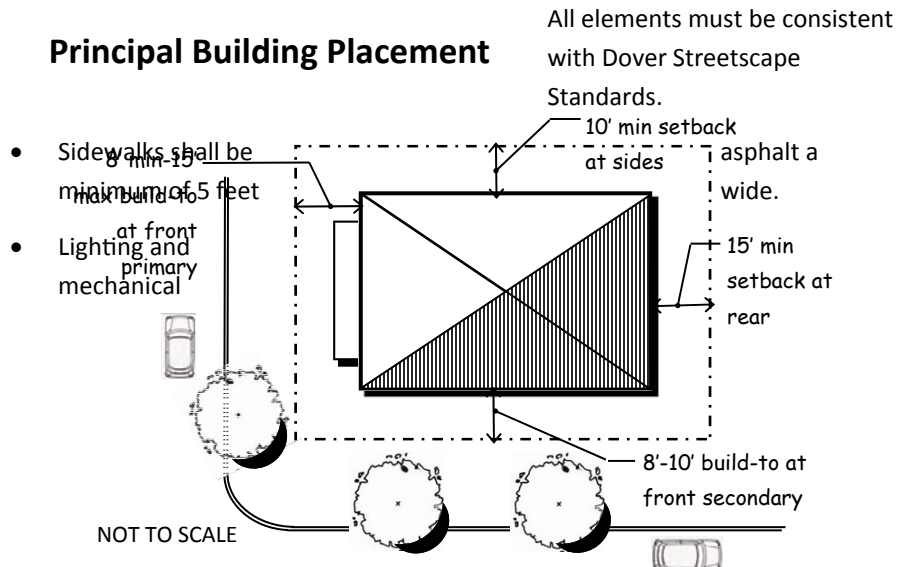
Streetscape Standards (See 170-20 (E))

Dimensional Regulations

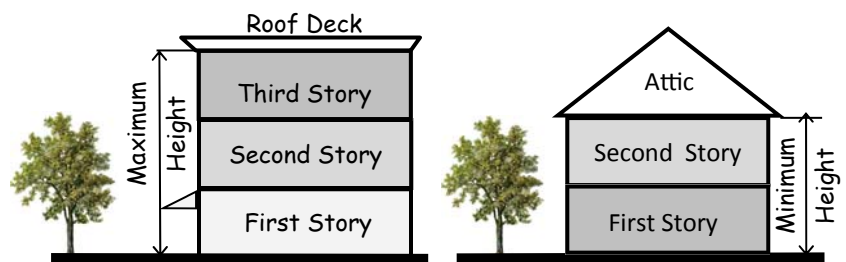
Principal Building	
Lot Size	N/A
Minimum Lot Coverage	40%
Minimum Frontage	75 ft
Frontage Build-Out	40% min
Front Primary Build-To	8 ft min - 15 ft max
Front Secondary Build-To	8 ft min - 10 ft max
Side Setback	10 ft min
Rear Setback	15 ft min
OUTBUILDING/ACCESSORY USES	
Front Setback	20 ft min + bldg. setback
Side Setback	5 ft min
Rear Setback	5 ft min
Private Frontages	
Common Yard	permitted
Porch and Fence	permitted
Terrace / Lightwell	not permitted
Stoop	permitted
Shopfront & Awning	not permitted
Gallery	not permitted
HEIGHT OF BUILDING	
Principal Building	2 story min, 3 story max
Outbuilding/Accessory	2 story max

*CUP may be used to adjust standards

Principal Building Placement



Principal Building Heights



Permitted Uses - Central Business District

Uses	General	Mixed Use	Residential	Downtown Gateway	TOD
Residential	Permitted, but not on ground floor, except in an existing use	Permitted, but not on GROUND FLOOR ground floor except in existing STRUCTURES structures Density allowed at 5,000 sf per unit, 10 units max.	Permitted	Permitted, buildings of four or more units on ground GROUND FLOOR floor allowed only if Architectural Standards are followed. Density allowed at 5,000 sf per unit, 10 units max.	Permitted but not on ground floor, except as an existing use.
Lodging	Permitted	Permitted, up to 12 rooms w/stays up to 14 days	Permitted, up to 12 rooms w/stays up to 14 days	Permitted, up to 12 rooms, 13+ rooms if Arch Standards followed.	Permitted
Professional Services & Offices	Permitted	Permitted	Via CUP	Permitted	Permitted
Eating and Drinking	Permitted	Not Permitted	Not Permitted	Permitted	Permitted
Retail/ Personal Services	Permitted	Permitted	Via CUP	Permitted	Permitted
Industrial	Not Permitted	Not Permitted	Not Permitted	Permitted on Broadway via CUP	Not Permitted
Civic	Not Permitted	Permitted	Permitted	Permitted	Permitted
Other	Via CUP	Via CUP	Via CUP	Via CUP	Via CUP

Signage Regulations - Central Business District

Sign Size & Quantity	General	Mixed Use	Residential	Downtown Gateway	TOD
Total Signs Permitted	2	1	1	2	2
Total area of all signs	1 sf per lf of frontage (4)	12 sf	16	24 sf	1 sf per lf of frontage (4)
Sign Type					
Freestanding	not permitted	not permitted	not permitted	permitted (5)	not permitted
Projecting	permitted (1)	not permitted	permitted (1)	permitted (1)	permitted (1)
Wall/ Awning	permitted, 40 sf max	permitted (3)	permitted (3)	permitted	permitted, 40 sf max
Temporary	permitted per 470-32.E.3 (2) 170-32.Q (2)	not permitted per 170-32.Q (2)	not permitted	permitted per 470-32.E.3 (2) 170-32.Q (2)	permitted per 470-32.E.3 (2) 32.Q (2)

- 1) 10 ft min above sidewalk, 25 ft max ht. 24 sf
- 2) 1 year permit granted, 1 sign per building, for lots with over 100 lf of frontage 2 signs permitted. Max ht 3 ft, 6 sf max size. Mill Motif not required for Downtown Gateway.
- 3) 16 ft max ht, or to bottom of second floor window sills, which ever is lowest.
- 4) Area may be increased if Mill Motif is adhered to.
- 5) One per lot, 5 ft max ht and 4 sf max size per tenant.



Statement of Purpose

A gateway is an area that marks a transition point where you move from one existing condition to another. In terms of land use, Gateways generally indicate transition points from a less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (multi-story buildings, civic buildings, etc.). In Dover the primary Downtown Gateways (Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.

Special Regulations

Parking Location Standards (See 170-44) - New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

- Parking spaces may be located off-site within 1,000 feet of the proposed use.
- Parking spaces may be leased from the City or a private landowner.
- Parking spaces shall be screened from the street with a masonry wall, see Section 170-20(F)(4).

Ground Floor Standards

- No less than 30% of the façade shall be windows.
- A pedestrian entrance shall be required at the street side or front façade.
- Residential uses permitted; buildings with more than 4 units are required to follow architectural standards, see section 170-20F.

Streetscape Standards (See 170-20 (E)) - All elements must be consistent with Dover Streetscape Standards.

- Street trees shall be planted at an average spacing of 25 to 30 feet on center.
- Unpaved ground area along the frontage shall be planted with appropriate groundcover or shrubs; no bare ground is permitted.
- Sidewalks shall be concrete or brick and a minimum of 5 feet wide.
- Street furniture shall be provided as follows:
 - * 1 bench for every 100 feet of frontage
 - * At least 1 waste bin at each block corner
 - * 1 bike rack per non-residential project
- Lighting and mechanical equipment standards per sect 170-20 E.

