

To: Dover City Council
From: Christopher Parker, AICP
CC: J. Michael Joyal, City Manager
Dover Planning Board
Date: June 1, 2016
Re: Zoning Amendments

ISSUE:

On May 24, 2016, the Planning Board unanimously approved 14 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 a list of areas of the Zoning Code the Board selected at its January 24th goal setting session.

The Planning Board posted the amendments after consideration on April 12, 2016. It held public hearings on May 10 and 24 2016. The Board unanimously approved the amendments at the conclusion of the May 24th hearing and forwarded them to the City Council for ratification.

ATTACHMENTS:

- Summary of amendments
- Map of 3 lots to be rezoned
- Presentation of changes.

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 5 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. It should be noted that amendment 6 and 12 relative to Accessory Dwelling Units are in response to changes in State law.

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;

Only one amendment changes the zone of lots. There are 3 lots, previously identified for rezoning, as part of a citizen request to create a district around the Silver Street neighborhood. This district requires contextually sensitive development for these areas. Existing uses were included in the new district, and dimensional regulations are consistent with the neighborhood.

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 8, 10 all promote the City's economy. Amendment 5 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 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.

CITY OF DOVER - SUMMARY OF PROPOSED AMENDMENTS – 2016

April 12, 2016

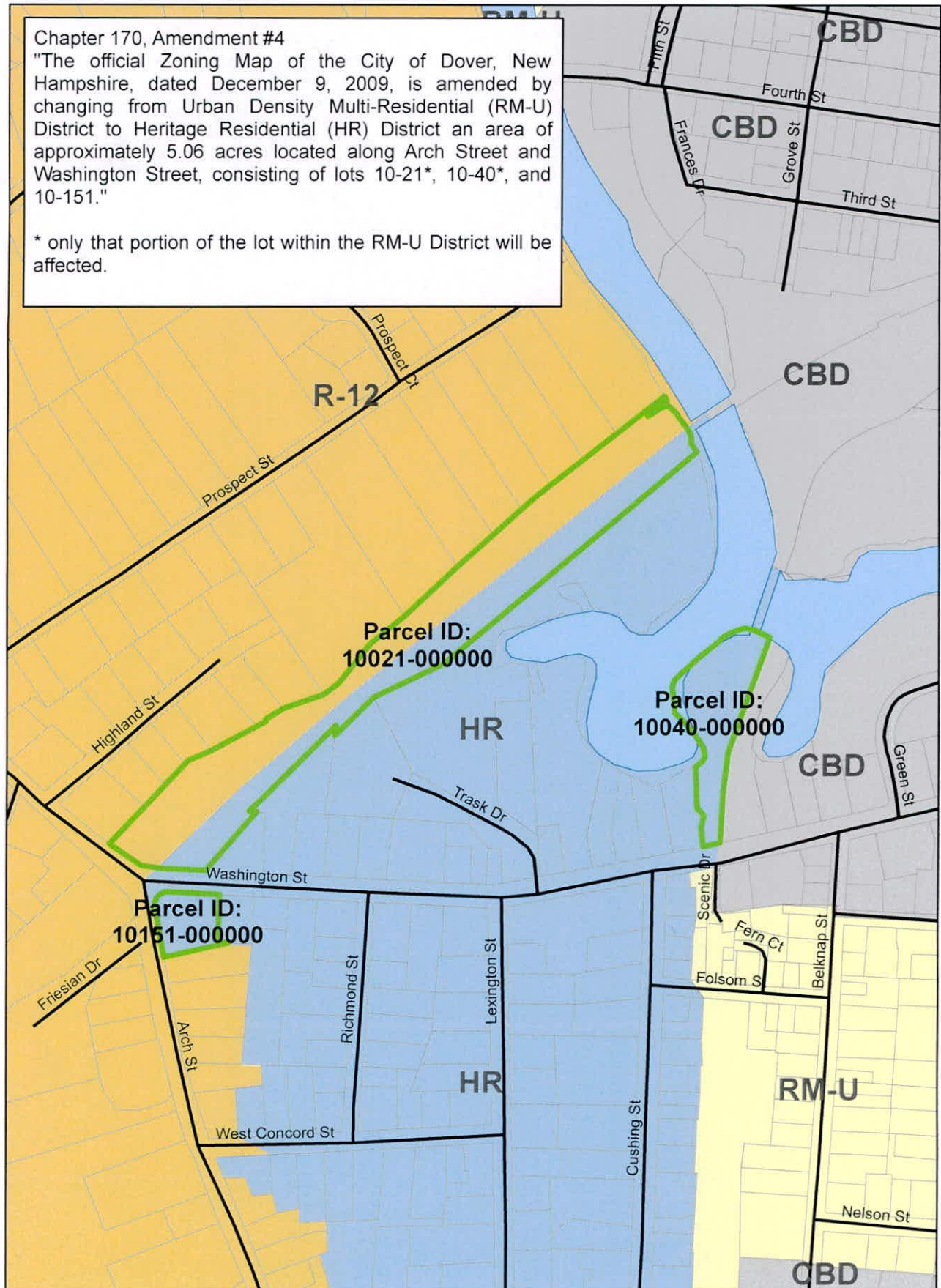
Zoning Ordinance – Chapter 170

Amendment #	Section	Summary	Why
2	170-6	Amend definitions for Height of Building, Nonconforming Use, Temporary Portable Sign, Child Care Facility and Outbuilding	Clarify how to measure building height; clarify non-conforming use; remove portable from temporary portable sign because it is not used; amend child care facility to remove outdated reference; and remove confusing outbuilding definition
