 CITY OF DOVER	CITY OF DOVER – ORDINANCE Forwarded to Council: May 24, 2016 Ordinance Number: O – yyyy.mm.dd - Ordinance Title: Updating the Dover Zoning Ordinance Chapter: 170
---	--

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by updating the Code to reflect changes in the community and in land use regulations.

2. AMENDMENT

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

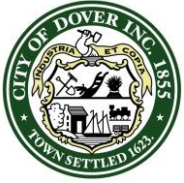
“HEIGHT OF BUILDING means the vertical distance measured from the *average* grade level *adjoining the BUILDING* to the highest level of the roof surface or front PARAPET, whichever is greater. Television and radio receiver ANTENNAS and photovoltaic systems as well as church steeples shall not be included in this calculation.”

“NONCONFORMING USE means a lawful use that ~~does not conform as to BULK~~ if it does not conform to the prescribed ~~use BULK~~ regulations of the district in which it is located.”

“TEMPORARY ~~PORTABLE~~ SIGN means a SIGN(s) customarily located on a trailer or similar wheeled apparatus, whether self-propelled or pulled by another vehicle, ~~intended for promotional purposes or to convey an advertising message of any kind~~, which is not permanently affixed to the ground. A-frame, sandwich board, inflatable, and other SIGNS not permanently affixed, directly or indirectly, upon a BUILDING, STRUCTURE, or land and not otherwise referenced under the definitions of “FREESTANDING SIGN,” “PROJECTING SIGN,” or “WALL SIGN” shall also be considered as “TEMPORARY ~~PORTABLE~~ SIGNS.”

“CHILD CARE FACILITY means a non-residential facility use for the care of children for periods of less than twenty-four (24) hours per day, and/or the provision of educational services commonly associated with preschool, nursery schools or kindergartens. A CHILD CARE FACILITY requires Technical Review Committee review ~~and is subject to possible Site Review and PLANNING BOARD approval per Section 149-4.C.3 of the Site Review Regulations.~~”

“OUTBUILDING – see ACCESSORY STRUCTURE ~~means an accessory BUILDING, usually located toward the REAR of the same LOT as a PRINCIPAL BUILDING, and sometimes connected to the PRINCIPAL BUILDING.~~”



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Forwarded to Council: May 24, 2016

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

3. 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 as follows:

“DIRECT ILLUMINATION means that the material of which a sign is made is itself illuminated (e.g. neon light).

EXTERNAL ILLUMINATION means a separate light fixture that shines onto a sign in order to illuminate it.

INTERNAL ILLUMINATION means illumination that is located within a translucent or otherwise diffusive sign material.

DEVELOPMENT IDENTIFICATION SIGN means a sign attached to a screening wall or landscape planter designed and intended to identify an approved multi-lot residential subdivision or multi-tenant site plan, located at the principal vehicular entry points.”

4. 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 5.06 acres located along Arch Street and Washington Street, consisting of lots 10-21, 10-40*, and 10-151.”*

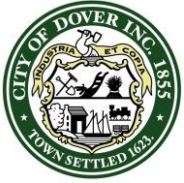
* = only that portion of the lot within the RM-U District will be affected.

5. AMENDMENT

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

“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.”

AND



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Forwarded to Council: May 24, 2016

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

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 Restricted Industrial District (I-1), Rural Restricted Industrial District (I-2) and Assembly and OFFICE District (I-4), to add SELF-SERVICE STORAGE FACILITY as a use allowed by Conditional Use Permit with criteria as follows:

“SELF-SERVICE STORAGE FACILITY shall be allowed if a Conditional Use Permit is granted by the PLANNING BOARD upon a finding that the following criteria are met:

- 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) feet.*
 - 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.”*

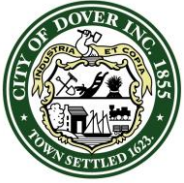
6. AMENDMENT

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 Tables in the Hospital (H) District, Little Bay Waterfront (LBW) District, and Office (O) District, to add ACCESSORY DWELLING UNIT as a permitted use.