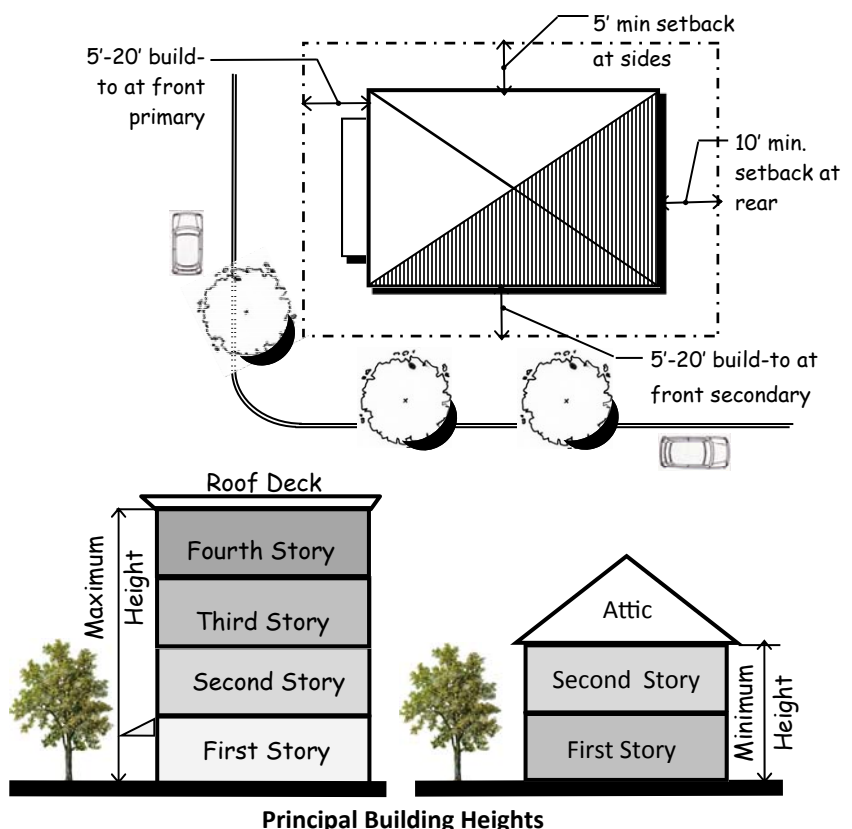
Architectural Standards (See 170-20 (F))

- LEED standards or an equivalent standard are encouraged.
- No Drive-in Service permitted.
- Standards must apply for residential buildings with 4 units or more.
- All other standards are optional and may be utilized by applicant.

Dimensional Regulations

PRINCIPAL BUILDING	
Lot Size	NA
Minimum Lot Coverage	50%
Frontage Build-Out	60% min
Front Primary Build-To	5 ft min - 20 ft max
Front Secondary Build-To	5 ft min - 20 ft max
Side Setback	5 ft min
Rear Setback	0 ft min
OUTBUILDING	
Front Setback	20' min + bldg setback
Side Setback	5' min
Rear Setback	10' min
Private Frontages	
Common Yard	permitted
Porch and Fence	permitted
Terrace / Lightwell	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	not permitted
HEIGHT OF BUILDING	
Principal Building	4 story max, 2 story min
Outbuilding/Accessory	2 story max

*CUP may be used to adjust standards



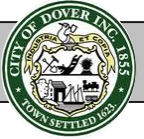
Permitted Uses - Central Business District

Uses	General	Mixed Use	Residential	Downtown Gateway	TOD
Residential	Permitted, but not on ground floor, except in an existing use	Permitted, but not on GROUND FLOOR ground floor except in existing STRUCTURES structures Density allowed at 5,000 sf per unit, 10 units max.	Permitted	Permitted, buildings of four or more units on ground GROUND FLOOR floor allowed only if Architectural Standards are followed. Density allowed at 5,000 sf per unit, 10 units max.	Permitted but not on ground floor, except as an existing use.
Lodging	Permitted	Permitted, up to 12 rooms w/stays up to 14 days	Permitted, up to 12 rooms w/stays up to 14 days	Permitted, up to 12 rooms, 13+ rooms if Arch Standards followed.	Permitted
Professional Services & Offices	Permitted	Permitted	Via CUP	Permitted	Permitted
Eating and Drinking	Permitted	Not Permitted	Not Permitted	Permitted	Permitted
Retail/ Personal Services	Permitted	Permitted	Via CUP	Permitted	Permitted
Industrial	Not Permitted	Not Permitted	Not Permitted	Permitted on Broadway via CUP	Not Permitted
Civic	Not Permitted	Permitted	Permitted	Permitted	Permitted
Other	Via CUP	Via CUP	Via CUP	Via CUP	Via CUP

Signage Regulations - Central Business District

Sign Size & Quantity	General	Mixed Use	Residential	Downtown Gateway	TOD
Total Signs Permitted	2	1	1	2	2
Total area of all signs	1 sf per lf of frontage (4)	12 sf	16	24 sf	1 sf per lf of frontage (4)
Sign Type					
Freestanding	not permitted	not permitted	not permitted	permitted (5)	not permitted
Projecting	permitted (1)	not permitted	permitted (1)	permitted (1)	permitted (1)
Wall/ Awning	permitted, 40 sf max	permitted (3)	permitted (3)	permitted	permitted, 40 sf max
Temporary	permitted per 470-32.E.3 (2) 170-32.Q (2)	not permitted per 170-32.Q (2)	not permitted	permitted per 470-32.E.3 (2) 170-32.Q (2)	permitted per 470-32.E.3 (2) 32.Q (2)

- 1) 10 ft min above sidewalk, 25 ft max ht. 24 sf
- 2) 1 year permit granted, 1 sign per building, for lots with over 100 lf of frontage 2 signs permitted. Max ht 3 ft, 6 sf max size. Mill Motif not required for Downtown Gateway.
- 3) 16 ft max ht, or to bottom of second floor window sills, which ever is lowest.
- 4) Area may be increased if Mill Motif is adhered to.
- 5) One per lot, 5 ft max ht and 4 sf max size per tenant.



Statement of Purpose

This is an area in transition. Once the homes of the mills' managers and the community's professionals and successful merchants, shipbuilders, sea captains, and others, these stately Victorian buildings are a tribute to Dover's financial success during the height of the mill economy. These elegant structures lend grace to the community. While some of the existing buildings remain as single family residences others are being converted to apartments and offices. As new structures replace older ones, they should follow the setback and massing of earlier structures. Residences in these newer building should be

Special Regulations

Parking Location Standards (See 170-44) - New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

- Parking spaces may be located off-site within 1,000 feet of the proposed use.
- Parking spaces may be leased from the City or a private landowner.
- Parking spaces shall be screened from the street with a masonry wall, see Section 170-20(F)(4).

