CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Conference Room**
Meeting Date: **Wednesday, July 8, 2020**
Meeting Time: **7:00 pm**

1. **CALL TO ORDER**
2. **MOMENT OF SILENCE**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL ATTENDANCE**
5. **PROCLAMATIONS/AWARDS**
   - A. **Greater Dover Chamber of Commerce**
   - B. **Planning Board Frank Torr**
6. **APPROVAL OF AGENDA**
7. **PUBLIC HEARINGS**
   - A. **REPROGRAM APPROPRIATION OF RECREATION FACILITIES CAPITAL RESERVE FUNDS FOR COMMUNITY TRAIL PHASE IV TO COMMUNITY TRAIL PHASE III (REQUIRES A 2/3 MAJORITY VOTE OF CITY COUNCIL)**
     SPONSORED BY MAYOR CARRIER BY REQUEST
8. **CITIZEN'S FORUM**

   Taxpayers, Business owners, and Residents are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

   Email correspondence must be directed to CityCouncil-All@dover.nh.gov, Voicemails must be left at (603) 516-6338, and written letters or correspondence must be directed to City of Dover, ATTN: City Council, 288 Central Avenue, Dover, NH 03820.
   Correspondence that does not state the individual's name and Dover address shall not be placed on file with the Council public meeting record.
9. **CITY MANAGER'S REPORT**
10. **APPROVAL OF MINUTES**
    - A. **June 24, 2020 - Regular Meeting**
11. **MAYOR'S REPORT**

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

1. **REPROGRAM APPROPRIATION OF RECREATION FACILITIES CAPITAL RESERVE FUNDS FOR COMMUNITY TRAIL PHASE IV TO COMMUNITY TRAIL PHASE III (REQUIRES A 2/3 MAJORITY VOTE OF CITY COUNCIL)**
   SPONSORED BY MAYOR CARRIER BY REQUEST

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **BLOCK PARTY – SIX03 Endurance**
2. **ROAD RACE – SIX03 Endurance**

3. **ENVIRONMENTAL PROJECTS CONSULTING SERVICES**
   SPONSORED BY MAYOR CARRIER BY REQUEST

4. **VARIOUS SENIOR CENTER TRIPS**
   SPONSORED BY MAYOR CARRIER BY REQUEST

5. **CHANGING OF WARD 6 POLLING FACILITY**
   SPONSORED BY MAYOR CARRIER BY REQUEST

6. **AMENDMENT TO COUNCIL RULES - RULE VII(B), (C), AND (D) (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL, AND VOTE TO OCCUR ON JULY 22, 2020.)**
   SPONSORED BY MAYOR CARRIER BY REQUEST

COMMITTEE REPORTS

1. School Board
2. Planning Board
3. 400th Anniversary Committee
4. Appointments Committee
5. Arena Commission
6. Arts Commission
7. Conservation Commission
8. Downtown TIF Advisory Board
9. Energy Commission
10. Heritage Commission
11. Legislative Liaison
12. Library Board of Trustees
13. McConnell Center Advisory Committee
14. Ordinance Committee
15. Parking Commission
16. Pool Advisory Committee
17. Recreation Advisory Board
18. Solid Waste Advisory Commission
19. Transportation Advisory Commission
20. Waterfront TIF Advisory Board
21. City Council / School Board Collaborative Committee
22. Joint Building Committee – Dover High School and Regional Career Technical Center
23. COAST
24. Cocheco Waterfront Development Advisory Committee
25. Dover Main Street
26. Strafford Regional Planning Commission
27. Tri-City Homelessness Task Force

B. RESOLUTIONS

1. **B14074 PHASE II - PROFESSIONAL ENGINEERING SERVICES FOR WATER SYSTEMS FACILITY UPGRADES ADDITIONAL SCOPE OF WORK #10, #11 & #12**
   SPONSORED BY MAYOR CARRIER BY REQUEST

2. **PURCHASE OF WATER METERS – STILES COMPANY**
   SPONSORED BY MAYOR CARRIER BY REQUEST

3. **DISPOSING OF CITY OWNED REAL ESTATE, PROPERTY ID 080390-B00000**
   SPONSORED BY MAYOR CARRIER BY REQUEST

4. **RESCIND LOT LINE RESTORATION FOR NEW ROCHESTER ROAD (TO BE REFERRED TO A PUBLIC HEARING ON JULY 22, 2020.)**
   SPONSORED BY MAYOR CARRIER BY REQUEST

C. ORDINANCES IN 1ST READING

1. **CHAPTER 141, SECTIONS: 3, 13, 14, 18, 20, 30, 31, 33, 34, 37, 48, 49, 51, AND 52 (TO BE REFERRED TO A PUBLIC HEARING ON JULY 22, 2020.)**
   SPONSORED BY MAYOR CARRIER BY REQUEST

2. **CHAPTER 170 – ZONING – REVISING TERMS, SYNTAX AND NUMBERING (TO BE REFERRED TO A PUBLIC HEARING ON JULY 22, 2020.)**
   SPONSORED BY DEPUTY MAYOR CIOTTI AS PLANNING BOARD REPRESENTATIVE

3. **CHAPTER 170 – ZONING – CITYWIDE AREA REZONING, AND TEXT AMENDMENTS REVISING TRANSFERS OF DEVELOPMENT RIGHTS (TDR) AND ALTERNATIVE ENERGY CODE**
   (TO BE REFERRED TO A PUBLIC HEARING ON JULY 22, 2020.)
   SPONSORED BY DEPUTY MAYOR CIOTTI AS PLANNING BOARD REPRESENTATIVE

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

16. ADJOURN

City Manager's Report

July 8, 2020

Reporting on June 2020

Legal Department

Joshua Wyatt, City Attorney

The Office of General Legal Counsel provides legal support to the City Council, City Manager, city staff and volunteers on boards, commissions and committees of the City of Dover to assist efforts in providing services to our constituents and/or customers. In addition, legal support is also provided to the Dover School Board and Superintendent of Schools.

	For Month	FY20	FY19	FY18
Legal Matters/Questions Handled	42	466	342	456
Document Creation & Review Including Contracts	24	256	269	259
Right to Know Requests Processed	03	49	41	94
Resolutions	06	75	53	67
Ordinances	01	10	18	10

Customer Focused Outcomes: Right to Know Requests

Pursuant to RSA 91-A, the following Right to Know requests were received this month:

- → 60 Point Place
- → Painting Contractors – Washington Street
- → Misconduct Settlements

Product & Process Outcomes:
Assistance to City Departments

City Council	Attention to resolutions and ordinances as needed or requested; General Code Recodification tasks; Other inquiries on legal matters;
Community Services	Assistance with easements and deeds; Compliance and enforcement ; water/sewer issues; Assistance with Great Bay Draft General Permit;
Executive	Assistance with compliance questions; Assistance with HR matters;
Fire & Rescue	Compliance inquiries; Enforcement inquiries; Right to Know questions; Covid-19 outbreak and response including planning and guidance; Assistance regarding re-opening tasks;
Finance	Prepare and review various contracts, track and file City claims with Primex; address bankruptcy notices and issues;
Planning	Assistance with various agreements, easements, licenses, resolutions; Compliance assistance and research; Assistance with possible enforcement actions; Assistance with lot line restoration requests; Assistance with CDBG program administration and lien enforcement;
Police	Assistance with cost reimbursement and other questions; Assistance with grant contracts;
Public Library	No legal assistance needed.
Public Welfare	Enforcement and compliance issues;
Recreation	Assistance with certain leases;
School	Assistance with contract issues and compliance questions;
Committees	No legal assistance needed.

Financial Outcomes: Litigation

Opioid Epidemic Litigation: Retained services of Robbins Geller of Boca Raton, Florida for fraudulent marketing practices of pharmaceutical manufacturers. Suit filed in USCD in Concord. Case has been transferred to federal court in Ohio as part of a multi-district litigation consolidation.

McQuade Realty, Inc v. JAD Investments LLC & City: City Attorney filed an Answer and Appearance. File sent to outside counsel. Case will likely be put on track for trial in the near future.

Little Tree Education, LLC et al v. City: Received Summons and Complaint on 4/15/19. Order affirming ZBA received in September 2019. Motion to reconsider denied. An appeal has been filed with the New Hampshire Supreme Court. The appeal has been fully briefed.

Mary Hebbard v. City of Dover, John & Karen Brough and Ryan Colbath: Served on City on 4.17.2019. Case is in general discovery. Trial is scheduled in May 2020. In February 2020, the City filed a partial motion for summary judgment which is now believed to be fully briefed.

Mary & Rick Hebbard v. City: Complaint filed in October 2019 concerning drainage in the Tanglewood subdivision. Case is in general discovery. Trial is scheduled in November 2020. A partial summary judgment motion was filed in April 2020 and is now believed to be fully briefed.

The use of outside counsel to handle specialty matters continues and consists of environmental matters and labor negotiations. There are a small number of attorneys hired on a variety of smaller matters.

Dover Business & Industrial Development Authority

by Daniel Barufaldi

Leadership & Governance Outcomes:

Summary:

In May, the majority of business activity in the region closed down as a result the coronavirus epidemic or the government regulations put in place to combat its spread and resultant loss of life. April to May, our unemployment rate went from 1.8% to 17.3%, improving to 11.9% in June One exception was the resurgence of the restaurant sector due to the extraordinary efforts of the City of Dover to provide outdoor table seating with delivery of water filled Jersey barriers and parking space conversion where necessary. Dover now has 35 restaurants operating with the outdoor seating in place. At the end of June, most Dover restaurants were re-opening inside table service at 50% capacity and most wish to retain the outdoor seating until year-end. The restaurant activity is important as the rest of the downtown retailors depend on Dover' 70 restaurants to bring people downtown. Our airtime radio marketing campaign will kick off in July with WTSN and with CGI Communications providing 6-7 Dover videos for "Dover is Re-opening for Business" media sites.

The stock market decline and volatility was catastrophic for 401-k plans and people's confidence going forward. It is anticipated that the major volatility will continue through Q2 but at present, the stock market is experiencing an uptick seemingly unrelated to the Main Street economy. We are all waiting to see what will happen with the cutoff of existing stimulus packages and the probability of another Federal stimulus bill and what form it will take. The automotive sector reported some immediate sales declines at reduced pricing after the previous sales declines. Dealerships are trying to sell cars on line and are beginning to have some success. The manufacturing sector, including capital goods and aircraft related parts, is showing significant declines including some major layoffs due to the economic paralysis engendered by the coronavirus in international trade and tourism and the Boeing MAX problems. . Most downtown retailers are on reduced hours and staffing. Staffing firms reported a small but persistent rising tide of employment. Commercial real estate activity continues for projects already started, but unstarted new projects remain dead. Residential real estate markets saw some major decreases in closed single family home sales at sustained high prices but multifamily residential apartment projects continue strong for the moment. Planned modest wage increases are gone and layoffs continue. Most recently the US economy was growing at a record pace (GDP growth at 2.6% over Q2, 2019 but declining to a recessionary state at least into the beginning of the third quarter of 2020. Mortgage interest rates most recently are falling with the Federal Reserve near zero interest rates. Downtown bars with food are beginning to re-open.

Selected Business Services:

Demand for consulting and advertising is down sharply over last year at this time. Software and IT services providers are experiencing a pause in activity. Some consolidation is now being experienced in the institutional healthcare sector. Wentworth Douglas Hospital's merger with Mass General and possibly Exeter is part of an overall consolidation trend in institutional healthcare. This is expanding the range of medical specialties available to the Dover market. WDH has opened a medical practice facility at the Pease Development Authority and has another urgent care center planned on a Dover Point Rd. site. Portsmouth Regional Hospital has opened a stand-alone ER building at Exit 7 in Dover. Wages, while historically up significantly in critical skill areas. Have flattened with the loss of elective procedures during the pandemic. Increased health insurance costs remain a concern with the uncertainty of the future reform of the Affordable Care Act and the challenge of being able to increase pricing to cover the increased cost.

Predictions for 2020 revenue growth in the services sector are now in doubt.

Commercial Real Estate:

Non-residential commercial real estate sales activity continued at about half of the previous rate locally, and with flat activity in the Portland markets and declines in Connecticut. Boston and Rhode Island markets paused somewhat in this period. New build costs for needed 20,000 SF – 30,000 SF manufacturing/ assembly/ warehouse/ office spaces at Enterprise Park are causing sticker shock for several prospects and delaying project initiation but with two breakthrough projects beginning to buck the trend this coming month. The lack of at site utilities on Innovation Way has limited the developments considering that location. Accelerator units of 1,200 – 2,500 SF are sorely needed to house small post startup companies to get underway and to grow in Dover. The Orpheum co-worker space will help alleviate this problem to a very small degree. Office leasing was non-existent this month. Land sales have tanked this month. The lending environment remains highly favorable to brave borrowers, with historically low, and now decreasing, interest rates but with somewhat tighter lending standards. The flow of investment capital declined for commercial lease properties across the Seacoast, sourced from private equity firms, pension funds, foreign investors, REITS and high net worth individuals. Leverage ratios are on the rise among some investors, but remain low in absolute terms. Local multi-family and mixed use construction remains active so far with local inventory in this category rising rapidly. The outlook remains cloudy across the region so far in this sector. Forecasts call for more uncertainty in fundamentals moving forward. Fiscal policy and uncertainty around the business and employment effects of the pandemic uncertainty at both the state and federal levels are causing a reluctance to commit assets until things calm down.

See Local Major Development Projects Section below.

Residential Real Estate:

Residential real estate markets recently contributing strong performance on the Seacoast, have now begun to soften except for high end properties. Home buyer confidence still appears to be there for higher priced homes which seems counter intuitive. Completed sales of single family homes increased year-over-year in Q1 and Q2 but Q3 and Q4 unit sales in 2017 declined slightly and 2018 unit sales declined slightly due to lack of inventory. Rising prices are convincing sellers to put homes on the market but interest rates have now declined once again removing some of the "buy now" pressure in the market. Median selling prices continue to rise locally and are up another 6.7% year-over-year 2019-2020. Condo sales though somewhat mixed regionally, are up slightly locally as well as condo pricing and pending sales.. Median sale prices in NH and in Dover increased again in the period for single family homes to the $367,000 range. Pending sales suggest the markets for high-end single family houses and condo's will continue, though abated, throughout 2020 with a probable more significant pause in growth late in late 2020 or early 2021. Realtors are having more luck trying to sell homes on-line.

Manufacturing & Related Services:

Most local manufacturers supplying domestic markets are now reporting poor results with 85% reporting severe market weakness. One point-of–purchase systems supplier is experiencing sales decreases significant enough to require 80% layoffs. Local manufacturing has grown 400 jobs this year but this month Safran and Albany International announced some layoffs due to the airline problems mentioned above. ACLARA in Somersworth is shutting the former GE meters plant and is changing their business model to outsource production. The Phase 1 Chinese trade agreement is not expected to have a substantive positive effect, especially with the rising tensions between China and the U.S. due to the Chinese handling of the pandemic. Other uncertainties surrounding the federal administration change are evident in local manufacturers, including a relaxation of the regulatory constraints on businesses that will reduce costs. It is expected that the relaxation of coal power plant emissions by the EPA will add capacity and reduce some costs at peak use periods for local electrical energy. Local manufacturers are now benefiting from the tax reform package. Dealership auto inventories on site are growing. Manufacturing firms reporting on inventory levels are citing higher levels. Most contacts in the manufacturing sector indicate that both staffing levels and wage growth are now unstable especially in the airplane parts business. Capital investment is stable locally except for some new builds being deferred due to building costs exceeding the value of the completed building at present and the corona virus effect. Foreign investment in the US is growing rapidly due to the uncertainties rampant in the Chinese, Brazilian, Venezuelan and European economies and the pro-business messages from the new administration. Some major capital spending projects are now delayed. The Silver Square development is now making Phase II progress on this $50 million dollar development.

Regional manufacturers are now governed by caution and uncertainty.

Labor demand has been strong in IT and software, electronics, engineering, quality assurance tech and legal skills. This is expected to change shortly as manufacturers deal with reduced demand. Talks with the Chamber of Commerce Education Committee, Dover high School CTC, Great Bay Community College, Somersworth High School CTC and UNH for BIZEDConnect are suspended for the immediate future. Recent reductions in the NH BPT and EPT are being maintained by the Governor's veto. The

FY2020 property tax increase, with the tax cap budget from the School District, is causing concern at several local businesses when combined with high electric energy costs and water processing costs and their concerns about their survivability.

Retail & Tourism:

Due to the limits on gatherings necessitated by the pandemic and the fear surrounding it, local retail and tourism activities are highly curtailed. Local hotels have gone from an occupancy rate of just under 90% to 20% occupancy and several postponed weddings. On-line shopping has, to some extent, prospered due to the brick and mortar retail closings. Many regional malls are being repurposed to other uses and many national/international retail chains have closed in the US, Canada and worldwide. Many large retailers are making infrastructure investments to participate more fully in on-line sales with on-site drive through pick up points.

Local retailers and all local businesses have been informed of the recent SBA Emergency loans and grants programs as well as the DoverCARES Emergency Loan Fund.

Employment and Wages:

Local labor market pressure collapsed with the widespread business closures and layoffs. Wages for wait staff and experienced retail workers have begun to move upward but the recent $600 a week addition to unemployment checks is pulling wait staff out of the labor market as they make a lot more money staying home.