3	170-6	Add definitions for external, internal, and direct illumination and development identification sign	Clarify sign lighting types and define a common type of sign used to identify a project
4	170-12	Amend Zoning Map to include three lots in the Heritage Residential District	Three adjacent lots were mistakenly excluded from the 2015 amendment
5	170-6 & 12	Add Self Storage Facility definition and add as a use allowed by Conditional Use Permit the I-1, I-2 and I-4 districts	Currently not listed as a permitted use and it is a common use; added CUP criteria to limit potential impacts
6	170-12	Add accessory dwelling unit as a permitted use in Hospital, Little Bay Waterfront, and Office Districts	These districts permit a single family dwelling, where ADU's are allowed; ADUs have been popular
7	170-12	Remove requirement that a single family dwelling in RM-SU District meet R-20 dimensional requirements	Remove unnecessary restriction
8	170-12	Revise dimensional regulations table for CBD-Downtown Gateway District to clarify that residential uses are allowed on ground floor and architectural standards apply for 4 or more units	To remove conflicting provisions
9	170-12	Revise dimensional regulations table for Cochecho Waterfront District	To remove obsolete reference to mill motif sign regulations
10	170-20	Revise Central Business District regulations so that in the Downtown Gateway and Mixed Use sub-districts no CUP is required if development results in 3 or less residential units or less than 2,500 sq. ft. of nonresidential space	Small redevelopment projects were held to the same dimensional requirements intended for large projects
11	170-23	Amend Impact Fees ordinance	To remove obsolete waiver provision not consistent with state law
12	170-24	Amend Accessory Dwelling Units ordinance	To comply with revisions to state law on ADU's
13	170-27.E(6)	Replace "mean high water mark" with "reference line"	Consistency throughout section
14	170-33.A	Amend fence regulations	To allow taller fences in side yards starting from the front of house or 10 feet from the ROW, whichever is less
15	170-46	Delete Loading Spaces section and move standards to Chapter 149	More appropriate for Site Plan regulations