Ground Floor Standards

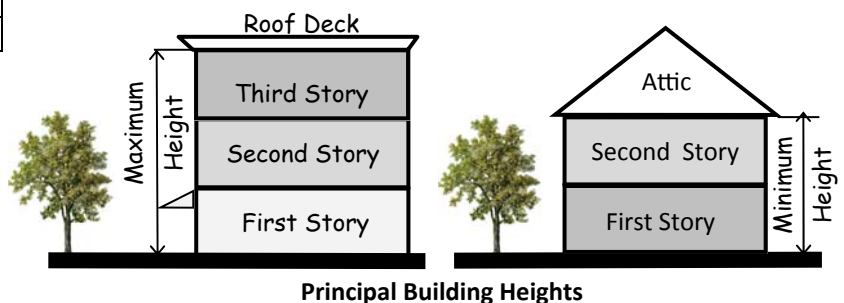
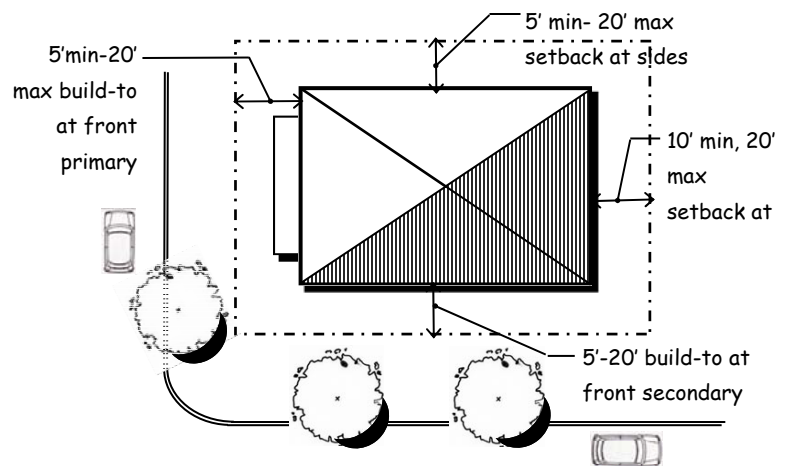
- No less than 30% of the façade shall be windows.
- A pedestrian entrance shall be required at the street side or front façade.
- ~~Residential uses permitted; buildings with more than 4 units are required to follow architectural standards, see section 170-20F.~~

Streetscape Standards (See 170-20 (E)) - All elements must be consistent with Dover Streetscape Standards.

- Street trees shall be planted at an average spacing of 25 to 30 feet on center.
- Unpaved ground area along the frontage shall be planted with appropriate groundcover or shrubs; no bare ground is permitted.
- Sidewalks shall be concrete or brick and a minimum of 5 feet wide.
- Street furniture shall be provided as follows:

Dimensional Regulations

PRINCIPAL BUILDING	
Lot Size	NA
Minimum Lot Coverage	50%
Frontage Build-Out	60% min
Front Primary Build-To	5 ft min - 20 ft max
Front Secondary Build-To	5 ft min - 20 ft max
Side Setback	5 ft min - 20 ft max
Rear Setback	10 ft min - 20 ft max
OUTBUILDING	
Front Setback	20 ft min
Side Setback	5 ft min
Rear Setback	5 ft min
Private Frontages	
Common Yard	permitted
Porch and Fence	permitted
Terrace / Lightwell	permitted
Stoop	permitted
Shopfront & Awning	not permitted
Gallery	not permitted
HEIGHT OF BUILDING	
Principal Building	2 story min, 3 story max
Outbuilding	2 story max



*CUP may be used to adjust standards

Principal Building Heights

Permitted Uses - Central Business District

Uses	General	Mixed Use	Residential	Downtown Gateway	TOD
Residential	Permitted, but not on ground floor, except in an existing use	Permitted, but not on GROUND FLOOR ground floor except in existing STRUCTURES structures Density allowed at 5,000 sf per unit, 10 units max.	Permitted	Permitted, buildings of four or more units on ground GROUND FLOOR floor allowed only if Architectural Standards are followed. Density allowed at 5,000 sf per unit, 10 units max.	Permitted but not on ground floor, except as an existing use.
Lodging	Permitted	Permitted, up to 12 rooms w/stays up to 14 days	Permitted, up to 12 rooms w/stays up to 14 days	Permitted, up to 12 rooms, 13+ rooms if Arch Standards followed.	Permitted
Professional Services & Offices	Permitted	Permitted	Via CUP	Permitted	Permitted
Eating and Drinking Establishments	Permitted	Not Permitted	Not Permitted	Permitted	Permitted
Retail/ Personal Services	Permitted	Permitted	Via CUP	Permitted	Permitted
Industrial	Not Permitted	Not Permitted	Not Permitted	Permitted on Broadway via CUP	Not Permitted
Civic	Not Permitted	Permitted	Permitted	Permitted	Permitted
Other	Not Permitted	Via CUP	Via CUP	Via CUP	Via CUP

Central Business District

- 1) 10 ft min above sidewalk, 25 ft max ht. 24 sf max size.
- 2) 1 year permit granted, 1 sign per building, for lots with over 100 lf of frontage 2 signs permitted. Max ht 3 ft, 6 sf max size. Mill Motif not required for Downtown Gateway.
- 3) 16 ft max ht, or to bottom of second floor window sills, which ever is lowest.
- 4) Area may be increased if Mill Motif is adhered to.
- 5) One per lot, 5 ft max ht and 4 sf max size per tenant.

Sign Size & Quantity	General	Mixed Use	Residential	Downtown Gateway	TOD
Total Signs Permitted	2	1	1	2	2
Total area of all signs	1 sf per lf of frontage (4)	12 sf	16	24 sf	1 sf per lf of frontage (4)
Sign Type					
Freestanding	not permitted	not permitted	not permitted	permitted (5)	not permitted
Projecting	permitted (1)	not permitted	permitted (1)	permitted (1)	permitted (1)
Wall/ Awning	permitted, 40 sf max	permitted (3)	permitted (3)	permitted	permitted, 40 sf max
Temporary	permitted per 170-32.E.3 (2)	not permitted per 170-32.Q (2)	not permitted	permitted per 170-32.E.3 (2)	permitted per 170-32.E.3 (2)



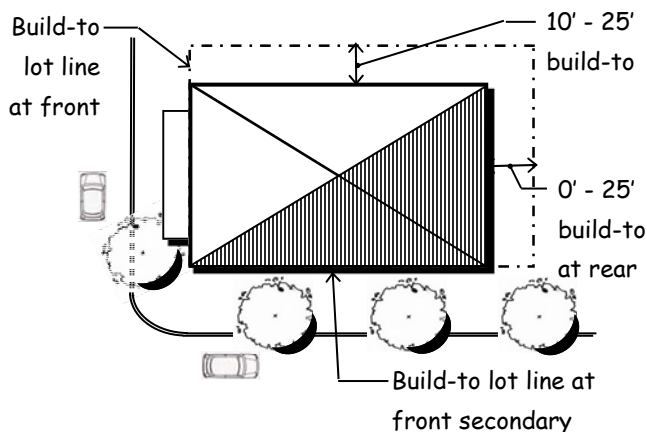
Statement of Purpose

This is an area ripe for redevelopment. This area west of Chestnut Street was once the home of coal yards, warehouses, and other supporting structures for the rail line that passes through it. The rail line will be the key to its future success as well. In combination with the associated bus terminal, transportation is the key to future development here. It is envisioned that this could be an area of very dense development along the banks of the Cochecho River. A wide variety of uses is intended here, with residences dominating upper levels, and

Dimensional Regulations

PRINCIPAL BUILDING	
Lot Size	NA
Lot Coverage	75% - 100%
Frontage Build-Out	80% min
Front Primary Build-To	0 ft min - 0 ft max
Front Secondary Build-To	0 ft min - 0 ft max
Side Setback	10 ft min, 25 ft max
Rear Setback	0 ft min, 25ft max
OUTBUILDING	
Front Setback	Not permitted
Side Setback	Not permitted
Rear Setback	Not permitted
Private Frontages	
Common Yard	Not permitted
Porch and Fence	Not permitted
Terrace / Lightwell	Not permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted
HEIGHT OF BUILDING	
Principal Building	5 story max, 3 story min
Outbuilding/Accessory	2 story max

*CUP may be used to adjust standards



Special Regulations

Parking Location Standards (See 170-44) - New construction resulting in additional square footage, or an increase in residential units, must comply with parking standards for the new portion of the building only.