In the higher skill set categories, doctors, paramedics, physician's assistants and nurses are no longer in short supply as elective procedures were suspended in anticipation of COVID-19 surges that didn't materialize in the magnitude anticipated in NH. NH hospitals are in deficit and some doctor and nurse layoffs are expected

Local Major Development Projects:

- First Street Development Phase 2 (River Mark) is nearing completion.
- Third Street Development (Changing Places) is nearing completion.
- Silver Square Development: Phase 1 completion, Phase 2 underway.
- 49,000 SF at 27 Production Drive is again up for sale.
- Cathartes Project (Orpheum completing occupancy).
- Well over $100,000,000 in Dover development underway.
- Enterprise Park Developments suffering from "sticker shock" for new builds. Two projects expected to begin in 2020.
- Fosters Building sold for $1.5 million / Kostis Brothers (renovation in process).
- The Old courthouse Building on First and 2nd may now be renovated for a mixed use facility. Currently again on the market.

- 6 Grove St. Project is underway but paused.
- The Fosters building on Venture Dr has a buyer.
- Bradley Commons Phase 2 is under construction. Has footing and foundation in.
- Birch Hill Armory on Industrial Park Dr. is nearing completion
- The H. Morris building on Venture Dr.

Parking Division

Meter Activity

	May 2020	May 2019	May 2018
Meter Transactions	10,539	42,594	41,363
Income from Meters - Total	$22,271	$59,403	$52,971
Income from Meters – Parking Garage	$981	$5,995	$4,237
Meter Days	25	22	22
Average Meter Transactions Per Day	422	1,936	1,880

	Fiscal YTD 2020	Fiscal Year 2019	Fiscal Year 2018
Meter Transactions	419,432	466,721	449,144
Income from Meters - Total	$748,083	$648,806	$593,031
Meter Days	266	249	250
Average Meter Transactions Per Day	1,577	1,874	1,797

Electric Vehicle Charging Stations

Month	Number of Times Charging Stations Used	Amount Added to Parking Activity Fund
May 2019	24	$73.00
June 2019	20	$55.00
July 2019	31	$88.00
August 2019	18	$44.00
September 2019	38	$188.00
October 2019	32	$140.00
November 2019	23	$87.00
December 2019	28	$102.00
January 2020	25	$82.00
February 2020	31	$94.00
March 2020	23	$85.00
April 2020	02	$6.00
May 2020	05	$17.00

COAST

Ridership Activity

Month	Route 1	Route 2	Route 33 (FasTrans)
May 2019	6,349	17,047	1,350
June 2019	5,461	15,617	1,143
July 2019	6,021	16,014	1,175
August 2019	6,891	17,042	1,231
September 2019	6,144	15,852	960
October 2019	6,490	17,249	1,160
November 2019	5,826	14,367	1,038
December 2019	5,565	13,017	1,102
January 2020	6,210	14,897	1,236
February 2020	5,687	14,897	1,236
March 2020	4,998	11,114	662
April 2020	0	0	0
May 2020	1,690	2,396	14

J. MICHAEL JOYAL, JR.
CITY MANAGER

CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Conference Room**
Meeting Date: **Wednesday, June 24, 2020**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Williams led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Deputy Mayor Ciotti, Councilor Cullen, Councilor Manley, Councilor Muffett-Lipinski, Councilor O'Connor, Councilor Shanahan, Councilor Thibodeaux, and Councilor Williams.
Also Present: City Manager Joyal, City Attorney Wyatt, and City Clerk Mistretta.

5. PROCLAMATIONS/AWARDS

6. APPROVAL OF AGENDA

Deputy Mayor Ciotti moved to substitute as a whole Item 13.B.1.
Councilor Shanahan made a motion to move Item 13.B.1. to follow Citizen's Forum; seconded by Councilor Thibodeaux.
Vote: 9/0.
Deputy Mayor Ciotti moved to approve the Agenda as amended; seconded by Councilor Manley.
Vote: 9/0.

7. PUBLIC HEARINGS

A. ACCEPTANCE OF SUBSTANTIAL AMENDMENT TO THE FFY15-19 CONSOLIDATED PLAN, FFY15-19 CITIZEN PARTICIPATION PLAN AND FFY19 ACTION PLAN AND THE EXPENDITURES FOR FEDERAL FISCAL YEAR 2020 CDBG ENTITLEMENT FUNDS AND CARES ACT FUNDS.

SPONSORED BY DEPUTY MAYOR CIOTTI

Mayor Carrier, seeing no one wishing to speak, closed the Public Hearing.

B. ACCEPTANCE OF THE FFY20-24 CONSOLIDATED PLAN, FFY20-24 CITIZEN PARTICIPATION PLAN AND FFY20 ACTION PLAN AND THE EXPENDITURES FOR FEDERAL FISCAL YEAR 2020 CDBG ENTITLEMENT FUNDS

SPONSORED BY DEPUTY MAYOR CIOTTI

Mayor Carrier, seeing no one wishing to speak, closed the Public Hearing.

C. FISCAL YEAR 2020 GENERAL FUND UNASSIGNED FUND BALANCE TRANSFERS TO CERTAIN SPECIAL REVENUE AND CAPITAL PROJECT FUNDS TO ADDRESS FUND DEFICITS. (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)
SPONSORED BY MAYOR CARRIER BY REQUEST

Mayor Carrier, seeing no one wishing to speak, closed the Public Hearing.

8. CITIZEN'S FORUM

Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

Joanne Maden, 55 Fieldstone Drive: She spoke in favor of Item 13.B.1.

Mark Brave, 17 Schooner Drive: He spoke in favor of Item 13.B.1.

Erin Allgood, 466 Central Avenue: She spoke in favor of Item 13.B.1.

Nathaniel Stewart, 5 Redden Street: He spoke in favor of Item 13.B.1.

Sofia Ford, 143 Sixth Street: She spoke in favor of Item 13.B.1.

Deborah Clough, 2 Towle Avenue: She spoke about her disappointment regarding the June 3, 2020 City Council Workshop discussion regarding the Mounted Police. She asked that the City Council – All emails be archived with the minutes.

Mary Hebbard, 97 Spruce Lane: She spoke against Item 13.B.1.

Stephanie George, 5 Durrell Street: She spoke in favor of Item 13.B.1.

Stacy, 19½ Hough Street: She spoke in favor of Item 13.B.1., and felt it was just a band aid. She asked what the City will do next.

Eva Ford, 143 Sixth Street: She spoke in favor of Item 13.B.1.

Mayor Carrier, seeing no one else wishing to speak, closed the Citizen's Forum.

13.B.1.
Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Muffett-Lipinski.
Councilor Shanahan gave an overview of the Resolution.
Councilor O'Connor spoke about his concern that the Resolution was substituted so late in the day, and felt it should not be voted on at this time.
Councilors discussed the Resolution and the creation of the Ad-Hoc Committee.
Mayor Carrier talked about the Resolution and the Foster's article. He said the Police Department wants a workshop to give an overview of Dover Police's procedure.
Councilor O'Connor reaffirmed that it wasn't about the Resolution, but the process of receiving this substituted resolution.
Councilor Cullen discussed possibly tabling the Resolution.
Councilor Williams gave an overview of each of the changes that were made to the substituted Resolution.
Councilor Cullen moved to make a friendly amendment:
In the fifth Whereas – strike the word "police" before violence.
Deputy Mayor Ciotti moved to make a friendly amendment:
In the fourth Further be it Resolved – remove the second "That" because it's listed twice.
Motion seconded by Councilor Shanahan.
Vote: 9/0.
Mayor Carrier asked for a roll call vote on the amended Resolution.
Roll Call Vote: 9/0.
Mayor Carrier asked the whole Council if they wished to sponsor the Resolution.
City Manager said he will schedule a workshop to discuss the formation of the Committee, and Department actions regarding this issue.

9. CITY MANAGER'S REPORT

City Manager Joyal recognized the Police Department for standing up against the violence this past week. He gave an overview to the Council regarding COVID-19, reopening City facilities, the beginning of drought conditions, and the new Waste Management transition for trash and recycling pickup.
Deputy Mayor Ciotti asked about the process for a substitution as a whole.
City Manager Joyal gave an overview to the Council.
Councilor Cullen asked about the trash bag prices.
City Manager Joyal discussed the increase in the prices.
Deputy Mayor Ciotti asked about the quality of the bags.
City Manager Joyal said the bag manufacturer is the same.
Deputy Mayor Ciotti moved to accept the City Manager's Report; seconded by Councilor O'Connor.
Vote: 9/0.

10. APPROVAL OF MINUTES

A. May 27, 2020 - Regular Meeting
B. June 3, 2020 – Workshop Session

Deputy Mayor Ciotti moved for the Approval of the Minutes; seconded by Councilor Muffett-Lipinski.
Councilor Williams asked that the City-Council-All emails be archived with the Minutes.
Vote: 9/0.

11. MAYOR'S REPORT

Mayor Carrier said he attended the Fidelity Group meeting. He would be meeting with the County Commissioners in the morning. He recognized the City Manager for his State of the City presentation. He said the outside dining is a success.
Deputy Mayor Ciotti moved to accept the Mayor's Report; seconded by Councilor Manley.
Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

1. FY2021 CIP APPROPRIATION AND AUTHORIZATION FOR CWSRF LOAN FOR STARK AVE AND DOWNTOWN SEWER REHAB PROJECT (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)
SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Shanahan.
Roll Call Vote: 9/0.

2. ACCEPTANCE OF SUBSTANTIAL AMENDMENT TO THE FFY15-19 CONSOLIDATED PLAN, FFY15-19 CITIZEN PARTICIPATION PLAN AND FFY19 ACTION PLAN AND THE EXPENDITURES FOR FEDERAL FISCAL YEAR 2020 CDBG ENTITLEMENT FUNDS AND CARES ACT FUNDS.
SPONSORED BY DEPUTY MAYOR CIOTTI

Deputy Mayor Ciotti moved to substitute as a whole.
Vote: 9/0.
Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Shanahan.
Roll Call Vote: 9/0.

3. **ACCEPTANCE OF THE FFY20-24 CONSOLIDATED PLAN, FFY20-24 CITIZEN PARTICIPATION PLAN AND FFY20 ACTION PLAN AND THE EXPENDITURES FOR FEDERAL FISCAL YEAR 2020 CDBG ENTITLEMENT FUNDS**
   SPONSORED BY DEPUTY MAYOR CIOTTI

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Thibodeaux.
Roll Call Vote: 9/0.

4. **FISCAL YEAR 2020 GENERAL FUND UNASSIGNED FUND BALANCE TRANSFERS TO CERTAIN SPECIAL REVENUE AND CAPITAL PROJECT FUNDS TO ADDRESS FUND DEFICITS. (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)**
   SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Manley.
Roll Call Vote: 9/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **RAFFLE – Wentworth-Douglass Health Foundation**

2. **B20056 INNOVATIVE ILLICIT DISCHARGE AND ELIMINATION STORMWATER DRY WEATHER TESTING PROJECT**
   SPONSORED BY MAYOR CARRIER BY REQUEST

3. **B20064 – VARIOUS CHEMICALS**
   SPONSORED BY MAYOR CARRIER BY REQUEST

4. **B20067 TURF TREATMENT**
   SPONSORED BY MAYOR CARRIER BY REQUEST
5. **B20072 – CATCH BASIN CLEANING SERVICES**
   SPONSORED BY MAYOR CARRIER BY REQUEST

6. **B20075 – BITUMINOUS CONCRETE ASPHALT PICKED UP**
   SPONSORED BY MAYOR CARRIER BY REQUEST

7. **B20076 – TREE REMOVAL SERVICES AND OTHER RELATED TREE WORK SERVICES**
   SPONSORED BY MAYOR CARRIER BY REQUEST

8. **B20079 - SPECIALIZED MUNICIPAL LEGAL SERVICES**
   SPONSORED BY MAYOR CARRIER BY REQUEST

9. **LOAD AND DELIVERY OF PIPE TO BROADWAY PROJECT**
   SPONSORED BY MAYOR CARRIER BY REQUEST

10. **MERIT PLAN AMENDMENT – CLASSIFICATION PLAN**
    SPONSORED BY MAYOR CARRIER BY REQUEST

11. **APPROVAL OF USE AND OCCUPANCY AGREEMENT BETWEEN THE CITY OF DOVER AND STATE OF NEW HAMPSHIRE**
    SPONSORED BY MAYOR CARRIER BY REQUEST

12. **APPROVAL FOR LOT LINE RESTORATION OF 48 TUTTLE LANE**
    SPONSORED BY MAYOR CARRIER BY REQUEST

13. **DOG WARRANT**
    SPONSORED BY MAYOR CARRIER BY REQUEST

COMMITTEE REPORTS

1. School Board
2. **Planning Board**
3. 400th Anniversary Committee
4. **Appointments Committee**
5. Arena Commission
6. Arts Commission
7. Conservation Commission
8. Downtown TIF Advisory Board
9. **Energy Commission**
10. Heritage Commission
11. Legislative Liaison
12. Library Board of Trustees
13. McConnell Center Advisory Committee
14. Ordinance Committee
15. Parking Commission
16. Pool Advisory Committee
17. Recreation Advisory Board
18. Solid Waste Advisory Commission
19. Transportation Advisory Commission
20. Waterfront TIF Advisory Board
21. City Council / School Board Collaborative Committee
22. Joint Building Committee – Dover High School and Regional Career Technical Center
23. **COAST**
24. Cocheco Waterfront Development Advisory Committee
25. Dover Main Street
26. **Strafford Regional Planning Commission**
27. Tri-City Homelessness Task Force

Deputy Mayor Ciotti moved for the adoption of the Consent Calendar; seconded by Councilor Williams.
Mayor Carrier asked the Council if they had items they would like pulled for further discussion.
Deputy Mayor Ciotti added the Planning Board and Appointments Committee Reports.
Councilor Thibodeaux added an Energy Commission Report and pulled Item 13.A.3.
Councilor Williams added a Strafford Regional Planning Commission Report.
Councilor Shanahan added a COAST Report and pulled Item 13.A.4.
Mayor Carrier asked for a roll call vote on the remaining items on the Consent Calendar.
Roll Call Vote: 9/0.

Deputy Mayor Ciotti moved for the adoption of Item 13.A.3.; seconded by Councilor Manley.
Councilor Thibodeaux asked if there was a list of chemicals.
City Manager Joyal said there is a list.
Roll Call Vote: 9/0.

Deputy Mayor Ciotti moved for the adoption of Item 13.A.4.; seconded by Councilor Shanahan.
Councilor Shanahan gave an overview of the Resolution to the Council.
Roll Call Vote: 9/0.

Deputy Mayor Ciotti gave an overview of the Planning Board Report to the Council.
Deputy Mayor Ciotti moved to accept the Planning Board Report; seconded by Councilor O'Connor.
Vote: 9/0.

Deputy Mayor Ciotti gave an overview of the Appointments Committee Report and had the following recommendations for appointments:
Cathleen Beaudoin – Dover 400th Anniversary Committee as the Woodman Institute representative
Reappointments:
Linnea Nemeth – Arts Commission
Kimberly Schuman – Arts Commission
Robert Marggraf – Cemetery Board
Robert Atwood – Conservation Commission
Michael Egan – Library Board of Trustees
Ann Schultz – Library Board of Trustees
Kristen Murphy – Open Lands Committee
Nancy O'Connor – Open Lands Committee
Periklis Karoutas – Parking Commission
Anthony McManus – Parking Commission
Aimee Sanderson – Recreation Advisory Board
Rick Schnable – Recreation Advisory Board
David Dinzeo – Solid Waste Advisory Commission
Bret Carmichael – Dover Utilities Commission
Dennis Munson – Dover Utilities Commission
George Reagan – Zoning Board of Adjustment
Anthony Sillitta – Zoning Board of Adjustment
Deputy Mayor Ciotti moved to accept the Appointments Committee Report; seconded by Councilor O'Connor.
Vote: 9/0.

Councilor Thibodeaux gave an overview of the Energy Commission Report to the Council.
Deputy Mayor Ciotti moved to accept the Energy Commission Report; seconded by Councilor Manley.
Vote: 9/0.

Councilor Shanahan gave an overview of the COAST Report to the Council.
Deputy Mayor Ciotti moved to accept the COAST Report; seconded by Councilor Muffett-Lipinski.
Vote: 9/0.

Councilor Williams gave an overview of the Strafford Regional Planning Commission Report to the Council.
Deputy Mayor Ciotti moved to accept the Strafford Regional Planning Commission Report; seconded by Councilor Manley.
Vote: 9/0.

B. RESOLUTIONS

1. **CONDEMNING RACISM AND AFFIRMING CITY OF DOVER'S COMMITMENT TO ELIMINATING RACIAL INEQUITIES**
   SPONSORED BY MAYOR CARRIER BY REQUEST

Moved up on the Agenda to follow The Citizen's Forum.

2. **B14074 – PHASE II - PROFESSIONAL ENGINEERING SERVICES FOR WATER SYSTEMS FACILITY UPGRADES ADDITIONAL SCOPE OF WORK #8 & #9**
   SPONSORED BY MAYOR CARRIER BY REQUEST

   Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Thibodeaux.
   Community Services Director Storer gave an overview of the Resolution to the Council.
   Roll Call Vote: 9/0.