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 Suburban Density Multi-residential (RM-SU) District to delete footnote [4]: ~~“A single-family residential dwelling may be constructed within this zoning district under the same dimensional regulations that govern development in a R-20 District.”~~

8. AMENDMENT



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Forwarded to Council: May 24, 2016

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

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 Central Business District Downtown Gateway Sub-District (CBD-G) as follows:

In the “Ground Floor Standards” section of “Special Regulations,” revise the third bullet point to read, “Residential uses permitted; ~~buildings with more than 4 units are required to follow architectural standards, see section 170-20F.~~”

In the “Permitted Uses – Central Business District” table, revise the residential row to read, “Permitted, ~~buildings of four or more units on GROUND FLOOR allowed only if Architectural Standards are followed.~~ Density allowed at 5,000 sf per unit, 10 units 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 Dimensional Regulations Table in the Cochecho Waterfront District (CWD) by removing an obsolete reference to the Mill Motif in the Sign Regulations table.

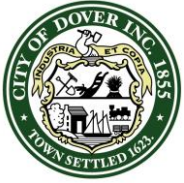
10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-20. “Central Business District Regulations” by revising Section H “Administration” to add language as follows:

“H. Administration

- (1) Deviations from the requirements herein may be requested by application to the PLANNING BOARD for a conditional use permit (see Section B). Administrative appeals from this Section may be directed to the ZONING BOARD OF ADJUSTMENT (as outlined in 170 – 52). Projects submitted shall follow the process outlined with Chapter 149, Site Review Regulations.

- a. *Any redevelopment of an existing STRUCTURE within the CBD Downtown Gateway or Mixed Use sub-districts does not require a Conditional Use Permit if it results in three (3) or fewer total residential units, or if it increases the gross floor area of nonresidential space by less than twenty-five hundred (2,500) square feet, and is exempt from the regulations of this Section, except for SETBACK, BUILD TO, and use regulations. Density requirements for residential uses do not apply.*



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Forwarded to Council: May 24, 2016

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

(2) Any redevelopment within the CBD is exempt from Wetlands Regulations as described and administered in this Chapter.”

11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-23 “IMPACT FEE Ordinance”, by revising section F – “Waivers”, subsection (b) to read as follows and renumber subsection (c) to (b):

~~“(b) A person may request a full or partial waiver of IMPACT FEES for construction within a subdivision or site plan approved by the PLANNING BOARD prior to the effective date of this ordinance. Prior to granting such a waiver, the PLANNING BOARD must find that the proposed construction is entitled to the four (4) year exemption provided by RSA 674:39, pursuant to that statute. This waiver shall not be applicable to phases of a phased development project where active and substantial development, BUILDING and construction has not yet occurred in the phase in which construction is proposed.”~~

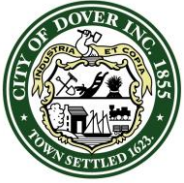
12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-24 “ACCESSORY DWELLING UNITS” as follows.

“170-24. ACCESSORY DWELLING UNITS. [Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]

Where permitted, an ACCESSORY DWELLING UNIT shall comply with the following:

- A. A maximum of one (1) ACCESSORY DWELLING UNIT (ADU) per property is permitted. An ADU shall not be permitted on property where more than one DWELLING UNIT currently exists.
- B. Exterior ALTERATIONS, enlargements, or extensions of the SINGLE FAMILY DWELLING or detached ACCESSORY STRUCTURE are permitted in order to accommodate the ACCESSORY DWELLING UNIT. However, no such change is permitted which would ALTER the appearance of the SINGLE FAMILY DWELLING to look like a duplex or any other multi-family STRUCTURE (i.e., the house should not look like it was designed to occupy more than one family). The construction of any access ways into the house and/or detached garage which are required for access to the ACCESSORY DWELLING UNIT shall be located to the side or REAR of the BUILDING whenever possible.
- C. An ADU shall have an area of no less than ~~300~~ *three hundred (300)* square feet and no greater than ~~800~~ *eight hundred (800)* square feet. ~~An attached ACCESSORY~~