- Parking spaces may be located off-site within 1,000 feet of the proposed use, and may be leased from the City or a private landowner.
- Parking spaces shall be screened from the street with a masonry wall, see section 170-20F.
- One space per residential unit.

Ground Floor Standards

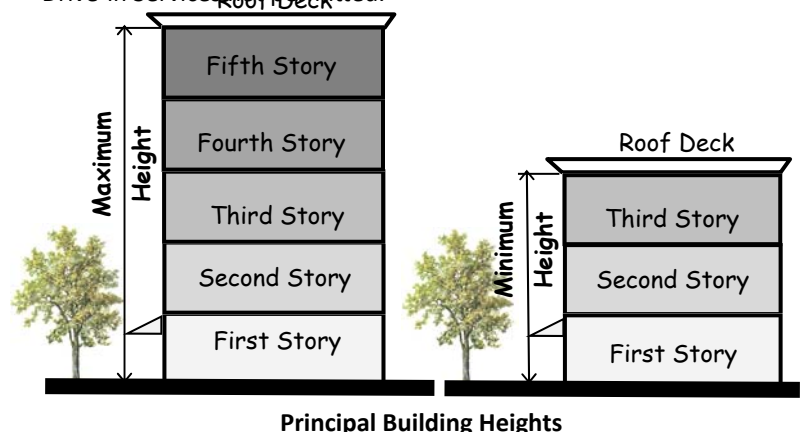
- No less than 30% of the façade shall be windows.
- A pedestrian entrance shall be required at the street side or front façade.
- No more than 80% of any street façade shall be for parking.

Streetscape Standards (See 170-20 E) - All elements must be consistent within a project.

- Street trees shall be planted at an average spacing of 25 to 30 feet on center.
- Unpaved ground area along the frontage shall be planted with appropriate groundcover or shrubs for the space, no bare ground is permitted.
- Sidewalks shall be concrete or brick, a minimum of 5 feet wide
- Street furniture shall include:
 - * 1 bench for every 50 feet of frontage
 - * At least 1 waste bin at each block corner
 - * 1 bike rack per non-residential project

Architectural Standards (See 170-20 F)

- Exterior walls shall be brick, stone, or masonry.
- LEED standards or an equivalent standard are encouraged.
- Drive-in Services not permitted.



Permitted Uses - Central Business District

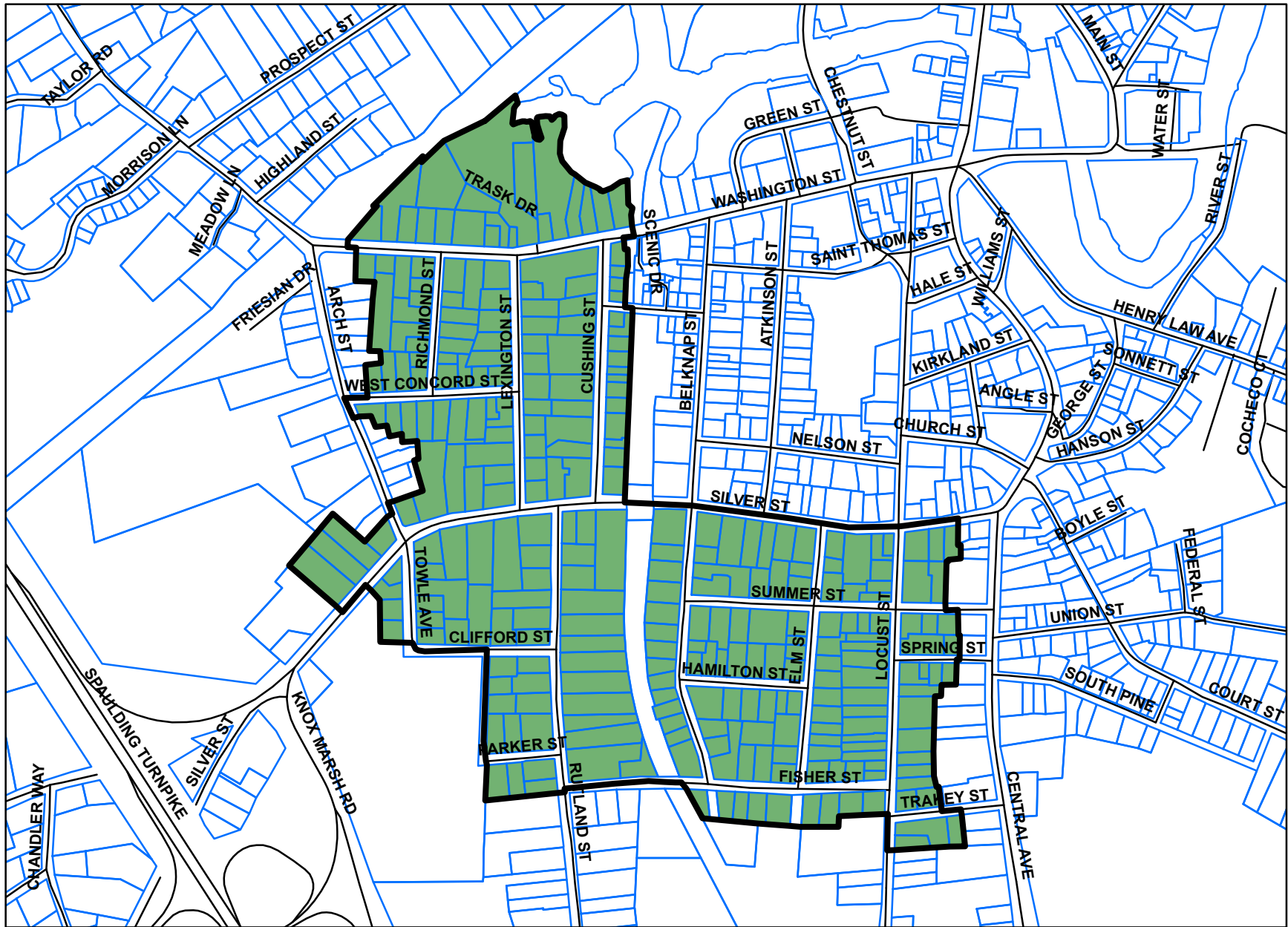
Uses	General	Mixed Use	Residential	Downtown Gateway	TOD
Residential	Permitted, but not on ground floor, except in an existing use	Permitted, but not on GROUND FLOOR ground floor except in existing STRUCTURES structures Density allowed at 5,000 sf per unit, 10 units max.	Permitted	Permitted, buildings of four or more units on ground GROUND FLOOR floor allowed only if Architectural Standards are followed. Density allowed at 5,000 sf per unit, 10 units max.	Permitted but not on ground floor, except as an existing use.
Lodging	Permitted	Permitted, up to 12 rooms w/stays up to 14 days	Permitted, up to 12 rooms w/stays up to 14 days	Permitted, up to 12 rooms, 13+ rooms if Arch Standards followed.	Permitted
Professional Services & Offices	Permitted	Permitted	Via CUP	Permitted	Permitted
Eating and Drinking	Permitted	Not Permitted	Not Permitted	Permitted	Permitted
Retail/ Personal Services	Permitted	Permitted	Via CUP	Permitted	Permitted
Industrial	Not Permitted	Not Permitted	Not Permitted	Permitted on Broadway via CUP	Not Permitted
Civic	Not Permitted	Permitted	Permitted	Permitted	Permitted
Other	Via CUP	Via CUP	Via CUP	Via CUP	Via CUP