3. **B17003 SIEMENS INDUSTRIES ADDITIONAL SCOPE OF WORK – CITY HALL BOILER**
   SPONSORED BY MAYOR CARRIER BY REQUEST

   Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Muffett-Lipinski.
   City Manager Joyal gave an overview of the Resolution to the Council.
   Roll Call Vote: 9/0.

4. **B20039 – WATER FACILITIES IMPROVEMENTS PHASE II CONTRACT IV – BELLAMY RECHARGE FACILITY**
   SPONSORED BY MAYOR CARRIER BY REQUEST

   Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Manley.
   Community Services Director Storer gave an overview of the Resolution to the Council.
   Roll Call Vote: 9/0.

5. **B20066 – HOT BITUMINOUS PAVING –ASPHALT LAID IN PLACE**
   SPONSORED BY MAYOR CARRIER BY REQUEST

   Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Thibodeaux.
   Community Services Director Storer gave an overview of the Resolution to the Council.
   Roll Call Vote: 9/0.

6. B20073 – DESIGN CONSULTING SERVICES FOR THE LOWER CENTRAL AVENUE IMPROVEMENT PROJECT
SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Cullen.
Community Services Director Storer gave an overview of the Resolution to the Council.
Roll Call Vote: 9/0.

7. PURCHASE OF DIESEL ENGINE AMBULANCE
SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Thibodeaux.
City Manager Joyal gave an overview of the Resolution to the Council.
Roll Call Vote: 9/0.

8. ON CALL ENVIRONMENTAL CONSULTING SERVICE WITH RANSOM CONSULTING INC FOR BROADWAY RAILROAD CULVERT SOIL CHARACTERIZATION AND MANAGEMENT
SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Manley.
Community Services Director Storer gave an overview of the Resolution to the Council.
Roll Call Vote: 9/0.

9. BELLAMY RIVER ARTIFICIAL RECHARGE FACILITY – 401 WATER QUALITY CERTIFICATE
SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Williams.
Community Services Director Storer gave an overview of the Resolution to the Council.
Roll Call Vote: 9/0.

10. REPROGRAM APPROPRIATION OF RECREATION FACILITIES CAPITAL RESERVE FUNDS FOR COMMUNITY TRAIL PHASE IV TO COMMUNITY TRAIL PHASE III (REQUIRES A 2/3 MAJORITY VOTE OF CITY COUNCIL) (TO BE REFERRED TO A PUBLIC HEARING ON JULY, 8, 2020)
SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved to refer to a public hearing on July 8, 2020; seconded by Councilor O'Connor.
Assistant City Manager Parker gave an overview of the Resolution to the Council.
Roll Call Vote: 9/0.

C. ORDINANCES IN 1ST READING

14. COUNCIL CORRESPONDENCE

Councilor O'Connor requested that the letter from Deborah Clough be archived with the minutes.

15. COUNCIL MATTERS OF INTEREST

Councilor O'Connor congratulated Frank Torr for being named the New Hampshire Citizen Planner of the Year.

16. ADJOURN

Councilor O'Connor moved to adjourn; seconded by Councilor Manley.
Vote: 9/0.

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2020.06.24 – 109**

Resolution Re: Reprogram Appropriation of Recreation Facilities Capital Reserve Funds for Community Trail Phase IV to Community Trail Phase III

WHEREAS: On April 10, 2019, the City Council approved the appropriation of Recreation Facilities Capital Reserve funds for Community Trail Phase IV section via council resolution R-2019-03.27-040 in the amount of $150,000.00; and

WHEREAS: The City has identified the immediate need for a portion of the funding to be reprogrammed to the Community Trail Phase III section in the amount of $110,000.00; and

WHEREAS: The $110,000.00 will be used to fund the additional cost of construction and construction oversight services needed for Phase III of the Community Trail project.

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

The amount of $110,000.00 of unexpended appropriation is hereby reprogrammed from the Community Trail Phase IV section to the Community Trail Phase III section as follows:

Project Number	Project Description	Available Balance	Reprogram Adjustment	Adjusted Balance
4020.1.180.43122.4715.03371.20	Land Improvements – Phase 4	150,000	(110,000)	40,000
4020.1.180.43122.4715.03370.20	Land Improvements – Phase 3	0	110,000	110,000

NOTE: This resolution reprograms appropriations and therefore requires a public hearing and a 2/3 favorable vote of all members for passage.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

Sponsored by: Mayor Robert Carrier, By Request

Approved as to Legal Form and Compliance: Joshua Wyatt, City Attorney

Recorded by: Susan Mistretta, City Clerk

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2020.06.24 – 109**

Resolution Re: Reprogram Appropriation of Recreation Facilities Capital Reserve Funds for Community Trail Phase IV to Community Trail Phase III

DOCUMENT HISTORY:

First Reading Date:	06/24/2020	Public Hearing Date:	07/08/2020
Approved Date:		Effective Date:	

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

On April 10, 2019, the City Council approved the appropriation of recreation facilities capital reserve funds for Community Trail Phase IV section via council resolution R-2019-03.27-040 in the amount of $150,000.00.

The City has identified the immediate need for a portion of the funding to be reprogrammed to the Community Trail Phase III section in the amount of $110,000.00 for the additional cost of construction and construction oversight services.

PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

5K/10K

Check(√) the type of application:

PARADE** ✓ , **ROAD TOLL***** _____ ,

Fill In Completely and Return To City Clerk -- PLEASE NO LATER THAN 30 DAYS PRIOR TO EVENT

Organization Name: SIX03 ENDURANCE

Federal Tax ID number for Organization: 46-2281593

Check(√) Nature of Organization:

Religious___, Educational___, Charitable___, Civic___, Sports X, Veterans___, Fraternal or Political___, Other___

Name/Description of Event (if applicable): SIX03 SUMMERFEST 10K & 5K ROAD RACE

Contact Person: TOM HOOPER **Day Time Telephone:** 603-817-3672

Address: 10 LAYNE DR. LEE, NH **Email** TOM@SIX03ENDURANCE.COM

Date of Event: JULY 25, 2020 **Specific Time:** 0900-1300

Location of Event (if parade, attach course description or map): ATTACHED

*********PARADE PERMITS*********

****NOTE: ALL REQUESTS FOR PARADE PERMITS MUST HAVE PARADE ROUTE APPROVED BY THE POLICE DEPT. BEFORE GOING ON THE COUNCIL AGENDA**

Police Department Parade Route Approval Signature: _____

Printed Name: Sgt. Marn Speidel **Check Here If Parade Route Is Attached:** ✓

*********ROAD TOLL PERMITS*********

*****NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT**

Road Toll Location: _____

Police Department Road Toll Approval Signature: _____

Printed Name: _____

Unless expressly waived in writing by the Licensing Board, the Organization agrees to defend, indemnify, and hold harmless the City of Dover from any claims, losses, and/or damages arising out of the event, and to name the City of Dover as an additional insured on its general liability insurance policy in amounts of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in the aggregate. The Organization/Applicant shall provide the City a certificate of insurance evidencing such additional insured status no less than fifteen (15) days prior to the event.

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT. I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL per the provisions of *RSA 287-A, RSA 31:91 and/or RSA 286 and I agree to abide by the same.*

SIGNATURE OF APPLICANT: Tom Hoop **DATE:** 6/9/20
(duly authorized)

PRINTED NAME: TOM HOOPER

Licensing Board Approval _____ **Date:** 6/25/2020

1/2015

http://www.dover.nh.gov/Assets/government/city-operations/1form/finance/city-clerk-tax-collection/Application%20parade.pdf

PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

Check(√) the type of application:

RAFFLE*_____, TAG*_____, BLOCK PARTY__√__,**

Fill In Completely and Return To City Clerk -- PLEASE NO LATER THAN 30 DAYS PRIOR TO EVENT

Organization Name: SIX03 ENDURANCE
Federal Tax ID number for Organization: 46-2281593

Check (√) Nature of Organization:

Religious___, Educational___, Charitable___, Civic___, Sports X, Veterans___, Fraternal or Political___, Other__
(Describe) _____
Contact Person: TOM HOOPER **Day Time Telephone:** 603-817-3672
Address: 10 LAYNE DR, LEE, NH **Email** TOM@SIX03ENDURANCE.COM
Purpose of Permit: AWARD CEREMONY - POST ROAD RACE
Date of Event: JULY 25, 2020 **Specific Time:** 0900 - 1300
Location of Event: FIELD BEHIND JENNY THOMPSON POOL 110 PORTLAND AVE

*********RAFFLE / TAG PERMITS*********

Prize (s) To Be Awarded: _____
Cost of Ticket: _____ **Date of Drawing:** _____
Place of Drawing: _____

*** NOTICE TO RAFFLE AND TAG PERMIT APPLICANTS: Please be advised the City will verify that your organization is in compliance with the regulations of N.H. Charitable Trusts Unit of the Attorney General's Office prior to the acceptance of your application. The police department may contact you to obtain additional information. Please provide a way for us to contact you during the day so the request can expedited. Information on these requirements may be found at**

http://www.doj.nh.gov/charitable-trusts/faq.htm

*********BLOCK PARTY PERMITS*********

****NOTICE TO BLOCK PARTY APPLICANTS: STREET CLOSURES, TRAFFIC DETOURS, AND/OR PARKING RESTRICTIONS MUST BE ARRANGED WITH THE POLICE DEPARTMENT**
Block Party Location (attach map if more than one street is affected): Guppey Park, 110 Portland Ave
Police Department Block Party Approval Signature: _____
Printed Name: Sgt. Marn Speidel, Traffic Bureau

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT. I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of *RSA 287-A , RSA 31:91 and/or RSA 286 and I agree to abide by the same.*

SIGNATURE OF APPLICANT: Tom Hooper **DATE:** 6/9/20
(duly authorized)

PRINTED NAME: TOM HOOPER

Licensing Board Approval _____ **Date:** 6/25/2020

June 9, 2020

City of Dover,

Understanding that the country is in the midst of the COVID-19 pandemic, SIX03 Endurance is still planning to host a modified road race, provided it is authorized by the Governor's Office and complies with CDC recommendations, as well as any City of Dover ordinances or requests given this unprecedented time. We would like to hold our race if authorized by the City of Dover.

The seventh annual SIX03 Summerfest 10K Road Race is scheduled for Saturday, July 25, 2020, outside at the Dover Ice Arena/Jenny Thompson Outdoor Pool. The 10K road race is a USATF certified course that begins at the Dover Ice Arena (110 Portland Avenue) and finishes at Philbrick's Sports (161 Portland Avenue). The race will begin at 9:00 am and the awards ceremony should be complete by 1:00 pm at the latest. The route is the same as the six previous years. In addition to the 10K road race, we offer a 5K road race option to our runners with the same start and finish lines as the 10K. Please see attached maps for further detail.

Following the road race, SIX03 Endurance would like to have an awards ceremony that will be held in the park behind the Jenny Thompson Outdoor Pool. We have coordinated this with the Dover Recreation Department including the Dover Ice Arena and the Jenny Thompson Pool. As with the six previous year's requests, we ask that the area be reserved for the awards ceremony following the 5K/10K road race. Additionally, we will provide beer to runners that have completed the race who are of legal age (over 21). As with previous years, we will obtain a liquor license for the sale of alcohol. We will also hire a Dover Police Department detail officer to remain on site during the sale of alcohol.

SIX03 Endurance carries insurance through the Road Runners Club of America. We also work with the Dover Police and Dover Fire Department in order to ensure a safe and fun running experience. The SIX03 Summerfest 10K and 5K Road Race is part of the very popular Dover Race Series.

Again, we only seek permission if this type of event will be authorized by the Governor's Orders and we will follow any recommendations requested by the City of Dover to conform to COVID-19 safety protocols. If you have any questions, please feel free to contact Tom Hooper at 603-817-3672 or by email at tom@six03endurance.com

Thank you,

_____

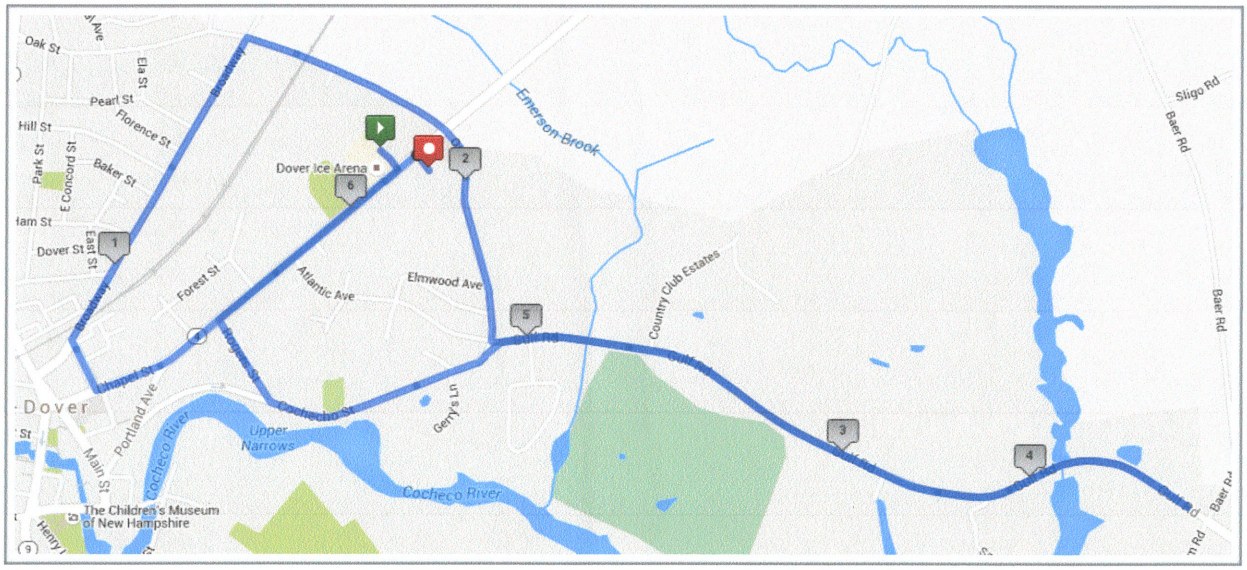
Tom Hooper
Co-Founder of SIX03 Endurance

June 9, 2020

SIX03 SUMMERIEST **10K ROAD RACE**

Runners competing in the 10K will start at the Dover Ice Arena and exit the parking lot right onto Portland Avenue. Runners will continue down Portland Avenue toward Chapel Street. Runners then turn right onto Chapel Street and then right onto St. John Street. Runners then turn right onto Broadway and continue toward Oak Street. Runners then turn right onto Oak Street, continue over Portland Avenue toward Gulf Road. Runners then turn right onto Gulf Road and run toward Baer Road.

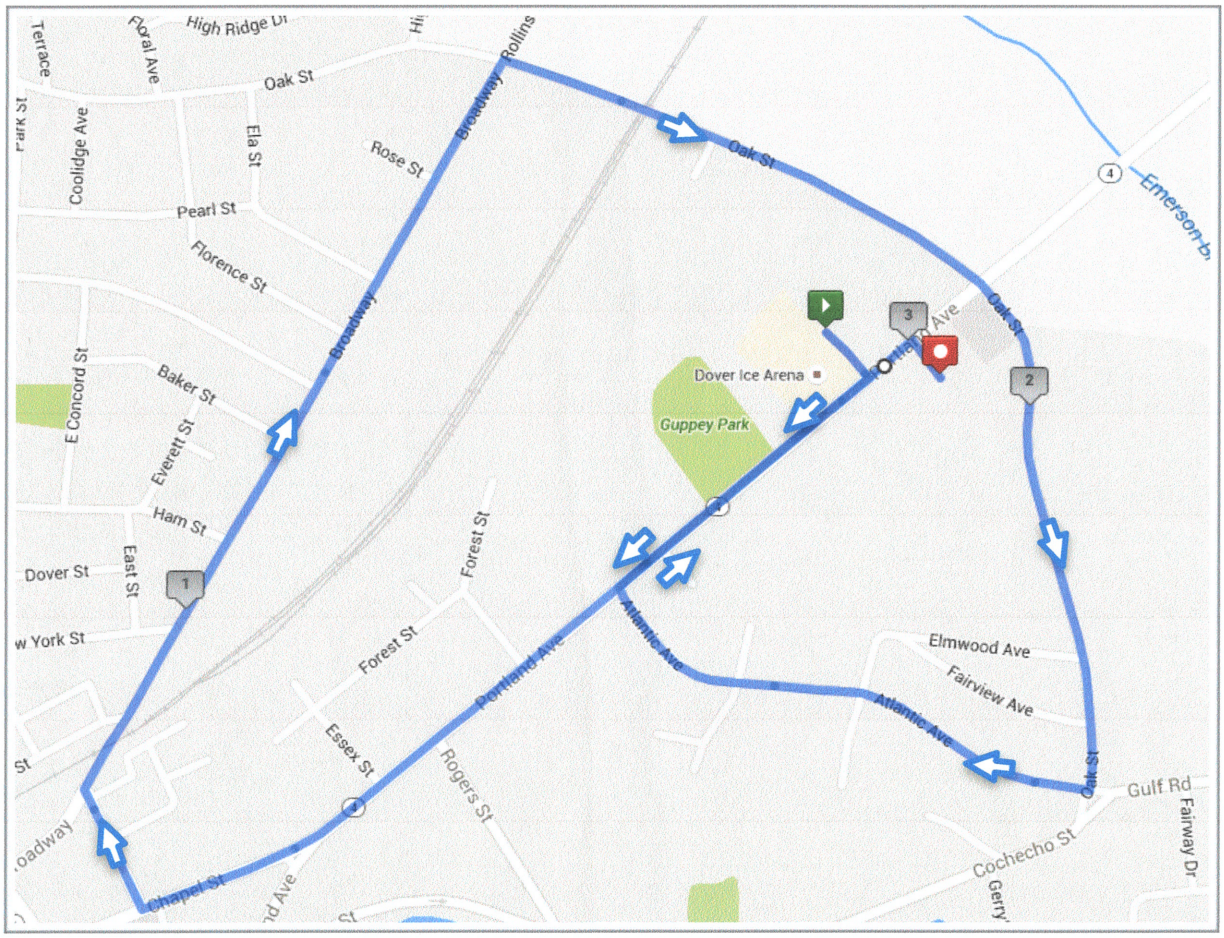
Runners will complete a turn around before Baer Road and return back down Gulf Road toward Cocheco Street. Runners will turn left onto Cocheco Street and then right onto Rogers Street. Runners will then turn right onto Portland Avenue and finish in the Philbrick's Sports parking lot. This is the same course as the five previous years. This will prevent runners from crossing Portland Avenue at the finish. The turn around on Gulf Road has also been pushed back to clear the intersection.