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Forwarded to Council: May 24, 2016

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

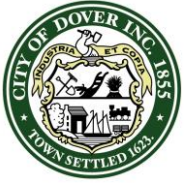
~~DWELLING UNIT shall occupy no more than 30% of the FLOOR AREA of the SINGLE-FAMILY DWELLING, including the ADU.~~ If located in a detached ACCESSORY STRUCTURE, the ACCESSORY DWELLING UNIT shall be located entirely on the second floor of the STRUCTURE.

- D. A minimum of one dedicated OFF-STREET PARKING space shall be provided for the ADU.
- E. The SINGLE-FAMILY DWELLING (and detached ACCESSORY STRUCTURE, when applicable) and LOT shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the SINGLE-FAMILY DWELLING. In order to ~~assure~~ ensure compliance with this requirement, the property owners at the time the ADU is established shall be required to execute a restrictive covenant running in favor of the City, which shall be recorded in the Strafford County Registry of Deeds and a copy of which shall be provided to the Planning and Community Development Department and the City Assessor prior to the issuance of a CERTIFICATE OF OCCUPANCY.
- F. The property owner must occupy one of the two DWELLING UNITS. Electric, water, and sewer utilities shall be metered on a single bill.
- G. Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.
- H. A certificate of use issued by the Zoning Administrator is required to verify conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1st following the date of approval of the certificate of use and then by every January 1st thereafter for so long as the ACCESSORY DWELLING UNIT continues. Fees shall be levied as set forth in the City of Dover ~~Fee Schedule~~ Adopted Schedule of Fees, as amended annually, for ACCESSORY DWELLING UNIT certificates of use and renewals.”

13. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27 “Conservation District”, by revising section E(6), first paragraph to read as follows:

“(6) Upon the discretion of the Building Inspector, a STRUCTURE may be erected within the Conservation District as described in Subsection B(1) up to but never closer than seventy-five (75) feet of the *reference line (as defined in RSA 483-B:4, XVII)* ~~mean high water mark~~, provided that:”



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Forwarded to Council: May 24, 2016

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

14. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-33 “FENCE Review and Regulations”, by revising subsection A to read as follows:

“A. FENCE HEIGHTS. No person, or other entity, shall erect or cause to be erected a FENCE exceeding four (4) feet in HEIGHT between the RIGHT OF WAY and *either ten (10) feet from the RIGHT OF WAY or a parallel line parallel with the front of the house closest to the RIGHT OF WAY, whichever is less.* FENCES may be up to eight (8) feet in HEIGHT *for the remainder of the lot from said parallel line with the front of the house, around both sides and around the REAR YARD.* HEIGHT is measured from ground level.”

15. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-46 “Loading Spaces”, to read as follows:

“170-46. Loading Spaces. [~~Amended 02-20-91 by Ord. No. 02-91.~~] Reserved.

~~In all districts, no nonresidential STRUCTURE shall be erected, enlarged or used unless off-STREET loading spaces are provided as specified herein.~~

~~A. Off-STREET loading spaces shall be provided on the same LOT as the principal use they are intended to serve. In no instance shall an off-STREET loading space be counted as part of an area to satisfy the OFF-STREET PARKING requirements and vice versa.~~

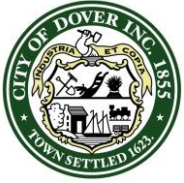
~~B. No loading bay in a nonresidential district shall be located within one hundred (100) feet of a residential district boundary or within one hundred (100) feet of the LOT LINE of an abutting residential use.~~

~~C. All bays shall be located at the side or REAR of the BUILDING they are intended to serve.~~