Signage Regulations - Central Business District

Sign Size & Quantity	General	Mixed Use	Residential	Downtown Gateway	TOD
Total Signs Permitted	2	1	1	2	2
Total area of all signs	1 sf per lf of frontage (4)	12 sf	16	24 sf	1 sf per lf of frontage (4)
Sign Type					
Freestanding	not permitted	not permitted	not permitted	permitted (5)	not permitted
Projecting	permitted (1)	not permitted	permitted (1)	permitted (1)	permitted (1)
Wall/ Awning	permitted, 40 sf max	permitted (3)	permitted (3)	permitted	permitted, 40 sf max
Temporary	permitted per 470-32.E.3 (2) 170-32.Q (2)	not permitted per 170-32.Q (2)	not permitted	permitted per 470-32.E.3 (2) 170-32.Q (2)	permitted per 470-32.E.3 (2) 32.Q (2)

- 1) 10 ft min above sidewalk, 25 ft max ht. 24 sf
- 2) 1 year permit granted, 1 sign per building, for lots with over 100 lf of frontage 2 signs permitted. Max ht 3 ft, 6 sf max size. Mill Motif not required for Downtown Gateway.
- 3) 16 ft max ht, or to bottom of second floor window sills, which ever is lowest.
- 4) Area may be increased if Mill Motif is adhered to.
- 5) One per lot, 5 ft max ht and 4 sf max size per tenant.

Heritage Residential District



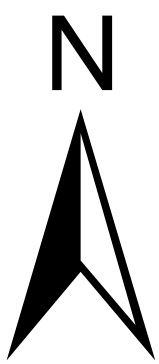
Prepared by the Department of Planning and Community Services

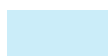
August 26, 2014



Groundwater Protection Zones

City Code Chapter 170-28.3



-  Primary Groundwater Protection District
-  Secondary Groundwater Protection District

Prepared by the City of Dover Department of Planning and Community Development

April 15, 2015

SUMMARY OF PROPOSED AMENDMENTS 2014-2015

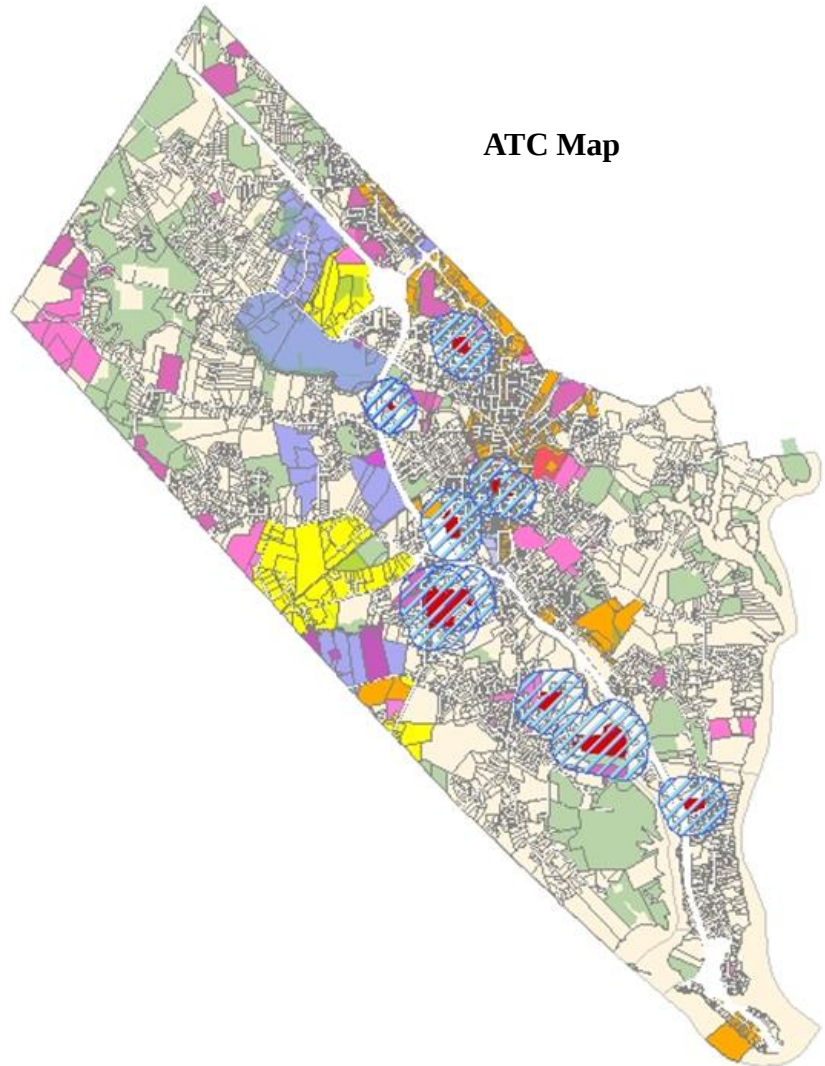
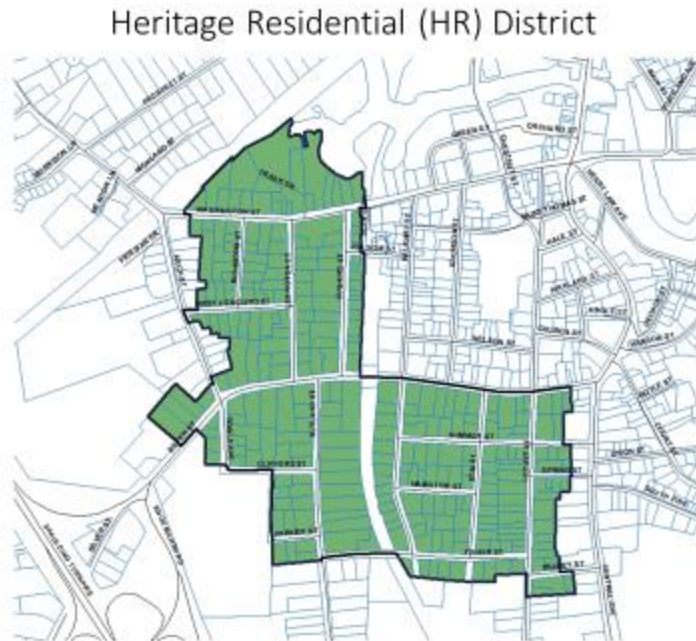
Zoning Ordinance