Start: On southwest side of Dover Ice Arena driveway.
Mile 1: On southeast side of Broadway,
Mile 2: On east side of Oak St 16 feet N of north edge of front door of Sundance Sign
Mile 3: On N side of Gulf Road near PSNH Pole 120/39
Mile 4: On N side of Gulf Road near PSNH Pole 120/52
Mile 5: On N side of Gulf Road near 111 Gulf Road
Finish: Philbrick's Sports Parking Lot

SIX03 SUMMERFEST **5K ROAD RACE**

Runners competing in the 5K will follow the same route as the runners competing in the 10K until the intersection of Oak Street and Gulf Road. This is the same route as the previous five years. At that point, the 5K runners will turn right onto Atlantic Avenue, continue to Portland Avenue, turn right onto Portland Avenue, and return to the Philbrick's Sports/Finish Line.



Start: On southwest side of Dover Ice Arena driveway.
Mile 1: On southeast side of Broadway, 16 feet 8 inches SW of Storm Drain on same side and in front of 45 Broadway
Mile 2: On east side of Oak St 16 feet N of north edge of front door of Sundance Sign on opposite side at 89 Oak St.
Mile 3: On NW side of Philbrick's Sports parking lot.
Finish: Philbrick's Sports Parking Lot

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

CITY OF DOVER

Resolution Number: **R – 2020.07.08 – 110**
Resolution Re: Environmental Projects Consulting Services

WHEREAS: The City of Dover's FY2021 Budget reestablishes the position of Environmental Projects Manager, but that position has yet to be filled, so in the interim short-term consulting assistance is required; and

WHEREAS: The City of Dover and Peschel Consulting LLC (Dean Peschel) has successfully engaged in environmental consulting services for the past seven years. Prior to the contract arrangement, Mr. Peschel worked directly for the City as their Environmental Projects Manager. In the short-term, the City continues to require expert advice and service on major environmental projects and other related matters involving the City of Dover which can be procured in the form of consulting services from an outside consultant; and

WHEREAS: The immediate interest of the City in environmental matters will be best served with the acquisition of consulting services that can be provided by this former employee taking advantage of his experience and knowledge. The continuation of the consulting services is being offered at an hourly rate of $200.00 on an as needed basis for the FY2021 fiscal year; and

WHEREAS: Outline of Scope of Work for FY2021 is contained in the background section of this resolution.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Peschel Consulting LLC of Eliot, ME in the amount not to exceed $50,000.00 for environmental consulting services at rates outlined in this resolution. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

The amount of this authorization shall be limited so as not to exceed available funding.

Account	Description	Appropriation	Balance
5320.1.300.43250.4341.00000.00	CS - Sewer - Technical Services	205,642	112,442
5300.1.300.43320.4339.00000.00	CS - Water - Consulting Services	10,000	10,000
5320.1.300.43250.4840.00000.00	CS - Sewer - Contingency	62,200	62,200

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

Sponsored by: Mayor Robert Carrier, By Request

Approved as to Legal Form and Compliance: Joshua Wyatt, City Attorney

Recorded by: Susan Mistretta

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R – 2020.07.08 – 110**
Resolution Re: Environmental Projects Consulting Services

City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R – 2020.07.08 – 110**
Resolution Re: Environmental Projects Consulting Services

RESOLUTION BACKGROUND MATERIAL:

Environmental matters involving the City of Dover create complex challenges and liabilities for the city. Institutional knowledge, experience and expertise in state and federal regulations and scientific knowledge are required to protect the interest of the city.

Both parties to the agreement are satisfied that the terms of the Agreement have been successfully met with the desired level of results and is requesting the City Council to renew the Agreement for one year. Tasks include, but are not limited to the following:

- Dover Landfill (Tolend Rd) Project Manager, estimate $40,000.00
- General City Coordination and Assistance, estimate $10,000.00
  - Closure of the Dover Dredge disposal facility
  - Restoration of the Pudding Hill aquifer
  - Well supply Impact Studies
  - Coordination of groundwater exploration
  - Ongoing consideration with the proposed General NHDES permit
  - MS4 Permit compliance assistance
  - Environmental consulting services, as needed

Bid Information:

Dover Code 3-36B Competitive bidding may be waived by the majority vote of the City Council.

Award Information:

A purchase order will be issued to the Peschel Consulting LLC to authorize expenditures as outlined in this resolution.

CITY OF DOVER – RESOLUTION

Agenda Item#: 13.A.4.

CITY OF DOVER

Bid Number: **R -2020.07.08 – 111**
Bid Description: Various Senior Center Trips

WHEREAS: The Senior Center Travel Supervisor has a schedule of possible trips for the remainder of calendar year 2020 through the beginning of 2021. A list and estimated costs are outlined in the background section of this resolution. The Senior Center Travel Supervisor obtains pricing information for these trips as scheduled; and

WHEREAS: In order to maximize the size of the group as well as to address any last minute cancellations, the travel agents keep the registration open as long as the tour company allows. Sometimes the end date of the registration period and determination of a final price falls after the deadline for the next City Council meeting agenda so the City is not always able to get the resolution to the Council before the trip departs; and

WHEREAS: Revenue is collected and deposited into the special revenue account for the Senior Center and expensed out as needed for various trips. Since the costs are paid for by the traveler, they wish to pick the tour companies they will use.

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

Per 3-36.B. The sealed competitive bid procedure may be waived by a majority vote of the City Council.

The Purchasing Agent is hereby authorized to issue purchase orders for travel services at rates obtained by the Senior Center Travel Supervisor. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
3410.1.350.45126.4443.00000	McConnell Senior Travel Programs	110,000	110,000

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

Sponsored by: Mayor Robert Carrier, By Request

Approved as to Legal Form and Compliance: Joshua Wyatt, City Attorney

Recorded by: Susan Mistretta, City Clerk

CITY OF DOVER

CITY OF DOVER – RESOLUTION

Agenda Item#: 13.A.4.

Bid Number: **R -2020.07.08 – 111**
Bid Description: Various Senior Center Trips

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER – RESOLUTION

Agenda Item#: 13.A.4.

Bid Number: **R -2020.07.08 – 111**
Bid Description: Various Senior Center Trips

BACKGROUND MATERIAL:
This is a blanket resolution for the Senior Center trips using various travel agencies as needed. The Senior Center travel supervisor obtains pricing information for trips the Dover Senior Center wishes to take that are run annually and have a consistent group of travelers and a set of travel and accommodation expectations that the travelers strive to meet.

In order to maximize the size of the group as well as to address any last minute cancellations, the travel agents keep the registration open as long as the tour company allows. Sometimes the end date of the registration period and determination of a final price falls after the deadline for the next City Council meeting agenda so the City is not always able to get the resolution to the Council before the trip departs.

Coach Company
Quarterly Mohegan Sun/Foxwoods (~$1,070/quarter)
Quarterly trips to Boston area attractions (~$1,000/quarter)

Fox Tours:
2020-21 schedule currently on hold due to Covid-19 pandemic
Usually do monthly day trips (approx. $4-5k per trip) and 2 overnight trips per year ($10-15k per trip)

Best of Times Travel
TBD – 2 possible 2021 day trips, approx. ($3-$4K each)

Yankee Tours:
Mt Washington Hotel – Dec 2020 (Approx $5k)
Daytona – Feb 2021 (Between $20K & $40K depending on traveler numbers)

Purchasing Information:

Type:	Purchase order	**Advertised:**	No
Invitations Mailed:	n/a	**Number of Responses:**	n/a
Warranty:	n/a	**Terms:**	Net 30
Work Bonded:	No	**Contract:**	No
Prices will hold for	Until Trip date	**Estimated Delivery:**	2020-2021
Recommended Award to:	Various	**Fund:**	3410
Other Approvals Required:	No	**References Checked:**	Satisfactory
Previously Worked for City:	Yes	**Reason for City Manager Approval:**	Waive sealed bidding procedure

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

CITY OF DOVER

Resolution Number: **R – 2020.07.08 – 112**
Resolution Re: Changing of Ward 6 Polling Facility

WHEREAS: The City Clerk has concluded that the current Ward 6 needs a new polling facility;

WHEREAS: The lessee of the Hellenic Center has offered, and the owner/landlord of the property has approved, the use of their facility at 219 Long Hill Road as the location for the Ward 6 polling facility in the upcoming 2020 elections; and

WHEREAS: The City Clerk has toured the facility proposed for the polling location discussed above and has deemed them to be accessible to the public as required by law.

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

The Hellenic Center, 219 Long Hill Road, is designated as the City of Dover Ward 6 polling place for elections.

AND, FURTHER BE IT RESOLVED;

Public notice shall be given to effect the foregoing changes in polling places.

AND, FURTHER BE IT RESOLVED;

The City Manager is authorized to finalize and sign the attached letter agreement with Mezzanine Catering, LLC.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

Approved as to Legal Form: Joshua M. Wyatt, City Attorney

Recorded by: Susan M. Mistretta, City Clerk

Sponsored by: Mayor Robert Carrier, By request

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

Resolution Number: **R – 2020.07.08 – 112**
Resolution Re: Changing of Ward 6 Polling Facility

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

See attached letter from Ms. Sally Cobb dated June 29, 2020.

After the Presidential Primary in February 2020, the New Hampshire Attorney General's Office contacted the City of Dover to urge improvements in the configuration and spacing of Ward 6 at the Riverside Rest Home, generally and given anticipated record voter turnout for future elections in 2020. The Attorney General's Office sought to ensure adequate protections in place to avoid congestion and ensure voter privacy. This proposed change in polling facility for Ward 6 (the Hellenic Center) offers more space, which will better enable the City to conduct the election and enact the improvements and measures suggested by the Attorney General's Office and required by state law. In addition, having a Ward 6 polling facility with increased space is even more important now given the onset of the COVID-19 pandemic and the anticipated need for social distancing.

Mezzanine

At The Hellenic Center
219 Long Hill Road, Dover, NH

Sally Cobb, Manager
42 Dover Point Road
Suite I
Dover, NH, 03820
Sally@mezzaninecatering.com
603.953.3679

June 29th, 2020

Susan Mistretta
City Clerk, Tax Collector
288 Central Ave
Dover, NH 03820

Dear Susan,

Thank you for considering the Hellenic Center for the City of Dover's Ward 6 voting this year on September 8th and November 3rd. I and my company, Mezzanine Catering, LLC, are pleased to offer the City of Dover exclusive use of the Hellenic Center and adjacent parking facilities as a polling place for the elections on September 8, 2020 and November 3, 2020, including the day before and the day after each voting day/election so that there will be ample time to set up and take-down of equipment and such.

My company is the lessee of the Hellenic Center property (Tax Map A-18-D-0) and has received written approval from the landlord (Greek Orthodox Church) for use of the property as the polling place for Ward 6 this year.

We would be happy to show you the center and help answer any additional questions.

We are fully insured and offer an over 5000 square foot space with ample parking. The building is handicap accessible and offers plenty of opportunities for social distancing. Our capacity per the fire department is 350 persons at any one time.

If the City of Dover agrees and intends to use the property for Ward 6 polling as outlined above, then please countersign and return this letter to my attention. I look forward to hearing from you and understanding what other things we will need to know in order to host this year.

Best,
Sally Cobb, Manager
Mezzanine Catering, LLC



Accepted and agreed to:

City of Dover

_____

By: J. Michael Joyal, Jr., City Manager

Date: _____

Mezzanine

Sally Cobb <sally@mezzaninecatering.com>

Assembly Permit

Abby Sykas Karoutas <akaroutas@wbtblaw.com> Mon, Jun 29, 2020 at 10:14 AM
To: Sally Cobb <sally@mezzaninecatering.com>
Cc: Annunciation Church <annunciationdover@gmail.com>, George Coussoule <gpcfisherman@hotmail.com>, Vula Z <vulaz55@gmail.com>, Mike Frudakis <michaelfrudakis@gmail.com>

Hi Sally,

The Church has no issue with the voting taking place at the Hellenic Center. Please let the City know we are supportive (if they need something more than this e-mail, please let me know).

I'm assuming that as you are the one who gave the permission, and it is your leasehold at those dates/times, you will be the one present to lock, unlock, etc. and do whatever else the city needs?

Thanks for being willing to help out the City.

Thanks,

Abby

Abigail Sykas Karoutas, Esq.

Wyskiel, Boc, Tillinghast & Bolduc, P.A.

561 Central Avenue

Dover, NH 03820

Phone: (603) 742-5222

After Hours Extension: x246

Fax: (603) 742-7212

www.wbtblaw.com

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[Quoted text hidden]

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.6.

Resolution Number: **R – 2020.07.08 – 113**
Resolution Re: **Amendment to Council Rules Rule VII(B), (C), and (D)**

WHEREAS: On January 6, 2020, the Dover City Council adopted its 2020-2021 City Council Procedural Rules & Decorum Guidelines, which were subsequently amended on February 11, 2020; and

WHEREAS: The conduct of City Council business will be enhanced with an amendment to the Council Rules addressing and clarifying under what circumstances correspondence to the City Council will be placed in the public meeting record.

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

The Dover City Council's 2020-2021 City Council Procedural Rules & Decorum Guidelines are amended as set forth in the background of this resolution.

NOTE: This requires a 2/3 majority roll call vote and advance notice pursuant to Council Rules.

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Robert Carrier By request
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Susan Mistretta City Clerk		

CITY OF DOVER	CITY OF DOVER - RESOLUTION
	Agenda Item#: 13.A.6.
	Resolution Number: **R – 2020.07.08 – 113** Resolution Re: **Amendment to Council Rules Rule VII(B), (C), and (D)**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

VII. ORDER OF BUSINESS

…

B. Regular Meetings - The order of business to come before the Council during Regular Meetings shall be as follows (items ii and iii below may be eliminated if they have already occurred during a prior Council meeting held on the same date):

…

xiv. Council Correspondence – ~~Written~~ All correspondence sent or otherwise submitted to the City Council (including emails, letters, and voicemails, but excluding advertisements, flyers, brochures, copyrighted materials, media clippings) shall be accepted and placed on file with the Council public meeting record~~.~~, provided such correspondence is from a Dover resident whose name and Dover address shall be stated in said correspondence, and further provided such correspondence is received after the conclusion of the prior meeting and at least 3 hours before the

next meeting. ~~An E-mail sent to all City Council members will also be accepted and placed on file when requested by a Council member.~~ Correspondence that does not state the individual's name and Dover address shall not be placed on file with the Council public meeting record. Correspondence that is received within three hours of a meeting will not be placed on file with the public meeting record for that meeting, but will instead be placed with the public meeting record of the next following meeting. In addition, in order to be placed in the public meeting record, email correspondence must be directed to council-all@dover.nh.gov, voicemails must be left at 1-603-516-6338, and written letters or correspondence must be directed to City of Dover, ATTN: City Council, 288 Central Avenue, Dover, NH 03820. Unsigned communications shall not be introduced nor accepted by Council Members. Submissions by a Council Member will also be considered Council Correspondence when requested by a Council member.