~~D. The minimum number of required loading spaces shall be determined by the PLANNING BOARD.***~~

~~*** Previous table illustrating number of loading spaces has been replaced by subsection D, by Ord. No. 02-91”~~

16. TAKES EFFECT



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Forwarded to Council: May 24, 2016

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

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director
Sponsored by: Councilor Dennis Ciotti
City Council Planning Board Representative

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

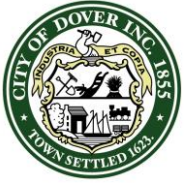
Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor, Karen Weston		
Deputy Mayor, Robert Carrier		
Councilor John O'Connor, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joseph Nicolella, Jr, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Sarah Greenshields, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Forwarded to Council: May 24, 2016

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

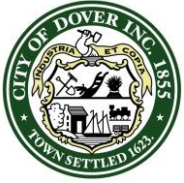
ORDINANCE BACKGROUND MATERIAL:

The amendments, which the Planning Board posted on April 12th, 2016, were drafted by staff and the Planning Board during the winter and spring of 2016. 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, adjustments to State Statutes and discussions with 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 May 10th and May 24, 2016.

The following is a list of the amendments summarized:

1. Purpose statement.
2. Amend Chapter 170-6 clarifying the definitions for "Height of Building," "Nonconforming Use," "Temporary Sign," "Child Care Facility," and "Outbuilding" to remove ambiguity from them.
3. Amend Chapter 170-6 adding definitions for signage "Direct Illumination," "External Illumination," "Internal Illumination," and "Development Identification Sign." Definitions are needed to ensure equal application of permitting and enforcement of these styles of signage.
4. Amend 170-8 rezoning 5 acres along Washington Street from Urban Density Multi-Residential (RM-U) District to Heritage Residential (HR) District. Three lots were approved as part of the 2015 zoning amendments, but a drafting error was discovered in the final amendment, which orphaned these lots.
5. Amend Chapter 170-12 and 170-6 defining "Self-Service Storage Facility" and allowing said use within the I-1, I-2, and I-4 districts, via Conditional Use Permit. Criteria for the permit is specified.
6. Amend Chapter 170-12 revising the Dimensional Regulations Table in the Hospital (H) District, Little Bay Waterfront (LBW) District, and Office (O) District, to add Accessory Dwelling Unit as a permitted use, to be consistent with State Statute.
7. Amend Chapter 170-12 revising the Dimensional Regulations Table in the Suburban Density Multi-Residential District (RM-SU) to require single family homes meet the same dimensional requirements as other uses.
8. Amend Chapter 170-12 revising the Dimensional Regulations Table in the CBD Downtown Gateway Sub-District to remove conflicting architectural requirements and clarify when they are necessary for residential projects.
9. Amend Chapter 170-12 removing an obsolete reference to Mill Motif in the Sign Regulations table for the Dimensional Regulations Table in the Cochecho Waterfront District (CWD).
10. Amend Chapter 170-20 revising section H "Administration" clarifying that projects which do not meet the Site Plan review criteria only need to meet limited dimensional and use conditions in the CBD General, Downtown Gateway and Mixed Use Sub-Districts.
11. Amend Chapter 170-23 removing the applicability of impact fee waivers to projects approved prior to adoption of impact fees.
12. Amend Chapter 170-24 revising permit requirements for Accessory Dwelling Units, removing a limit that a unit be no larger than 30% of the structure's square footage, consistent with State Statute.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Forwarded to Council: May 24, 2016

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

13. Amend Chapter 170-27 replacing the term “mean high water mark” with “reference line,” consistent with State Statute.
14. Amend Chapter 170-33 revising the front setback for fences, from being in line with the front of a house, to that or no closer than 10 feet, where a fence can be no taller than 4 feet in height.
15. Amend Chapter 170-46 to remove loading space regulations, which will appear in the site review regulations (Chapter 149).

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 May 10th .