#	Summary	Why	Category
2	Redefine Build To Line	Allows build to line to be adjusted due to environmental constraints	Build To Line
3	Rezone land near Silver Street	Create a Heritage Residential Zoning District as requested by abutters	Area Rezone
4	Revise front setback for accessory structures	To create a sense of context where garages and accessory structures are located no closer to the road than the principle house, in urban areas	Build To Line
5	Revise calculation of front setback	For R-12 District make the build to line a range, similar to R-20 district, 15-25' range	Build To Line
6	Revise calculation of front setback	For RM-U district, to make it more uniform and less cumbersome for property owners to calculate	Build To Line
7	Revise calculation of front setback	To encourage contextual setbacks in the Central Business District – General sub-district	Build To Line
8	Revise height restriction in CBD	To create a height limit, where none exists in the Central Business General sub - district, of 5 stories	New Limitation
9	To allow temporary signs in the CBD – Downtown Gateway and CBD-Mixed Use Sub-Districts	To provide advertising options to small business	Simplify and new allowance
10	To control the density in downtown gateway and mixed use subdistricts	To create a cap on units to no more than 10 and add density limitation in the CBD- Downtown Gateway district	New Limitation
11	Amend Tables of Use for industrial zones, to clarify industrial uses	To ensure industrial uses are modern and reflect economic trends	Simplify
12	To allow Alternative Treatment Centers	To create guidelines for the State endorsed Alternative Treatment Centers in the B-4 and I-2 Districts	New allowance
13	Remove requirements for architectural	Remove architectural requirements restriction which does not appear in other mixed use small scale zones, from the CBD-Mixed Use	Simplify

SUMMARY OF PROPOSED AMENDMENTS 2014-2015

#	Summary	Why	Category
	standards for 4 or more units in the Downtown Gateway sub-district		
14	Update Groundwater Map	To add a ground water protection zone around the Willand Pond Well, and revise the Smith and Cummings Well	Housekeeping
15	Update Floodplain regulations, per FEMA	To comply with Federal requirements regarding new floodplain maps and strengthen requirements if building in a floodplain	Required to remain in floodplain program.
16	Allow for 2 year permits of Extractions	To remove the burden of annual applications for extraction operations (still requiring annual reporting)	Housekeeping
17	Revise Sign ordinance to keep current	• Reduce permit requirements and streamline process • Limit illumination in downtown gateway zone to no later than 9 pm • Clarify/reduce Mill Motif requirements downtown (remove subjectivity) • Clarify temporary sign provisions, expanding allowances, remove Mill Motif requirements in CBD • Revise definitions of freestanding sign and sign area	Simplify
18	Remove redundant parking requirements	To reduce parking requirement overlap and confusion with Site Review Regulations (Chapter 149)	Housekeeping
19	Ensure that Citation/Violation language is consistent with the State	Update citation and violation language to conform with RSAs 31:39-d, 676:14, 676:15, 676:17, 676:17-a, and 676:17-b, to ensure proper enforcement.	Housekeeping
20	Correct clerical errors	To ensure proper grammar is used and that areas of confusion are minimized	Housekeeping

Proposed Zoning Amendments



Planning Board Public
Hearing June 9, 2015

How We Got Here:

- “Gateway Rezoning Study”
 - Resident’s requested that Silver Street area be rezoned with an eye towards character
- Planning Board subcommittee reviewed sign regs in 2014
- Housekeeping changes from Staff
- Getting out ahead of new State regulations allowing “Alternative Treatment Centers”
- Federal Floodplain Regulation Changes to ensure favorable Flood Insurance Rates
- Categories
 - Housekeeping
 - Build To Line Changes
 - Simplification
 - New Allowances
 - New Limitations
 - Federal Requirements
 - Area Rezoning

Housekeeping Amendments

#	Intent
14	To add a ground water protection zone around the Willand Pond Well, and revise the Smith and Cummings Well
16	To remove the burden of annual applications for extraction operations (still requiring annual reporting)
18	To reduce parking requirement overlap and confusion with Site Review Regulations (Chapter 149)
19	Update citation and violation language to conform with RSAs 31:39-d, 676:14, 676:15, 676:17, 676:17-a, and 676:17-b, to ensure proper enforcement.
20	To ensure proper grammar is used and that areas of confusion are minimized.

Build To Line Amendments

#	Intent
2	Allows build to line to be adjusted due to environmental constraints
4	To create a sense of context where garages and accessory structures are located no closer to the road than the principle house, in urban areas
5	For R-12 District make the build to line a range, similar to R-20 district, 5-25' range
6	For RM-U district, to make it more uniform and less cumbersome for property owners to calculate
7	To encourage contextual setbacks in the Central Business District – General sub-district

Simplification Amendments

#	Intent
9	To provide sign advertising options to small business
11	To ensure industrial uses are modern and reflect economic trends
13	Remove architectural requirements restriction which does not appear in other mixed use small scale zones, from the CBD-Mixed Use
17	Sign Regulation Changes: • Reduce permit requirements and streamline process • Limit illumination in downtown gateway zone to no later than 9 pm • Clarify/reduce Mill Motif requirements downtown (remove subjectivity) • Clarify temporary sign provisions, expanding allowances (add guidelines for non-profits, remove Mill Motif requirements in CBD) • Revise definitions of freestanding sign and sign area

Additions/Limitations Amendments

#	Intent
	New Uses
9	To provide temporary sign advertising options to small business downtown
12	To create guidelines for the State endorsed Alternative Treatment Centers in the B-4 and I-2 Districts
	Limitations
8	To create a height limit, where none exists, in the Central Business General sub - district, of 5 stories
10	To create a cap on units to no more than 10 and add density limitation in the CBD- Downtown Gateway district

Federal/Area Rezone Amendments

#	Intent
	Federal Requirement
15	To comply with Federal requirements regarding new floodplain maps and strengthen requirements if building in a floodplain
	Area
3	Create a Heritage Residential Zoning District as requested by abutters

ATC Statutory Criteria

- Statute includes two specific locational restrictions (RSA 126-X:8.II):
 - Not located in any residential district and
 - Not located within 1,000 feet of any school or drug free zone
 - Growing or dispensing is considered the same operation

ATC Local Criteria

- Not 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.
- Located in a permanent BUILDING (Drive-in services are prohibited)
- 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.
- Shall provide for the proper disposal of cannabis remnants or byproducts.
- 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 shall be reviewed and approved by the City of Dover Police Department.
- The use of cannabis on the premises is prohibited.
- No emitting of 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.

Heritage Zoning

The proposal revises the zoning along Silver St and the Woodman Park area, based upon resident requests to create a district which promotes the heritage and character of the existing homes. Lots currently are in the RM-U and R-12 district



Dimensional Requirements	Low Density Residential (R-12)	Residential Multi-Family Urban (RM-U)	Heritage Residential (HR)
Minimum Lot Size	12,000 square feet	10,000 square feet	10,000 sf
Minimum Frontage	100 feet	80 feet	80 feet
Minimum Front Building Setback	Range (5'-25')	Avg within 250 feet +- 5'	Avg within 250 feet +- 5'
Minimum Rear Building Setback	30 feet	15 feet	30 feet
Minimum Side Building Setback	15 feet	15 feet	15 feet
Maximum Coverage of a Lot	30 percent	40 percent	50 percent
Maximum Height	35 feet	40 feet	40 feet
Density	1 unit per 12,000 sf	1 unit per 10,000 sf	1 unit per 10,000 sf