C. Special Meeting- The order of business to come before the Council during Special Meetings shall be similar to that of Regular Meetings but may not include all items. At a minimum, the following items must be included (items ii and iii below may be eliminated if they have already occurred during a prior Council meeting held on the same date) :

i. Call to Order
ii. Moment of Silence
iii. Pledge of Allegiance
iv. Roll Call Attendance
v. Public Hearings - in accordance with provisions of Section V-D above. Correspondence shall be included within the public meeting record only when submitted in accordance with the procedures and requirements set forth in Section VII(B)(xiv) above.
vi. Citizen's Forum - in accordance with provisions of Sections IV-A(ii) and V- E above. Correspondence shall be included within the public meeting record only when submitted in accordance with the procedures and requirements set forth in Section VII(B)(xiv) above.
vii. Unfinished Business
viii. New Business
ix. Adjournment

D. Workshop Meeting– The order of business to come before the Council during Workshop Meetings shall include, at a minimum, the following items (items ii and iii below may be eliminated if they have already occurred during a prior Council meeting held on the same date) :

i. Call to Order
ii. Moment of Silence
iii. Pledge of Allegiance
iv. Roll Call Attendance
v. Citizen's Forum - in accordance with provisions of Sections IV-A(iii) and V- E above. Correspondence shall be included within the public meeting record only when submitted in accordance with the procedures and requirements set forth in Section VII(B)(xiv) above.
vi. Discussion/Presentation – Pertaining to a matter(s) of Council interest
vii. Adjournment

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

CITY OF DOVER

Resolution Number: **R – 2020.06.24 – 114**

Resolution Re: B14074 Phase II - Professional Engineering Services for Water Systems Facility Upgrades Additional Scope of Work #10, #11 & #12

WHEREAS: A sealed Request for Qualifications (RFQ) B14074 was issued and received for Professional Engineering Services for Water Systems Facility Upgrades on July 9, 2014 at 11:00 am. Four firms replied and interviews were conducted on August 3, 2014 with representatives from all four firms. The evaluating committee recommended award to Underwood Engineers of Portsmouth, NH as the top ranked firm for this project; and

WHEREAS: The City received Additional Scope of Work #10 in the amount of $240,000.00 for engineering construction administrative services for water facilities improvements Phase II Contract IV – Bellamy Recharge Facility (Bid #B20039), Additional Scope of Work #11 in the amount of $10,000.00 to complete a preliminary evaluation of the Garrison Water Storage Tank, as well as Additional Scope of Work #12 in the amount of $37,000.00 for preliminary design services at French Cross Road Water Treatment Plant and Hughes Well; and

WHEREAS: To be eligible for State of NH funding through the Drinking Water State Revolving Fund, the City followed the RFQ guidelines set by the state for professional engineering services.

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

The Purchasing Agent is hereby authorized to issue a purchase order for Additional Scope of Work #10, #11 and #12 to Underwood Engineers of Portsmouth, NH for Construction Phase Services and Design Phase Engineering Services in the amounts not to exceed $240,000.00, $10,000.00 and $37,000.00. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
5300.1.300.43320.4757.03550.17	Water Systems Facilities Upgrades	7,381,871	3,894,622

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

Approved as to Legal Form and Compliance: Joshua Wyatt, City Attorney

Recorded by: Susan Mistretta, City Clerk

Sponsored by: Mayor Robert Carrier, By Request

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2020.06.24 – 114**

Resolution Re: B14074 Phase II - Professional Engineering Services for Water Systems Facility Upgrades Additional Scope of Work #10, #11 & #12

DOCUMENT HISTORY:

First Reading Date:	06/24/2020	Public Hearing Date:	N/A
Approved Date:	06/24/2020	Effective Date:	06/24/2020

DOCUMENT ACTIONS:

Deputy Mayor Ciotti moved for the adoption of the Consent Calendar; seconded by Councilor Thibodeaux. Roll Call Vote: 9/0.

VOTING RECORD Date of Vote: 06/24/2020	YES	NO
Mayor Robert Carrier	X	
Deputy Mayor Dennis Ciotti	X	
Councilor Michelle Muffett-Lipinski, Ward 1	X	
Councilor Deborah Thibodeaux, Ward 3	X	
Councilor Joshua Manley, Ward 4	X	
Councilor Dennis Shanahan, Ward 5	X	
Councilor Fergus Cullen, Ward 6	X	
Councilor John O'Connor, At Large	X	
Councilor Lindsey Williams, At Large	X	
Total Votes:	9	0
Resolution does pass.		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2020.06.24 – 114**

Resolution Re: B14074 Phase II - Professional Engineering Services for Water Systems Facility Upgrades Additional Scope of Work #10, #11 & #12

RESOLUTION BACKGROUND MATERIAL:

The City of Dover requested the submission of Statements of Qualifications from full service engineering firms to provide services for water system facilities upgrades including, but not limited to, eight wells and three water treatment facilities. Underwood Engineers was selected via council approval for Phase I on November 12, 2014 and awarded Phase II in the amount of $350,300.00 on October 26, 2016 via Resolution R-2016.10.26-142.

Additional Scope of Work #1 to Phase II for $4,700 Temporary PFSA Treatment and $7,300 conceptual permanent treatment considerations Additional Scope of Work #1 total $12,000 was approved via council resolution R-2017.08.09-093. New total contract $362,300.00

Additional Scope of Work #2 adding $210,900 additional services at Rochester Road and Bellamy was approved via council resolution R-2017.08.09-093. New total contract $573,200.00

Additional Scope of Work #3 adding $82,100 additional services for Somersworth Interconnection was approved via council resolution R-2017.08.09-093. New total Contract $655,300.00

Additional Scope of Work #4 adding $94,948 additional services for Washington and Main was approved via council resolution R-2017.11.08-158. New total contract $750,248.00

Additional Scope of Work #5 adding $894,000 additional services for Contract I water transmission main and Contract III Willand Pond, Smith/Cummins Wells and Somersworth Interconnection was approved via council resolution R-2019.01.09-006. New total contract $1,644,248.00

Additional Scope of Work #6 adding $18,400 for Portsmouth-Dover Water Interconnection. New total contract $1,662,648.00

Additional Scope of Work #7 adding $9,400 additional services for Raw Water Transmission Main and Smith and Cummings and Willand Pond facility improvements. New total contract $1,672,048.00

Additional Scope of Work #8 adding $43,700 for engineering survey and preliminary design phase engineering services for Central Avenue North Water Improvements was approved via council resolution R-2020.05.13-074. New contract total $1,715,748.00

Additional Scope of Work #9 adding $108,200 for engineering services, including survey, design, subsurface (borings & probes), permitting and bidding services for Littleworth Road Water Improvements was approved via council resolution R-2020.05.13-074. New contract total $1,823,948.00

Additional Scope of Work #10 is being requested for construction administration, resident project representative services, startup services, preparation of an operational and maintenance manual, record drawings, SRF and Trust Fund administration and compliance, and special services for water facilities improvements Phase II Contract IV – Bellamy Recharge Facility (Bid #B20039) in the amount of $240,000. New contract total $2,063,948.00

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2020.06.24 – 114**

Resolution Re: B14074 Phase II - Professional Engineering Services for Water Systems Facility Upgrades Additional Scope of Work #10, #11 & #12

Additional Scope of Work #11 is being requested for a Water Storage Tank Evaluation of the Garrison Hill Tank in the amount of $10,000. New contract total $2,073,948.00

Additional Scope of Work #12 is being requested for preliminary design services at French Cross Road Water Treatment Plan and Hughes Well in the amount of $37,000. New contract total $2,110,948.00

Award Information:
A purchase order revision will be issued to the vendor selected to authorize expenditures as outlined in this resolution.

Purchasing Information:

Type:	Purchase Order	**Advertised:**	Yes
Invitations Mailed:	206	**Number of Responses:**	4
Warranty:	n/a	**Terms:**	Net 30, FOB Dover
Work Bonded:	No	**Contract:**	Yes
Prices will hold for:	Until Completed	**Estimated Delivery:**	2019
Recommended Award to:	Underwood Engineers	**Fund:**	CIP Water
Other Approvals Required:	State NH if using DWSRF	**References Checked:**	Satisfactory
Previously Worked for City:	Yes	**Reason for Council Approval:**	Purchase to exceed the $25,000 amount requiring Council approval subsequent to a bid solicitation

B14074 Bid Documents and Vendor List

CITY OF DOVER

CITY OF DOVER – RESOLUTION

Agenda Item#: 13.B.2.

Bid Number: **R -2020.07.08 – 115**
Bid Description: Purchase of Water Meters - Stiles Company, Inc.

WHEREAS: The City has been purchasing water meters from Badger Meter since they were awarded the bid in 1995 via Bid# B95052; and

WHEREAS: Badger Meter manufactures to order which means shipments can take up to six weeks for delivery. Badger Meter moved its sale of products to municipalities, such as Dover, to their local distributor. Stiles Company, Inc is the exclusive distributor for utility products manufactured by Badger Meter for the State of New Hampshire. Stiles Company, Inc has been providing meters to the city since 2016 at rates locked for one-year periods; and

WHEREAS: The city has received FY2021 pricing quote that will be locked in until 6/30/2021 which is reviewed annually.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Stiles Company, Inc of Norwood, MA for various meters as needed at rates in conjunction with the attached quote. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
5300.1.300.43320.4741.00000.00	Water Machinery and Equipment	$185,200.00	$185,200.00
5300.1.300.43320.4741.03510.19	Water Meter Replacement	$825,000.00	$423,859.66

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

Sponsored by: Mayor Robert Carrier, By Request

Approved as to Legal Form and Compliance: Joshua Wyatt, City Attorney

Recorded by: Susan Mistretta, City Clerk

CITY OF DOVER

CITY OF DOVER – RESOLUTION

Agenda Item#: 13.B.2.

Bid Number: **R -2020.07.08 – 115**
Bid Description: Purchase of Water Meters - Stiles Company, Inc.

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER – RESOLUTION

Agenda Item#: 13.B.2.

Bid Number: **R -2020.07.08 – 115**
Bid Description: Purchase of Water Meters - Stiles Company, Inc.

RESOLUTION BACKGROUND MATERIAL:

The FY2021 Capital Improvement Program approved funding that continues the process of replacing existing meters in the field that have met their life expectancy. This ensures the water meters in system are not outdated and are recording water usage correctly. Not only have some meters reached their life expectancy, they also require inefficient, manual reading of the actual meters. The meter readings are also used as the basis for determining volumetric Sewer Bills.

The City currently has approximately 9,830 total water meters. The goal is to convert to an entire radio read system to eliminate any need for manual reading of meters. This will improve meter read accuracy and enhance overall efficiency. Work remains ongoing with in-house staff. Two separate crews have been dedicated to meter changeouts. As of the end of June 2020, the total meter count was at 9,830 with the following breakdown: Orion 2,208 (intermediate technology – allows for remote reading, but only if crew drives by with remote antenna); MMI/Trace (old/non-supported units – no remote read capability) 2,321; and Galaxy 5,301 (newest technology – allows for remote reading via antenna network).

Bid Information:

No bid, sole distributor for New England Region.

Award Information:

A purchase order will be issued to the vendor selected to authorize expenditures as outlined in this resolution.

Purchasing Information:

Type:	Purchase Order	**Advertised:**	No
Invitations Mailed:	n/a	**Number of Responses:**	n/a
Warranty:	n/a	**Terms:**	Net 30, FOB Dover
Work Bonded:	No	**Contract:**	No
Prices will hold for:	Until completion	**Estimated Delivery:**	As Needed
Recommended Award to:	Stiles Company, Inc	**Fund:**	Water Fund
Other Approvals Required:	No	**References Checked:**	Satisfactory
Previously Worked for City:	Yes	**Reason for Council Approval:**	Purchase to exceed the $25,000 amount requiring Council approval

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2020.07.08 – 116**
Resolution Re: Disposal of City Owned Real Estate @ Parcel ID 08039-B00000 Dover Point Road

WHEREAS: City Ordinance Chapter 29 Section 29-6 "Disposing of City Owned real Estate" sets forth the process of disposing of certain city owned real estate. The City received a letter of interest from an Portside Properties, LLC in reference to purchasing a small non-buildable lot known as Parcel ID 08039-B00000, believed to be owned by the city via quitclaim deed, that is abutting his lot at 418 Dover Point Road; and

WHEREAS: Pursuant to City ordinance 29-6J – Exemptions to the sale procedure shall be allowed for small parcels of land of insignificant value to be deeded to abutters for boundary line adjustments; and

WHEREAS: Certified letters were mailed to abutters within 200 feet of this parcel and the city received no other interested. The City Assessor lists a value of $3,500.00. It is the recommendation of staff to sell Parcel ID 08039-B00000 to Portside Properties, LLC in amount of $3,500.00 plus any other potentially applicable fees outlined in background section of this resolution, via quitclaim deed.

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

The City Manager is authorized to sell/convey any real estate rights the City may hold in the property known as Parcel ID 08039-B00000 on the Dover Tax Map by virtue of a quitclaim deed to the City recorded with the Strafford County Registry of Deeds at Book 4150, Page 825, consistent with the terms Dover Ordinance 29-J and via quitclaim deed, for the amount of $3,500 plus fees, and to execute and to the extent necessary record with the registry of deeds all documents, deeds, and transfer tax returns and related filings necessary to finalize the transaction. The $250 deposit shall be applied to the purchase price.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

Sponsored by: Mayor Robert Carrier, By Request

Approved as to Legal Form and Compliance: Joshua Wyatt, City Attorney

Recorded by: Susan Mistretta, City Clerk

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2020.07.08 – 116**
Resolution Re: Disposal of City Owned Real Estate @ Parcel ID 08039-B00000 Dover Point Road

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER - RESOLUTION

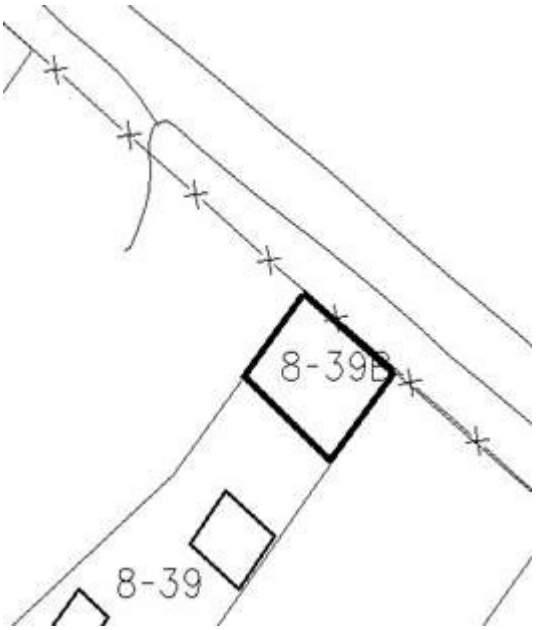
Agenda Item#: 13.B.3.

CITY OF DOVER

Resolution Number: **R – 2020.07.08 – 116**
Resolution Re: Disposal of City Owned Real Estate @ Parcel ID 08039-B00000 Dover Point Road

RESOLUTION BACKGROUND MATERIAL:

The City is seeking to sell whatever interest the City holds in Parcel ID 08039-B00000, as is and with all faults, to be transferred via quitclaim deed to Portside Properties LLC.



According to the Assessors tax records, Map 8 lot 39B is 3,000 square feet in area. It is bounded by the Spaulding Turnpike and a portion of right of way between the Spaulding Turnpike and Dover Point Road. The property may be land locked.

The property is located in a LBW district that allows single family homes to be constructed on lots that are a minimum lot size of 10,000 square feet. The frontage requirement is 75 feet.

The lot is depicted to the left. It is outlined in bold. I have included the parcel lines, any infrastructure in or around the lot in the City Geographic Information System.

According to the City of Dover Code chapter 170-14, a lot is buildable as long as it is 5000 square feet or larger. This lot does **not** meet that requirement, while it is a lot of record. At this time, from a regulatory stand point, staff indicates the lot is non-buildable.

Other Fees may include

- Quitclaim deed preparation and recording costs **ALL DOCUMENTS EXCEPT DISCHARGES, UCC FILINGS, MORTGAGE ASSIGNMENTS AND CERTAIN LIENS:**
  1) $10 for the first page of document/$4 for each additional page/$2 Surcharge
  2) Appropriate return postage required on all recordings.
  3) Effective July 1, 2008. The State of New Hampshire has instituted an additional surcharge fee of $25.00 on each Discharge of Mortgage, Deed, Mortgage and Plan recorded at the Registry. According to RSA 478:17-g, this new State Fee is to fund (L-CHIP) or The Land and Community Heritage Investment Program.
- Real estate transfer fees/tax: $15 per $1000 or $40 minimum under $4,000; which tax may be incurred as an obligation of both the buyer and seller by statute;
- All other closing costs
- Certified mailing to abutters costs: $32.25

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

CITY OF DOVER

Resolution Number: **R – 2020.07.08 – 117**
Resolution Re: Rescission, Revocation, and Withdrawal of Lot Restoration for 33 New Rochester Road

WHEREAS: RSA 674:39-aa allows property owners whose property has been involuntarily merged by a municipality prior to September 18, 2010 to apply to the City Council to unmerge the lots provided certain statutory conditions are met; and

WHEREAS: On or about January 24, 2020, an Application for Lot Restoration was filed by Wolcott Holdings, LLC, as the owner of property at 33 New Rochester Road, Dover (Assessor's Map 39, Lot 63) made up of seven (7) original lots which had been merged into one (1); and

WHEREAS: The City's Tax Assessor and Zoning Administrator reviewed the application and related materials and, though some evidence indicated voluntary merger, staff found these circumstances alone were insufficient evidence of consent to merger at the time for the four lots the applicant sought to be restored; and

WHEREAS: By resolution passed on March 11, 2020 (R-2020.03.11-034), the City council approved the restoration of four of the original seven lots; and

WHEREAS: Since March 11, 2020, City staff have learned of additional, material information and circumstances that was not included with the original application (and its accompanying materials) indicating voluntary merger has occurred and the owner was estopped from seeking restoration, namely: (1) location (or relocation) of an unpermitted structure apparently over or within applicable setbacks to one historic lot line; (2) a building permit obtained from the City in 2001 accompanied by the owner's sketch showing only one lot; (3) use of a preexisting (now removed) outbuilding to service all lots and constituting a single property; (4) a now-removed but preexisting fence placed around the parcels enclosing them as a single lot; and

WHEREAS: RSA 674:39-aa also provides that voluntary merger in the chain of title affirmatively estops even a request for restoration, *see* RSA 673:39-aa, II(a); and

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

The facts recited above and in the background of this resolution warrant rescinding, revoking, and withdrawing, and the City Council does hereby rescind, revoke and withdraw, the City Council approval March 11, 2020 (R-2020.03.11-034) of the lot line restoration application filed by Wolcott Holdings, LLC.