Chapter 170, Amendment #4

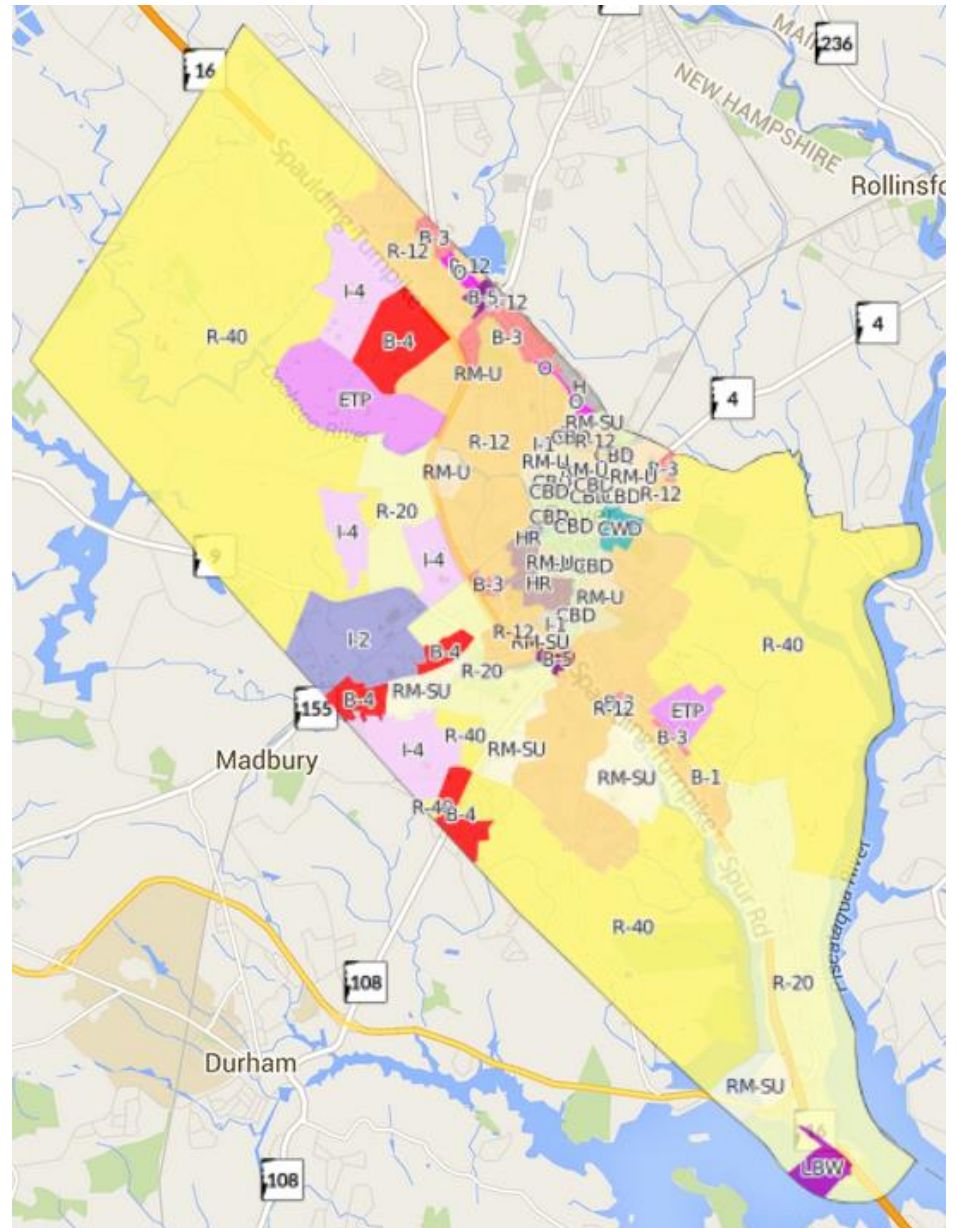
"The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Urban Density Multi-Residential (RM-U) District to Heritage Residential (HR) District an area of approximately 5.06 acres located along Arch Street and Washington Street, consisting of lots 10-21*, 10-40*, and 10-151."