Heritage Residential Permitted Uses

In

- ACCESSORY DWELLING UNIT (R-12/RM-U)
- ADULT DAY CARE (RM-U)
- CHILD CARE HOME (R-12/RM-U)
- CONVERSION FROM 1 TO 2 UNITS (R-12/RM-U)*
- CUSTOMARY HOME OCCUPATION (NEW)
- DWELLING, 2 FAMILY (R-12/RM-U)*
- DWELLING, SINGLE FAMILY (R-12/RM-U)
- FARM ANIMALS (R-12/RM-U)
- PUBLIC RECREATION (R-12/RM-U)
- PUBLIC UTILITY (R-12/RM-U)
- ROADSIDE FARM STAND (R-12)

Out

- ASSEMBLY HALL (R-12/RM-U)
- CONSERVATION LOT (R-12/RM-U)
- EDUCATIONAL INSTITUTION (R-12/RM-U)
- FARM (R-12)
- FUNERAL PARLOR (RM-U)
- ROOMING HOUSE (RM-U)
- BED AND BREAKFAST (R-12) (TO CUP)
- CHILD CARE FACILITY (R-12/RM-U) (TO CUP)

***New provision requires 2 family new construction or conversions to look like single family dwellings**

Heritage Residential CUP Uses*

In

- BED AND BREAKFAST **
- CHILD CARE FACILITY
- CONVERSION OF EXISTING TO 4 UNITS***
- DWELLING, 3 TO 4 FAMILY***
- ELDERLY ASSISTED CARE HOME (R-12)
- GROUP HOME FOR MINORS
- OFFICE (NEW)

Out

- ASSISTED LIVING FACILITY
- BEAUTY AND BARBERSHOP
- CONGREGATE CARE FACILITY
- CONTINUING CARE COMMUNITY FACILITY
- NURSING HOME
- RETAIL STORE

*** The requirements of 170-20.B(2) and (3) shall apply to all uses permitted by Conditional Use Permit**

****Silver Street Only**

***** New provision requires 3-4 family new construction or conversions to look like single family dwellings**

Heritage Zoning vs Historic District

Heritage

- No additional review
- Promote character of homes/neighborhoods
- Guides change, reuse and reinvestment in the neighborhood
- Promotes adaptive reuse of existing structures for residential uses in a manner that also protects their historical and architectural character

Historic District

- Regulatory Review Board
- Council must set up a design review board
- Board creates a district that is laid out and separate and distinct from other neighborhoods
- Standards are created by Board and enforced by City, through the Board and staff

Floodplain Changes

Additions

- New purpose statement, linking the ordinance to the National Flood Insurance Program
- Add requirement that structures be built two feet above the base flood level
- Updated standards for RVs in flood zones A & AE
- Updated Standards to determine Base Flood Elevation, in Zone A

Replacements

- NGVD -> Mean Sea Level
- Wetlands Board -> Bureau
- Flood Level -> Elevation
- 100 year -> Base Flood
- Date of FIRM Maps 2005 - > 2015

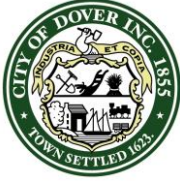
Floodplain Changes

Definition Changes

- New definition of Base Flood Elevation, Building, Flood Insurance Study, Floodway, New Construction, Special Flood Hazard Area, Violation
- Update definitions of Area of Special Flood Hazard, Development, Historic Structure, Manufactured Home, Mean Sea Level, New Manufactured Home, Regulatory Floodway, Substantial Development, and water surface elevation
- Remove terms Breakaway Wall, Flood Boundary, Flood Elevation Study

For More Information....

- **The full text is available:**
 - **On the City's Web Site:**
<http://1.usa.gov/1dhEyC0>
 - **In the Planning Department and City Clerk's Office M-Th 8:30 am to 5:30 pm.**
 - **At the Public Library**
- **Please call 516-6008 with further questions.**
 - ◉ Blog: <http://dovernhplanning.tumblr.com/>
 - ◉ Facebook: www.facebook.com/DoverNHPLanning
 - ◉ Twitter: @DoverNHPlanning



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 8.B.1.

Resolution Number: **R – 2015.08.19 – 112**

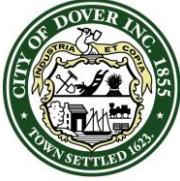
Resolution Re: **Acceptance of Development Agreement Between the
City of Dover and Kostis Enterprises, LLC**

- WHEREAS: The City of Dover is committed to development as part of its economic development goals and objectives in order to create a vibrant city; and
- WHEREAS: Kostis Enterprises, LLC (also “Developer”), the developer and/or anticipated owner of property located at Tax Map 2, Lots 4, 5, 6, 6A, 7, 8, 8A, and 9, consisting of 1.15 acres +/- along Washington Street, Locust Street, and Chestnut Street, is interested in redeveloping the property to the highest and best use; and
- WHEREAS: City staff is negotiating a Development Agreement between Kostis Enterprises, LLC and the City of Dover for the redevelopment of the property. The redevelopment of the property is projected to be valued at a minimum of \$5,000,000.00 assessed value of the land and building, increasing to at least \$8,000,000.00 over time; and
- WHEREAS: Upon Planning Board approval of the development project, satisfaction of conditions precedent, and the passing of any relevant appeal periods, the City would convey the City Parking Lot, known as Map 2, Lots 2 and 3 to the Developer for \$1.00; and
- WHEREAS: The Developer would bear the costs to design and install improvements to the intersection of Chestnut Street and Washington Street, and make parking improvements along the Washington Street side of the project; and
- WHEREAS: The Developer hopes to take advantage of the provisions of RSA 79-E, recently enacted by the City Council; and
- WHEREAS: The property will be redeveloped in a manner consistent with the City's Master Plan, and consistent with a pro-diverse economic development policy endorsed by the Dover Business and Industrial Development Authority and Planning Board.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL:

The City Manager is authorized to enter into a Development Agreement with Kostis Enterprises, LLC related to development of the property along Washington Street, Locust Street, and Chestnut Street, Tax Map 2, Lots 4, 5, 6, 6A, 7, 8, 8A, and 9, consistent with the attached Term Sheet and to sign documents to be recorded with the Registry of Deeds, including any deed(s) and/or easement(s), consistent with the terms of the Development Agreement.

REFER TO A PUBLIC HEARING



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 8.B.1.

Resolution Number: **R – 2015.08.19 – 112**
Resolution Re: **Acceptance of Development Agreement Between the City of Dover and Kostis Enterprises, LLC**

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Karen Weston
By request

Approved as to Legal Form and Compliance: Anthony I. Blenkinsop
General Legal Counsel

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, At Large		
Councilor John O'Connor, Ward 1		
Councilor William Garrison, III, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor, Anthony McManus, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

See attached Development Agreement Term Sheet and Site Plan.

TERM SHEET

The City of Dover, New Hampshire ("City") and Kostis Enterprises (the "Developer") (collectively the "Parties") intend to enter into a Development Agreement concerning the development of certain properties in Dover, New Hampshire that the Developer intends to purchase. This Term Sheet supplements and expands the agreements in place between the City and the current Owner of the relevant properties, as described herein.