AND BE IT FURTHER RESOLVED THAT:

Upon further consideration of the facts recited above and in the background of this resolution, the City Council finds that Wolcott Holdings, LLC is estopped from seeking lot line restoration as one or more owners in the chain of title for 33 New Rochester Road (Assessor's Map 39, Lot 63) voluntarily merged his or her lots within the meaning of RSA 674:39-aa. As such, the aforesaid lot line restoration request is denied by the City Council.

TO BE REFERRED TO A PUBLIC HEARING

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2020.07.08 – 117**
Resolution Re: Rescission, Revocation, and Withdrawal of Lot Restoration for 33 New Rochester Road

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

Sponsored by: Mayor Robert Carrier, By request

Approved as to Legal Form and Compliance: Joshua M. Wyatt, City Attorney

Recorded by: Susan M. Mistretta, City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

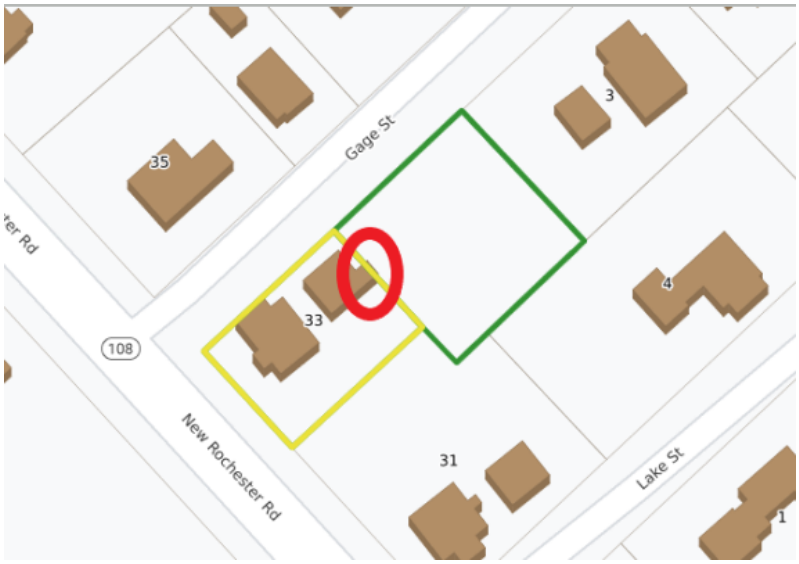
The attachments to the March 11, 2020 resolution are incorporated by reference. In the course of the prior application, the applicant acknowledged that three of the lots (containing an existing house and garage) have been voluntarily merged. As for the remaining lots, upon receiving and reviewing the original application, insufficient evidence of voluntary merger was found. Two circumstances supported a finding of voluntary merger: (1) the parcels had been conveyed in a single deed (some combined as one tract), and (2) the property has been taxed as a single parcel for several years. However, those two circumstances provide some evidence of voluntary merger, but standing alone do no warrant a finding of voluntary merger. *See Roberts v. Town of Windham*, 165 N.H. 186, 192 (2013).

Subsequent to the City Council's approval on March 11, 2020, City staff learned several facts outlined below indicating "voluntary merger." There is no statutory restriction on the ability to rescind, revoke or withdrawal an approved lot restoration. *Compare*, *e.g.*, RSA 676:4-a. Neither are the elements of municipal estoppel or in the nature of estoppel met, as, at a minimum, the City did not knowingly or falsely represent or conceal material facts, the applicant was or should have been aware of most or all the facts outlined below, and the applicant has been aware of the potential revocation of this restoration for some time and is still considering various development concepts. *See Thomas v. Town of Hooksett*, 153 N.H. 717, 722-23 (2006). And, the applicant is independently estopped as a matter of law by the facts and the statute, *see* RSA 674:39-aa, II(b).

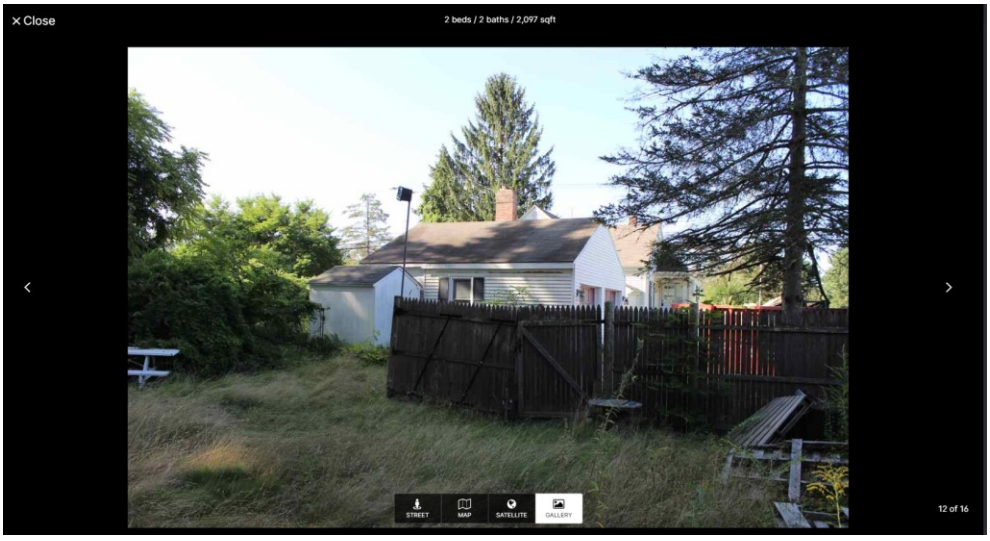
As a courtesy and prior to submitting this resolution, City staff on several occasions communicated and met with counsel for the applicant to get additional information and explore potential resolution of the matter, though such meetings have not, to date, been successful. Nor has the applicant provided adequate explanation of why the facts outlined below do not warrant a finding of voluntary merger.

The following facts learned after the prior approval, when viewed with the other facts and circumstances, warrant a finding of "voluntary merger" and rescission, revocation, and withdrawal of the March 11, 2020 approval. The statute defines "voluntary merger" as "any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line." RSA 674:39-aa, I(c). The City carries the burden of proving voluntary merger. *See* RSA 674:39-aa, II(b).

1. Unpermitted Structure Within Setbacks of Historic Property Line: City staff have learned, and the lot restoration application by Wolcott Holdings, LLC did not disclose, that in the past a structure (presumably, the outbuilding/shed referenced further below) had apparently been located (presumably re-located) over one historic property line or within setbacks for one historic property line. The issue came to light after the City's Mapgeo system had been updated (after the lot line restoration approved March 11, 2020) to show one historic boundary line, at which time City staff then noticed (1) the existence of a structure extending from the garage, and (2) the location of that structure either over the historic boundary line or encroaching on it, as shown in the excerpt below:



Given the structure's location, and even allowing ten additional feet *arguendo* margin of error for Mapgeo, the structure still appears to have been located within the rear setback. Upon further investigation, it appears that the structure existed at the time of the real estate listing in August 2019, as shown in the listing photograph below:



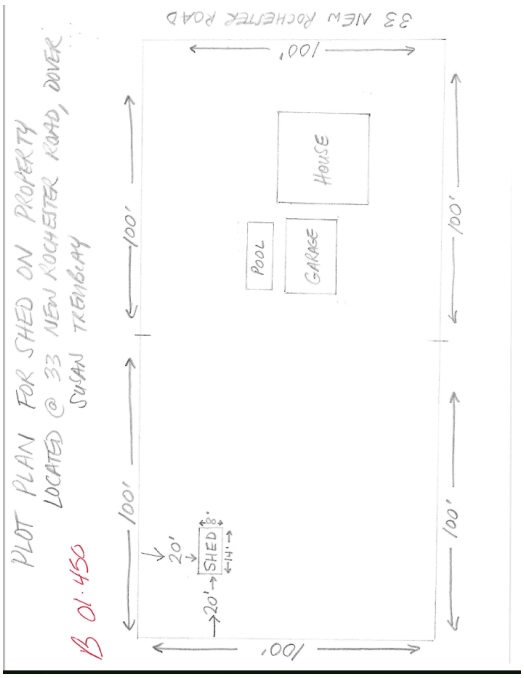
It appears that the structure was recently removed, as shown in the photograph below taken during a site visit by City staff on June 18, 2020:



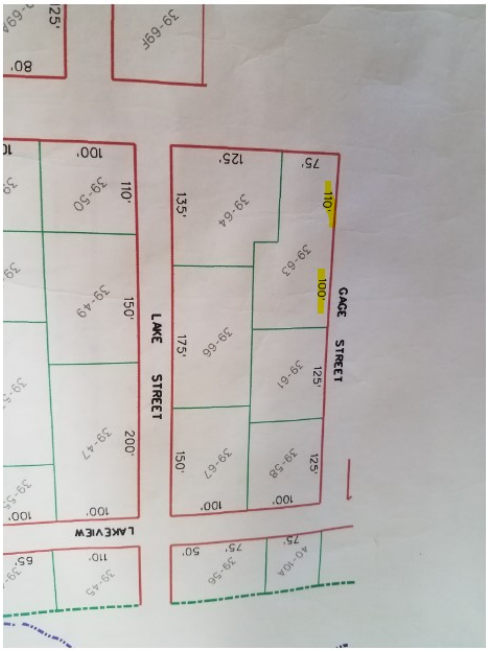
The lot restoration plan submitted by Wolcott Holdings, LLC did address the existence of this preexisting structure/extension or its distance in relation to the historic property line. No City records have been located authorizing the placement (or re-location) beside the garage or demolition/removal of the structure, as would be required. *See* Dover Code 57-8(A). The structure would be subject to an accessory building rear setback of 10 feet. *See* Dover Code 170-12 & Dimensional Regulations for Office (O) District (currently 10 feet). If the structure was not connected to the garage, then it appears to also have been out of compliance with provisions requiring a certain amount of open space between structures.

2. 2001 Building Permit: Representations made in a building permit application can indicate voluntary merger. *See* RSA 674:39-aa, I(c); *Town of Newbury v. Landrigan*, 165 N.H. 236, 239-240 (2013). Below is an excerpt from a 2001 building permit (attached hereto) certified and obtained by the owner of the subject property for the on-site construction and location of an outbuilding/structure. The application included a plot plan showing the property as one lot as shown in the excerpt below, which closely resembles how the historic tax map showed the property (with one lot but two courses on Gage Street):

Excerpt of 2001 Building Permit Application:

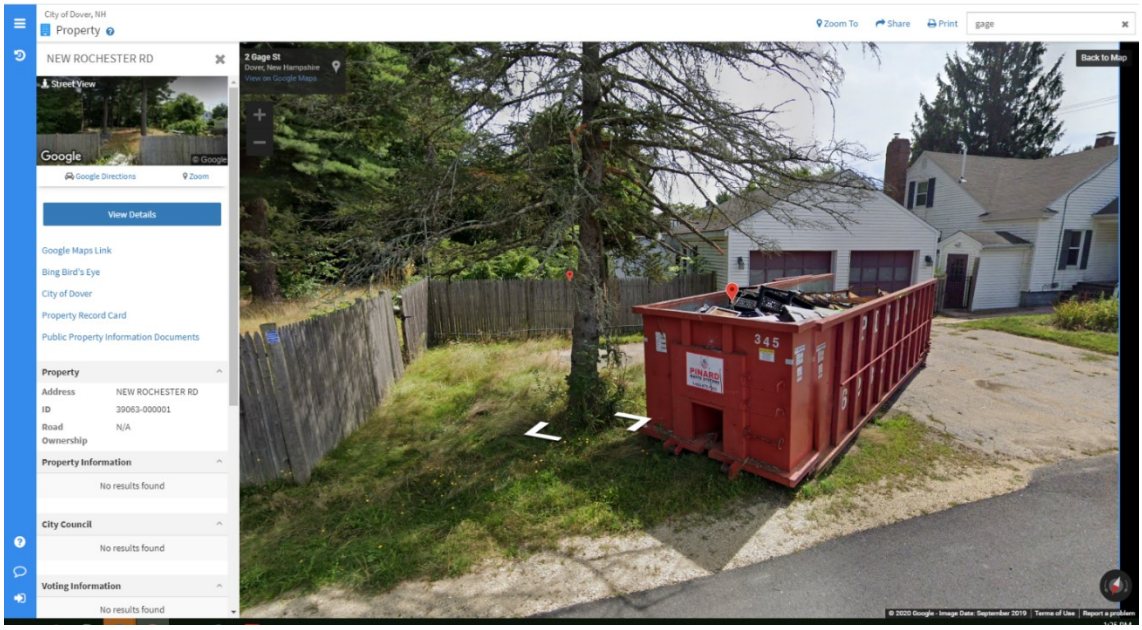


Excerpt of 2000 Tax Map:



3. Use of the Outbuilding: As shown on the 2001 building permit, the outbuilding was presumably for storage of lawn care materials, other household materials, and/or possibly a preexisting pool on the property. As such, the outbuilding was apparently intended to service the remaining structures and improvements as a single parcel, consistent with the depiction in the building permit application. Similar to the facts in *Roberts v. Windham*, where the location of a bunkhouse tended to show a merged waterfront estate, here the location of a structure intended to be used in connection all lots "evinc[es] an intent to use the lots as one." *Roberts*, 165 N.H. at 193; *see also Blevens v. Town of Bow*, 2015 N.H. LEXIS 333 (N.H. June 22, 2015) (unpublished disposition).

4. Fence: City staff have now learned that a fence used to surround the lots, at least on the Gage Street side. Excerpted below are September 2019 Google Earth photographs showing a single fence on that side of the property, and enclosing the subject lots as one:







The fence was not disclosed in the application or shown on Wolcott Holdings, LLC's restoration plan. Apparently, the fence existed when the property was listed in 2019 (as shown in the listing for the property and above Google photographs), but had been removed at some time before Wolcott Holdings, LLC submitted its lot restoration application to the City. (The deed conveying the property (Book 4700, Page 309) is dated in November 2019). Within the property listing documents is a photograph from the August 2019 listing for the property by Keller Williams showing the fence.

CITY OF DOVER

APPLICATION FOR BUILDING PERMIT* OR CHANGE IN LAND USE

sub 8/10/01

Industrial____ Commercial____ Residential X

OFFICE USE ONLY	
Building Permit	B01-450
Est. Cost:	1600
Fee:	$35
Date:	8/30/01

MB

Location: 33 NEW ROCHESTER ROAD Zone: R-12 Map: 34 Lot: 63

Susan

1. Owner's Name and Address: SUE TREMBLAY 33 NEW ROCHESTER ROAD Tel: 749-3960
2. Lessee's Name and Address: Tel:
3. Contractor's Name and Address: Tel:
4. Architect: Specs; Plans:

Current Use: SINGLE FAMILY DWLG No. Families: 1

Proposed Use: NO CHANGE No. Families:

This Application For:

____Dwelling ____Garage ____Masonry ____Metal ____Alterations ____Additions
____Demolitions ____Change of Use ____Removal X Other: SHED

Present Building Size: X No. Stories No. Bedrooms

New Building or Addition Size: 8' X 12' No. Stories 1 No. Bedrooms —

.....

***NOTES TO APPLICANT:**

1. Separate permits are required by the installers of plumbing and electrical.
2. It is the applicant's responsibility to notify the Building Inspector's Office for inspections upon completion of the following: Footings; Foundation; Framing; Wiring; Plumbing; Insulation; and Final.
3. Construction features must be supplied on plans or separate listing as per the Building Permit Application Requirements.
4. The issuance of the Building Permit No. 01-450 to: SUSAN TREMBLAY shall not be construed as a right to occupy and/or use such building or structure upon completion of work. A final inspection by the Building Inspector, with approvals from the Planning Director, Public Works Director, and Fire and Police Chief's are required prior to the issuance of a Certificate of Occupancy by the Building Inspector. Failure to comply with the foregoing could result in fines and/or legal action.
5. PERMIT/PLAN REVIEW INCLUDED

The above numbered permit is issued upon the condition that the building, structure or land use must conform in all respects to the provisions of the zoning ordinance and other applicable city ordinances. The City of Dover, by issuing the permit, does not express or imply that the ordinances have been complied with.

.....

I certify that the above information given is true and correct to the best of my knowledge.
No major changes will be made without approval of the Building Inspector.
Responsibility for compliance with the City ordinances is that of the applicant.