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



Proposed Zoning Amendments

Planning Board
Public Hearing
May 10, 2016



How We Got Here:

- Housekeeping changes from Staff
- Complying with new State law about Accessory Dwelling Units
- Revising Sign Ordinance to be content neutral per Supreme Court case
- Zoning amendment letter mailed to every property owner in City on April 25th
- Categories
 - Housekeeping/Simplification
 - Mandated
 - Additions/Limitations

Housekeeping/Simplification Amendments

#	Intent
4	Adding three lots to Heritage District
8	Revising dimensional regulations table for CBD-Downtown Gateway District to clarify that residential uses are allowed on ground floor and architectural standards apply for 4 or more units
9	Removing obsolete reference to mill motif sign regulations
13	Replacing “mean high water mark” with “reference line”

Mandated Amendments

#	Intent
6	Adding Accessory Dwelling Unit as a permitted use in Hospital, Little Bay Waterfront and Office Districts
12	Amending Accessory Dwelling Unit ordinance to comply with revisions to state law
14	Amending sign ordinance to be in compliance with Reed v. Town of Gilbert

Additions/Limitations Amendments

#	Intent
2	Revising existing definitions
3	Adding new definitions re: illuminated signs
5	Add Self-Storage facility definition & use via CUP in I-1, I-2, & I-4 Districts
7	Removing requirement that a single family dwelling in RM-SU District meet R-20 dimensional requirements
10	Revising Central Business District - Downtown Gateway & Mixed Use sub-districts, so that no CUP is required if development results in 3 or less residential units or less than 2,500 sq. ft. of nonresidential space
11	Permitting waiver for reduced school impact fee for 55+ age units and remove obsolete waiver provision not consistent with state law
15	Allowing taller fences in side yards starting from the front of house or 10 feet from the ROW, whichever is less
16	Deleting loading spaces section and move standards to Chapter 149

Signs

- Reed v. Town of Gilbert
- Zoning Amendments to Comply
 - Content Neutral
 - Temporary Sign Location



Self-Service Storage Facility

“SELF-SERVICE STORAGE FACILITY means a building or a group of buildings consisting of individual, self-contained units of various sizes rented or leased for self-storage of customers’ property.”

DISTRICTS ALLOWED VIA CUP: I-1, I-2, AND I-4

Criteria to meet for CUP:

- A. The minimum front SETBACK shall be double the SETBACKs required in the district.**
- B. Any storage unit BUILDING visible from the STREET shall be located to be perpendicular to the STREET, with no storage unit doors facing the STREET.**
- C. If adjacent to a residential district or a LOT containing a residential use, the facility shall:
 - i. Be limited to a one story STRUCTURE with a height no more than twenty (20) ft.**
 - ii. Restrict the hours of operation to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.**
 - iii. Not hold auctions or sales of contents of storage containers.**
 - iv. Have screening sufficient to block the view of the BUILDINGS from abutting parcels and shall prohibit lighting from shedding onto abutting parcels.****
- D. The architectural design standards of Chapter 149-14L (8) (b) shall be adhered to.**



Accessory Dwelling Units

- Removing the requirement for no more than 30% of the floor area
- The only size requirement now is that the ADU size is between 300 and 800 square feet
- Other minor revisions to terminology

For More Information....

- The full text is available:
 - On the City's Web Site: <http://1.usa.gov/1WpIylZ>
 - In the Planning Department and City Clerk's Office M-Th 8:30 am to 5:30 pm or Fri 8:30am-4pm
 - At the Public Library
- Please call 516-6008 with further questions.
 - ◉ Blog: <http://dovernhplanning.tumblr.com/>
 - ◉ Facebook: www.facebook.com/DoverNHPLanning
 - ◉ Twitter: @DoverNHPlanning