1. The Developer seeks to develop the properties known as Map 2, Lots 4, 5, 6, 6A, 7, 8, 8A and 9, consisting of 1.15 acres, more or less, and which front along Washington Street between Locust Street and Chestnut Street (the "Project Site") in Dover, New Hampshire. The Developer intends to develop the Project Site in such a way that it is more likely than not that upon completion, the assessed value of the Project Site will meet or exceed the Guaranteed Tax Assessment Values described in section 7. A more detailed agreement will be signed by the Parties with the terms set forth herein and additional terms as may be necessary and/or customary (the "Development Agreement").
2. The City and the Developer agree that this Term Sheet supplements and expands agreements between the City and the Owner (RICHARD L. ROBBINS, STANLEY B. ROBBINS AND JUDITH E. WEISNER, Trustees of the SIDNEY ROBBINS FAMILY TRUST, a New Hampshire irrevocable trust and 104 WASHINGTON STREET LLC). The Owner's duties and rights to develop the Project Site will be transferred/assigned to the Developer pursuant to a purchase and sales agreement between the Developer and the Owner. Provisions from those agreements all continue in full force and effect, except as otherwise provided in the forthcoming Development Agreement. Those agreements and this Term Sheet shall be read in concert and interpreted, whenever possible, in accord so as to give full force and effect to their terms.
3. The Developer shall obtain final, unappealable site plan approval for the full build-out of the Project Site, including development of the City Parking Lots by May 1, 2016, unless extended with the consent of the City which shall not be unreasonably withheld. If such approvals lapse for a period in excess of thirty (30) days, either party may terminate their obligations or the parties may provide for additional time, depending on the circumstances at that time.
4. In the event that the development of the Project Site is approved by the Dover Planning Board, all conditions precedent related to such approval have been satisfied, and all applicable appeal periods have expired, the City shall convey, by quitclaim deed, the parcels known as Map 2 lots 2 and 3 (the "City Parking Lots") to the Developer for \$1.00.

Following conveyance, the City shall continue to have the exclusive right to use the City Parking Lots for motor vehicle parking, at no cost to the City, until such time as the Developer commences construction on the City Parking Lots. The City shall plow and maintain the City Parking Lots and indemnify and hold harmless the Developer for any injuries, damages, losses, fees, expenses and costs for so long as it continues its use of the City Parking Lots.

5. Prior to the signing of the Development Agreement, and at Developer's cost, the Developer shall have its engineer design the improvements for the intersection of Chestnut Street and Washing Street, as well as angled parking spaces on the Washington

Street side of the Project Site (the “Off Site Improvements”) to the satisfaction of the City. The amount and location of property to be conveyed to the City shall be agreed to by the Developer and the City. The City Engineer and the Developer’s engineer shall determine the costs of the Off Site Improvements on or before September 1, 2015. If the Off Site Improvement Costs are acceptable to Developer in its sole discretion, then the Developer shall contribute a sum equal to one hundred fifteen percent (115%) of such cost (the “Contribution”), to the City within ninety (90) days of the final determination of such cost. Failure to timely provide the Contribution shall result in termination of the Development Agreement.

If the Off Site Improvement Costs are unacceptable to the Developer, then Developer may terminate negotiations regarding the Development Agreement, and this term sheet shall be of no force or effect.

6. Once the Contribution has been delivered to the City by the Developer, the City shall cause the commencement of construction of the Off Site Improvements, using said Contribution, by no later than one (1) year following the receipt of the Contribution, and shall cause the Off Site Improvements to be diligently completed. The City shall supervise the construction of the Off Site Improvements, and may employ third party construction managers, to assist with such supervision. The Developer shall not be responsible for any costs associated with the Off Site Improvements in excess of the Contribution, and the City shall bear all costs in excess of the Contribution. If any portion of the Contribution remains following satisfactory completion and acceptance of such Off Site Improvements by the City, such portion shall be remitted to the Developer.
7. No construction work on the Project Site shall be commenced until the entirety of the existing building on the Project Site is demolished and the City is conveyed all property required to accommodate the Off Site Improvements, including the land required to accommodate the Chestnut Street-Washington Street intersection improvements.

No Building Permit shall be issued for construction of a new structure on the Project Site, prior to the payment of the Contribution by the Developer.

The parking spaces shall be metered and managed as part of the City’s parking management program.

8. The Developer shall hold meetings with the abutters prior to the Planning Board approval, commencement of construction and the issuance of a building permit. These meetings shall be noticed to the City, and use the same abutter list generated for the site plan submission to the Planning Board. The Developer shall invite the City and provide a copy of the attendance list to the City upon completion of the meeting.
9. As part of the development of the Project Site, the Developer desires to enter into a five year period where the taxes for the Project Site shall be set, as per New Hampshire RSA 79-E, at the assessed value for the Project Site in place at the time of the signing of this Term Sheet. The Dover City Council has enacted the provisions of RSA 79-E, and the Developer, at its election, may apply for such tax relief. Adoption of RSA 79-E by the City is not a guarantee that the City will grant the Developer such requested relief if the application fails to meet requirements under RSA 79-E. Any tax relief granted shall be

consistent with and in compliance with RSA 79-E. If granted, the period of tax relief pursuant to RSA 79-E shall commence upon the issuance of the first certificate of occupancy for any building to be developed on the Project Site (including a partial certificate of occupancy for that building); the parties agreeing that such certificate or partial certificate constitutes completion of a replacement structure for purposes of RSA 79-E:5.

- a. Beginning with Tax Year 2022 (assessment as of April 1, 2021 and first payment due December 1, 2021), and through the Tax Year 2026, the minimum Guaranteed Tax Assessment Value for the Project Site shall be five million dollars (\$5,000,000.00). In Tax Year 2022 and each relevant tax year thereafter if the actual tax assessment is less than the Guaranteed Tax Assessment Value, the Developer shall owe and pay the tax shortfall to the City as if the Project Site was assessed at the Guaranteed Tax Assessment Value.
- b. Beginning with Tax Year 2027 (assessment as of April 1, 2026 and first payment due December 1, 2026), and through the Tax Year 2047, the minimum Guaranteed Tax Assessment Value for the Project Site shall be eight million dollars (\$8,000,000.00). In Tax Year 2027 and each relevant tax year thereafter if the actual tax assessment is less than the Guaranteed Tax Assessment Value, the Developer shall owe and pay the tax shortfall to the City as if the Project Site was assessed at the Guaranteed Tax Assessment Value.
- c. The parties acknowledge that upon issuance of certificates of occupancy for the improvements developed on the Project Site, the City will establish the actual assessment value of each respective improvement for which a certificate of occupancy is sought. During the period that the Guaranteed Tax Assessment Value for the Project Site is in place, if the actual assessment value for the Project Site decreases more than twenty-five percent (25%) from the most recent establishment of the actual assessment value of the Project Site in any five year period, and provided that the resulting actual assessment value is less than the Guaranteed Tax Assessment Value, the parties agree to discuss whether and how to continue with the Developer's obligations to pay ad valorem taxes based on the Guaranteed Tax Assessment Value for the Project Site, but the City is not required to grant any such relief.

The Guaranteed Tax Assessment Value obligations set forth above, shall replace those obligations pertaining to Guaranteed Assessed Value in Section 5.01 of the Development Agreement referenced above in Paragraph 2. This document will be an exhibit in the final agreement reached between the parties.

10. The Developer shall convey to the City a Performance Mortgage or other such surety satisfactory to the City, to secure the Developer's Guaranteed Tax Assessment obligations.
11. The City Manager shall obtain approval to execute a Development Agreement consistent with the terms and conditions in this term sheet. Any terms or conditions in the Development Agreement that represent changes or additions to the terms and conditions in this term sheet shall be subject to the consent and approval of the City, acting by and through its City Manager. Changes or additions considered material by the

City Manager, in the City Manager's sole discretion, shall require approval by the City Council.