SUSAN TREMBLAY
Applicant's Name (please print)

Susan Tremblay
Applicant's Signature

Thomas L Clark
Building Inspector's Signature

Application Fee: $35 Check # 1720 Cash: Date: 9/7/01 Initials: MB

White - Applicant's Copy Canary - Inspector's Copy Pink - Assessor's Copy

RETURN TO

BUILDING INSPECTOR

DOVER, NEW HAMPSHIRE

B 01-450

BUILDING PERMIT APPLICATION REQUIREMENTS

DESCRIPTION: Shed

		REQ.
A.	BUILDING PERMIT APPLICATION	✓
B.	PLOT PLAN (setbacks)	✓
C.	LIST OF MATERIAL & CONSTR. SPECIFICATIONS (2 sets)	✓
D.	CONSTRUCTION VALUE (labor & materials) $ 1,589 – (If owner doing work – Cost of material times 2 = constr. Value)	✓

IF APPLICABLE:

CITY WATER _____ CITY SEWER _____ SEPTIC SYSTEM _____

WELL _____ APPROVED SEPTIC # _____

ELECTRICAL YES NO PLUMBING YES NO

CITY OF DOVER

NEW HAMPSHIRE

BUILDING PERMIT

PERMIT NO. 01-450 **DATE** 8/30/2001

This Certifies That SUSAN TREMBLAY (NAME OF OWNER) DOVER (ADDRESS OF OWNER)

has permission TO CONST / INSTALL AN

ACCESSORY STRUCTURE (STORAGE SHED)

at 33 NEW ROCHESTER RD (ADDRESS WHERE WORK IS TO BE DONE)

THOMAS L. CLARK (BUILDING INSPECTOR)

IMPORTANT

This Building Permit (1) is subject to any applicable ordinances; (2) is void if work is not begun within six months of the above date; and (3) is issued based on the plans and/or specifications submitted.

This permit is not an authorization to occupy and/or use such building or structure upon completion of work.

THIS CARD MUST BE CONSPICUOUSLY POSTED AT THE FRONT OF THE PREMISES AND MUST NOT BE REMOVED UNTIL THE COMPLETED WORK HAS BEEN APPROVED BY THE BUILDING INSPECTOR.

THOMAS L. CLARK
Building Inspector
Zoning Administrator

288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 743-6038
Fax: (603) 743-6097

City of Dover, New Hampshire

OFFICE OF THE BUILDING OFFICIAL

PERMIT-PLAN REVIEW

THE FOLLOWING SHALL BECOME PART OF THIS APPLICANT'S OFFICIAL RECORD.

B.P.# 01-450 PG. 1 OF 1

LOCATION 33 New Rochester Rd

PROJECT DESCRIPTION: Shed

1) Copy of plot plan indicating proposed shed location

ORIGINAL TO APPLICANT; COPY TO FILE Clark DATE: 9/6/01

Printed on 100% Recycled Paper

Built To Last

Sheds USA® stands apart from the competition in both quality and service. Made from durable materials, our sheds are built with your specifications in mind—all backed up with our lifetime warranty. Unlike most shed companies, Sheds USA will deliver and assemble your shed for you, at no extra charge. From gardening tools to art supplies to sporting equipment, we have a shed for your storage needs.

How To Order Your Shed

Sheds USA offers a uniquely flexible program for customizing a shed to both your individual budget and needs—and it's easy.

A To choose a shed size and style, review **Standard Sizes and Pricing** to determine which size shed will fit your needs and budget. See **Standard Features and Materials** for more information about standard sheds.

B See **Standard Features and Materials** for roof styles and shingle colors.

C If you have specific requirements, read **Options and Upgrades** for details.

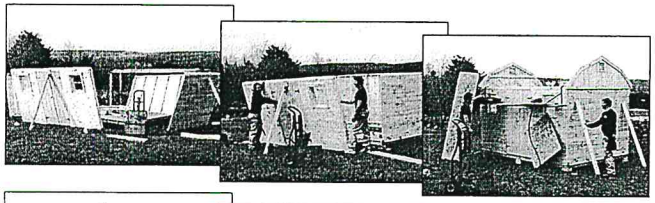
D Read **Site Requirements** carefully.

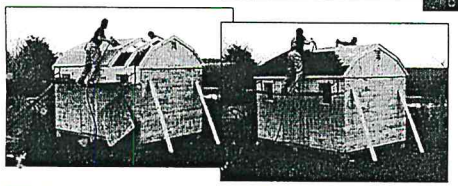
E Read our **Delivery** information carefully for certain requirements and delivery schedule.

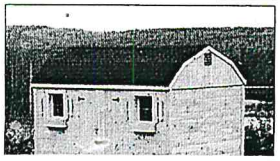
F See a Mill Store associate to fill out the Sheds USA Order Form.



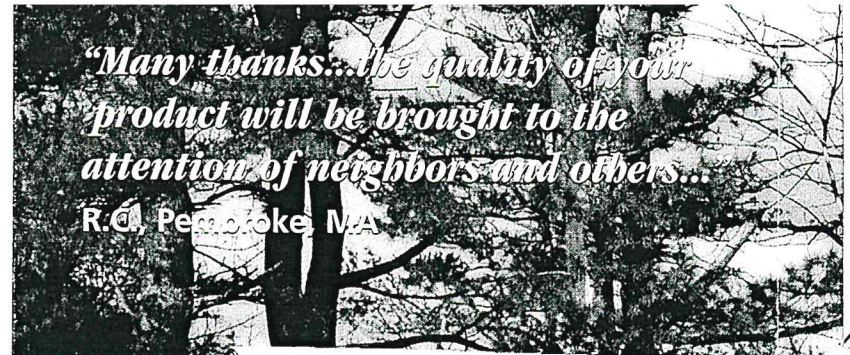
Sheds USA offers free delivery (most areas) and on-site construction.







Sheds USA takes pride in its experienced staff of builders. Most sheds are built within 3 hours of arrival—satisfaction guaranteed.

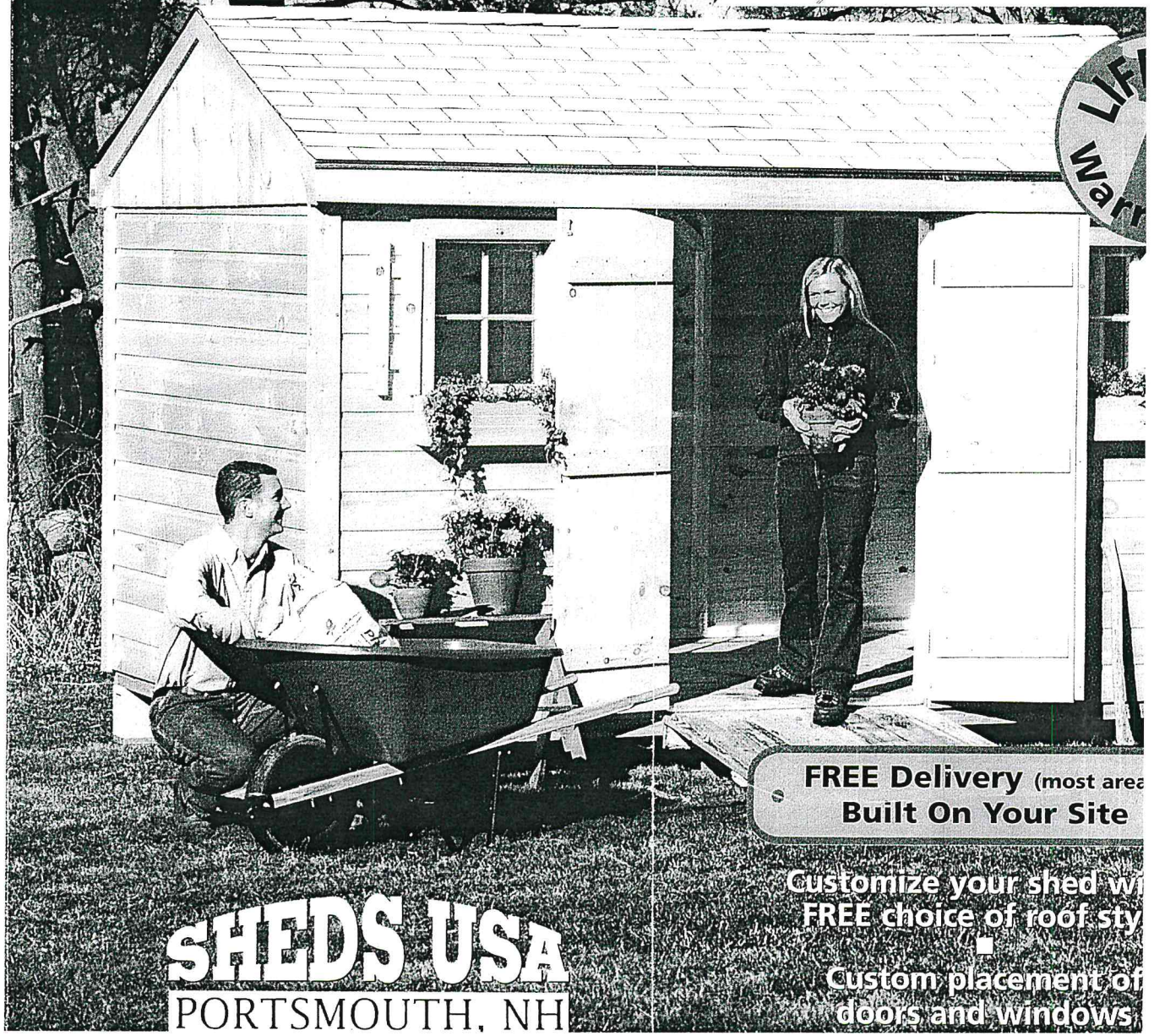


603-433-6453 OFFICE
603-964-9752 HOME
P.O
PORTSMOUTH

SHEDS US
PORTSMOUTH, N

DAVID HERN
2470 LAFAYETTE RD. ROUTE 1

OPEN
FSSM







8x12 Pine



10x16 Cedar (with optional 26" door)

STYLE		
T-111	PINE	CEDAR
$ 895.00	$ 999.00	$ 1,179.00
$ 955.00	$ 1,049.00	$ 1,299.00
$ 999.00	$ 1,089.00	$ 1,379.00
$ 1,229.00	$ 1,329.00	$ 1,529.00
$ 1,469.00	$ 1,539.00	$ 1,829.00
$ 1,739.00	$ 1,869.00	$ 2,089.00
$ 1,999.00	$ 2,149.00	$ 2,339.00
$ 1,525.00	$ 1,669.00	$ 1,929.00
$ 1,889.00	$ 2,139.00	$ 2,279.00
$ 2,150.00	$ 2,299.00	$ 2,569.00
$ 2,375.00	$ 2,579.00	$ 2,939.00
$ 2,599.00	$ 2,799.00	$ 3,325.00
$ 2,899.00	$ 3,159.00	$ 3,635.00
$ 2,139.00	$ 2,359.00	$ 2,649.00
$ 2,399.00	$ 2,589.00	$ 2,999.00
$ 2,699.00	$ 2,949.00	$ 3,389.00
$ 3,049.00	$ 3,275.00	$ 3,752.00
$ 3,399.00	$ 3,649.00	$ 4,229.00

g Options

ding options available. All siding are unfinished.

1



Features
- Vertical exterior plywood siding
- Durable
- Same quality features as cedar and pine models
- Economical



Features
- Most popular material
- Withstands all types of weather
- Classic tongue-and-groove construction
- Affordably priced



Features
- Pleasant aroma naturally repels insects and resists rotting
- Ages beautifully
- Excellent base for stains and paint
- A very stable lumber—resists warping and buckling

$1589 DELIVERED
10% DEPOSIT
$158.90
4 TO 6 WEEK DELIVERY

Walls
- 2"x4" construction, 24" on center
- Texture-111: exterior plywood siding (vertical)
- Pine: 6" tongue & groove (horizontal)
- Cedar: 6" or 8" tongue & groove (horizontal)
- Wall height = 71"

Roof (Your choice of peak, gambrel or saltbox)
- 1/2" plywood
- 2"x4" construction, 24" on center
- Self-sealing asphalt shingles with 20-year warranty available in black, white/gray or brown
- 6' wide sheds available in peak roof only



Black



Brown



White/ Gray



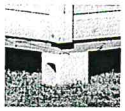
Peak



Gambrel

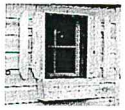
Roof Heights
- 6' wide peak = 8'
- 8' wide peak = 8'3"
- 8' wide gambrel = 9'
- 10' wide peak = 8'11"
- 10' wide gambrel = 9'5"
- 12' wide peak = 9'6"
- 12' wide gambrel = 9'10"

Floor (Floor sizes are approximate)
- 5/8" plywood
- 2"x4" construction, 16" on center for 6' & 8' wide units
- 2"x6" construction, 16" on center for 10' & 12' wide units
- Concrete block supports— 4 corners, front & back center of outside frame
- If preparing your own foundation/footings please call Sheds USA for exact outside floor dimensions.



Heavy Duty PT 2x4 or 2x6 Floor Construction

Windows
- Functional windows w/flower boxes and shutters
- 6x6, 6x8, 8x8, 8x10 and 10x10 units include one window
  All others include two



Window (with optional screen)

Doors
- 40" double door standard. *(6x6 sheds come with 26" single door standard)



Standard 40" Double Door

Options & Upgrades

Note: The options are an additional cost to the standard pricing.

Floor Upgrades

Pressure treated plywood floor	$ 1.20/sq ft
2"x6" floor joists upgrade for 6'x8' wide units (upgraded joists are pressure treated)	$ .92/sq ft

PRESSURE TREATED FLOOR JOISTS

6x6	$ 25.00	10x14	$ 70.00
6x8	$ 30.00	10x16	$ 75.00
8x8	$ 30.00	10x18	$ 100.00
8x10	$ 30.00	10x20	$ 125.00
8x12	$ 40.00	12x12	$ 76.00
8x14	$ 40.00	12x14	$ 88.00
8x16	$ 50.00	12x16	$ 100.00
10x10	$ 55.00	12x18	$ 125.00
10x12	$ 60.00	12x20	$ 150.00

Door Upgrades

(Note: Larger door sizes may not fit on all shed walls)

Size	Price
Standard 40" double door to 54"	$50.00
Standard 40" double door to 66"	$95.00
Standard 40" double door to 78"	$125.00
Extra 40" double door	$108.00
Extra 54" double door	$120.00
Extra 66" double door	$150.00
Extra 78" double door	$160.00
Additional window (includes flower box and shutters)	$60.00
Window screen (each)	$15.00
Aluminum gable vents (pair)	$30.00
12" x 8' Shelf	$45.00
4' pressure-treated ramp	$50.00 FREE
4' storage loft for 8' wide sheds	$65.00
4' storage loft for 10' wide sheds	$80.00
4' storage loft for 12' wide sheds (loft storage space will vary with roof style)	$95.00



Ramp

Site Requirements

- **Clearance** Shed site needs to be located at least 3' from any fences, trees, etc. Please remove tree branches, brush or other obstacles 3' around perimeter of shed and 12' above ground.
- **Land Grade** Land must be less than 6" slope, with no protruding rocks or stumps in the area.*
- **Access** Shed is delivered in prefab panels; clear access to site is necessary — stairs, narrow walkways, fences, gates, shrubs, carports, awnings, arbors, etc. may present difficulties and should be brought to the attention of Sheds USA prior to delivery.*
- **Land Quality** Consider other factors when choosing your site, including proper drainage, firmness of earth, etc.
- **Permits** Permits are the sole responsibility of the homeowner. Please contact your local town office soon after ordering your shed to determine any restrictions or setback requirements.

Delivery

- **Sheds USA** will acknowledge the receipt of your order by phone or by mail. Please provide a daytime phone number at time of purchase!
- **Sheds USA** will schedule delivery by contacting you 1 to 2 weeks in advance.
- **Delivery times** will fluctuate based on seasonal volume, weather conditions, etc.
- **Shed delivery date** and installation date may differ.
- **Note:** Shed sizes are approximate. Exact measurements for placement of door(s) and window(s) will not be honored.

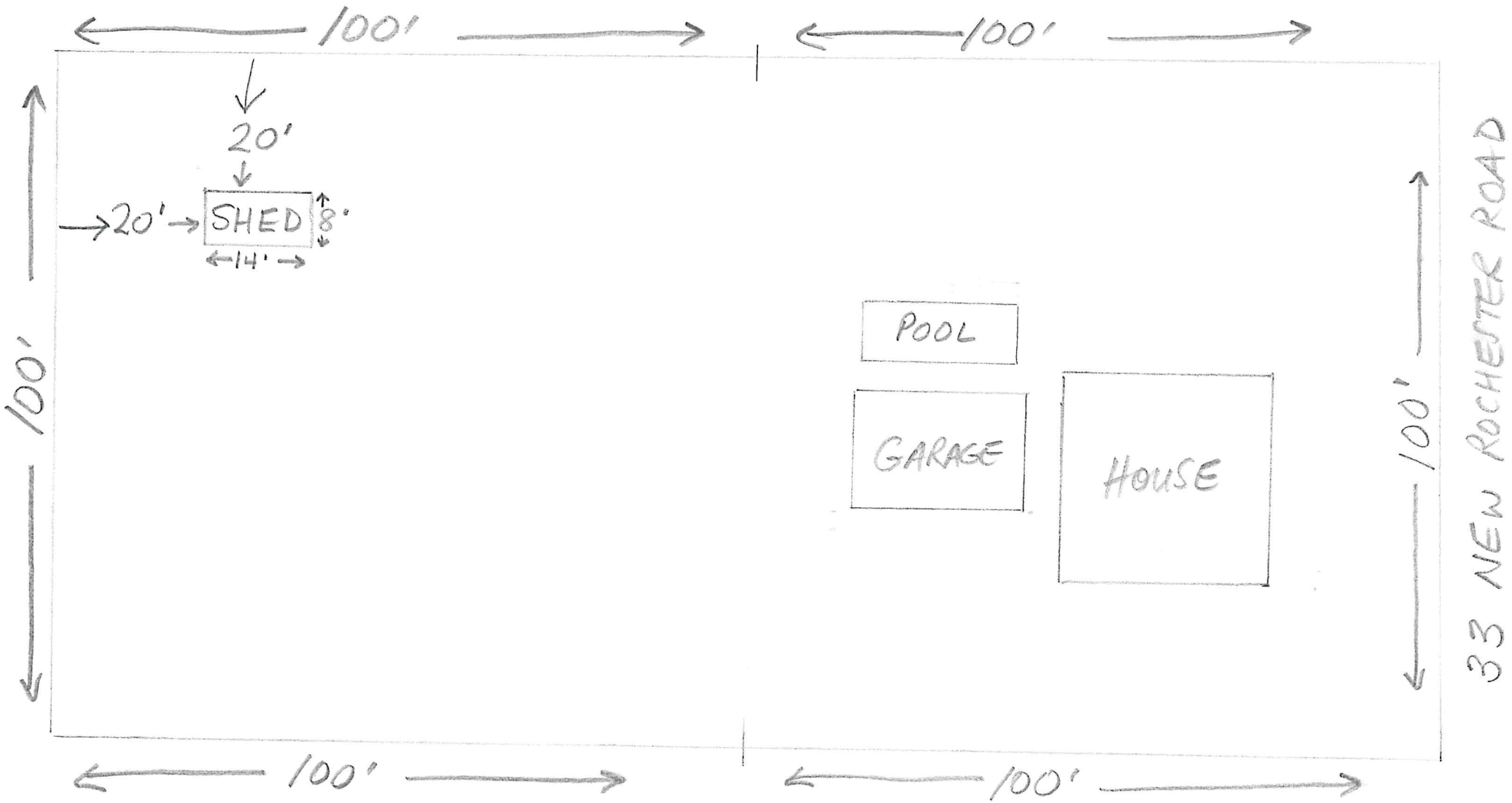
*Additional Charges

- Shed site must be 150' or less from where a large tractor-trailer can park. Shed sites 150' – 300' from truck parking area will incur a $50.00 fee payable to the delivery crew. If your site is farther than 300' please contact our main office.
- The above site requirements allow us to build a safe, sturdy shed for our customers. If any of these requirements are not met, your shed may not be built and a return fee of $150.00 will be charged.
- **Sheds USA** will only reschedule a delivery/install date if forced to by events out of our control (weather concerns, illness, mechanical or other difficulties). Sheds USA crews deliver/install several sheds per day, therefore the status of one customer's order affects many others. To provide the best service for all of our customers, once a delivery/install date has been agreed to and scheduled by the customer and Sheds USA, postponement or cancellation by the customer will result in a 20% restocking fee.

PLOT PLAN FOR SHED ON PROPERTY LOCATED @ 33 NEW ROCHESTER ROAD, DOVER

SUSAN TREMBLAY

B 01.450



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number:	**O – 2020.07.08 – 005**
Ordinance Title:	Vehicles and Traffic
Chapter:	141
Section:	3 Installation of Traffic Control Devices 13 General Parking Restrictions 14 General Parking Provisions 18 Resident Parking Permits 20 Business Parking Permit Program 30 Hours of Operation and Rates 31 Unlawful acts; separate violations. 33 Contractor Parking 34 Time Limits 37 In-Vehicle Parking Meters 48 Schedule I: No Parking at Any Time 49 Schedule J: Limited-Time Parking 51 Schedule L: Parking Meter Zones 52 Schedule M: Business Parking Permit Zones

The City of Dover Ordains:

1. **PURPOSE**
   The purpose of this ordinance is to enact various amendments to the City's Vehicle and Traffic Code in the interest of improving the administration, enforcement, and availability of parking for the benefit of the public.

2. **AMENDMENT**
   Chapter 141 entitled "Vehicles and Traffic" is hereby amended by revising Section 3, "Installation of traffic control devices", as follows:

   § 141-3 Installation of traffic control devices.

   A. The City Council, pursuant to RSA 47:17, VII, shall regulate the use of highways not otherwise regulated by the Commissioner of Transportation pursuant to RSA 236:1 and shall establish stop intersections, erect or cause to be erected stop signs or other traffic devices or signals thereon or upon any such highway entering therein and shall further determine the character and type of all such official signs and signals. Every stop sign, traffic device or traffic signal erected on such highways shall be deemed lawfully erected and maintained until the contrary is proven in all cases, civil or criminal.

   B. The Chief of Police shall have the authority to establish or modify traffic patterns, establish parking areas, restrict parking, or to modify the provisions of this chapter of the Code of the City of Dover on a temporary basis for good cause. When such action is taken, the Chief of Police shall make every reasonable effort to notify the general public of such action and shall notify the City Manager.

   C. The penalty for violation of any of the provisions established under the authority of this section shall be as prescribed in § **141-12** of this chapter.

CITY OF DOVER

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3. AMENDMENT

Chapter 141 entitled "Vehicles and Traffic" is hereby amended by revising Section 13, "General Parking Restrictions", as follows:

§ 141-13 General parking restrictions.

A. Truck parking. Vehicles over 19 feet in overall length, with permission of the Chief of Police or his/her designated representative, may stop and unload merchandise in a parking space, but under no circumstances shall any vehicle obstruct or impede the free flow of traffic.

B. Designation of taxicab stands and bus stops. The Chief of Police may establish bus stops and taxicab stands on such public streets and in such places and such numbers as shall be determined to be of the greatest benefit and convenience to the public, and every such bus stop or taxicab stand shall be designated by an appropriate sign. It shall be unlawful for the owner/operator, owner or person having custody of any vehicle other than a bus or taxicab to park or permit the same to be parked in an officially designated bus stop or taxicab stand.

C. Loading and unloading zones. The Chief of Police may establish loading and unloading zones which shall be marked by appropriate signs. It shall be unlawful for the owner of any vehicle or any person having custody to any vehicle to park said vehicle or permit the same to be parked in any zone designated as a loading or unloading zone unless actually engaged in loading or unloading with the vehicle's hazard lights activated. **[Amended 8-22-2018 by Ord. No. 2018.08.08-008]**

D. Parking of commercial vehicles.

(1) It shall be unlawful for the driver of any bus or taxicab to stand or park upon any street in any business district at any place other than a bus stop or taxicab stand, except while actually engaged in taking on or leaving passengers.

(2) No tractor-trailer combination or other truck shall park on the travel portion of the street for the purpose of loading or unloading on Monday through Saturday, between the hours of 11:00 a.m. and 1:00 p.m. and from 3:30 p.m. to 6:00 p.m., upon the streets indicated in Schedule K (§ **141-50**). This subsection shall not apply to trucks used on said streets for emergency purposes or while engaged in highway or other necessary maintenance or repairs.

E. Restricted parking. **[Amended 3-11-2015 by Ord. No. 2015.02.25-009; 5-25-2016 by Ord. No. 2016.05.11-007; 4-12-2017 by Ord. No. 2017.03.22-004]**

(1) Henry Law Park — River Street parking area. No person shall park a vehicle in designated parking in the River Street parking area at the Henry Law Park and Recreation Facility unless he/she is a City employee on City business or is present and using the recreational facility or grounds at Henry Law Park. The parking of vehicles for any other purpose is prohibited. Violators shall be subject to Table B fines under § **141-23** as set forth in the Fine Schedule adopted by City Council. **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**

(2) Summer Street. No person, except for visitors to the Woodman Institute, shall be allowed to park on the northerly side of Summer Street from the intersection with Central Avenue westerly for 120 feet, during operating hours when the Woodman Institute is open for the season. Signage shall be posted that indicates the hours, days and/or months of the restricted parking, based on the Woodman Institute's operating hours. Violators shall be subject to Table A fines under § **141-23**.

(3) Orchard Street. No person, except for visitors to the Dover Police Station, shall be allowed to park in the two posted police station visitor spaces in front of 40 Chestnut Street (Cochecho Park Apartments) and the three posted police station visitor spaces on the first floor of the parking garage. Violators shall be subject to Table A fines under § **141-23**.

(4) Orchard Street Parking Garage. Between the hours of 2:00 a.m. and 6:00 a.m., no person shall park a vehicle in the Orchard Street Parking Garage unless it is properly displaying a valid permit or has obtained an overnight parking receipt for a designated space from a parking meter. **[Added 10-11-2017 by Ord. No. 2017.09.27; amended 11-8-2017 by Ord. No. 2017.10.25]**

(5) Orchard Street Parking Garage. No person shall park a non-plug-in electric vehicle in a designated electric vehicle charging station space. Plug-in electric vehicles shall not remain in a designated electric charging station space in excess of four hours. **[Added 5-23-2018 by Ord. No. 2018.05.09-004]**

(6) Orchard Street Parking Garage. The Chief of Police shall have the authority to designate certain spaces within the parking garage for vehicles properly displaying a permit that is valid for use in the parking garage. Violations of this subsection shall be a Table B violation, and the vehicle may be towed at the vehicle owner's expense. **[Added 10-10-2018 by Ord. No. 2018.09.26-010]**

(7) Orchard Street Parking Garage: The parking garage is not intended for long-term storage of vehicles, and any vehicle remaining in the parking garage for more than five consecutive days without prior notification to and the approval of the Police Department shall be a Table B violation and the vehicle may be towed at the owner's expense.

F. Parking for primary purpose of advertising prohibited. No person shall park a vehicle upon any public way for the primary purpose of advertising goods or services, except as provided in Chapter **109**, Peddlers and Vendors. Violators shall be subject to Table B fines under § **141-23** as set forth in the Fine Schedule as adopted by City Council. **[Amended 10-11-2017 by Ord. No. 2017.09.27; 2-12-2020 by Ord. No. 2020.01.08-001]**

4. AMENDMENT

Chapter 141 entitled "Vehicles and Traffic" is hereby amended by revising Section 14, "General Parking Provisions", as follows:

§ 141-14 General parking provisions.
[Amended 4-12-2017 by Ord. No. 2017.03.22-004]

Except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or official traffic control device, no person shall:

A. Stop, stand or park a vehicle:

(1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(2) On or over a sidewalk except for bicycles. **[Amended 10-11-2017 by Ord. No. 2017.09.27]**

(3) Within an intersection.

(4) On a crosswalk.

(5) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(6) Upon any bridge or other elevated structure upon a highway or within a highway tunnel, unless a parking space is specifically provided.

(7) On any railroad tracks.

(8) Within 20 feet of the corner of any intersecting street, unless a parking space is specifically provided.

(9) It shall be unlawful for the owner or operator of any motor vehicle to park or allow to be parked any motor vehicle for any length of time in a designated fire lane. Violators will be subject to Table B fines under § **141-23** as set forth in the Fine Schedule as adopted by City

Council. **[Amended 10-11-2017 by Ord. No. 2017.09.27; 2-12-2020 by Ord. No. 2020.01.08-001]**

(10) At any place where official signs prohibit parking.

(11) In any parking place, whether on public or private property, specially designated for a person with a walking disability by means of a sign, as required by RSA 265:73-a, stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has a special number plate, decal, or a card issued pursuant to RSA 261:86, 261:87 or 261:88, or a similar license plate, decal or card issued by another state or country displaying the international accessibility symbol and the persons who qualifies for the plate, decal or card is being transported to or from the vehicle ~~parking place~~.

(12) In or overlapping into any access aisle. "Access aisle" shall mean a designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle, that is immediately adjacent to a properly designated parking space for persons with a walking disability, whether public or private property. Access aisles shall be so marked as to discourage parking in them. Violators will be subject to Table B fines under § **141-23** as set forth in the Fine Schedule as adopted by City Council. **[Amended 10-11-2017 by Ord. No. 2017.09.27; 2-12-2020 by Ord. No. 2020.01.08-001]**

(13) At any place that has been posted for "Permit Parking Only" without displaying a valid permit authorized by the Chief of Police and displayed so that it is clearly visible.

B. Stand or park a vehicle, whether occupied or not, except momentarily, to pick up or discharge a passenger or passengers:

(1) In front of or within five feet of the edge of a public or private driveway.

(2) Within 10 feet of a fire hydrant.

(3) Within 20 feet of a crosswalk at an intersection.

(4) Within 20 feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway.

(5) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted.

(6) Adjacent to any curb painted yellow or along any curb where there is a yellow line along the pavement adjacent to said curb.

(7) Within 20 feet of the entrance to any multifamily complex consisting of five or more units.

C. Stand or park a vehicle in a roadway, other than parallel to the edge of the roadway, headed in the direction of traffic, and with the right side of the vehicle within 12 inches of the edge of the roadway, except as provided in the following subsections:

(1) In locations where the Police Department shall have marked or cause to be marked off individual parking spaces on the public streets, public parking areas or highways of the City, in which case it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the spaces so designated, unless such vehicle is too large to be confined to one such space and the vehicle is not extending into any restricted area or travel lane. **[Amended 10-11-2017 by Ord. No. 2017.09.27]**

(2) When a vehicle, truck, trailer or tractor-trailer is backed to the curb for the purpose of loading or unloading merchandise, in which case the vehicle, truck, trailer or tractor-trailer shall be turned so as to stand as near parallel to the curb as possible, and a person shall not stand or park a vehicle so as to obstruct the view of any traffic control device of other drivers traveling

upon such a street.

D. Notwithstanding the provisions of Subsection **C**, allow or permit a motor vehicle to stand unattended on any public highway within the City of Dover without first stopping the engine, locking the ignition and removing the key from the vehicle. Violators will be subject to Table B fines under § **141-23** as set forth in the Fine Schedule as adopted by City Council. **[Amended 10-11-2017 by Ord. No. 2017.09.27; 2-12-2020 by Ord. No. 2020.01.08-001]**

E. Display a disability placard issued pursuant to RSA 261:86, 261:87 or 261:88 or a similar placard issued by another state or country displaying the international accessibility symbol while parked in a metered or time-limited parking area unless the person who qualifies for the placard is being transported to or from the <u>vehicle</u> ~~parking place.~~

5. AMENDMENT

Chapter 141 entitled "Vehicles and Traffic" is hereby amended by revising Section 18, "Resident Parking Permit", as follows:

§ 141-18 **<u>Downtown</u> Resident parking permit.**
[Amended 4-15-2015 by Ord. No. 2015.03.25-010; 12-9-2015 by Ord. No. 2015.10.28-023; 5-25-2016 by Ord. No. 2016.05.11-007; 12-26-2016 by Ord. No. 2016.10.12-013; 10-11-2017 by Ord. No. 2017.09.27; 8-22-2018 by Ord. No. 2018.08.08-008]

A. The Police Department is authorized to sell and distribute parking permits for residents of downtown who reside within 200 feet of an authorized residential parking area. Permits shall be valid for such periods of time, location and under such conditions as provided by the Police Department on or with such permits.

B. A maximum of one residential parking permit may be issued per legal residential unit upon certification that on-site parking is unavailable. Permits shall be assigned to specific vehicles owned by occupants of such residential unit. Permits are only valid for the nearest parking area

designated by the Police Department for a particular residential unit. **[Amended 10-10-2018 by Ord. No. 2018.09.26-010]**

C. Authorized residential parking areas include designated spaces in the metered parking garage and City-controlled parking lots that are not leased or deeded to a third party, excluding the Orchard Street Parking Lot. In addition, the following streets qualify for residential permit parking: First Street (northerly side spaces not subject to third party license), Second Street (both sides, from the driveway between 20 and 22 Second Street westerly to Chestnut Street), Main Street, St. John Street and School Street (angled parking spaces only). **[Amended 10-10-2018 by Ord. No. 2018.09.26-010; 5-22-2019 by Ord. No. 2019.05.08-009]**

D. Residential parking permits are not intended for long-term storage of vehicles, and any vehicle remaining in the same space or the same parking garage for more than five consecutive days without notification to and the approval of the Police Department shall have its permit revoked, and the vehicle may be towed at the owner's expense. Notice of this requirement shall be provided with each residential parking permit issued.

E. The Police Department, on a yearly basis, shall verify the residential status of each permit holder and require a signed statement from the applicant as to his/her qualifications to obtain a residential parking permit.

F. Accepted documentation to qualify for a residential permit is a lease or utility bill in the applicant's name demonstrating a qualified address, and absent either of those two, a vehicle registered to a qualified address and verification by the property owner.

G. Any misrepresentation regarding the application for or use of a residential parking permit, any unauthorized transfer of the permit, or any other misuse of the permit shall be cause for its revocation by the Police Department.

H. This section does not authorize resident parking permits for residential developments that have insufficient on-site parking and were approved as "commercial ventures" by the Planning Board.

I. The rate for the permits shall be set and/or adjusted by the City Council during the annual Fee Schedule adoption.

6. AMENDMENT

Chapter 141 entitled "Vehicles and Traffic" is hereby amended by revising Section 20, "Business Parking Permit Program", as follows:

§ 141-20 **Business parking permit program.**
[Added 5-25-2016 by Ord. No. 2016.05.11-007]

A. The Police Department is authorized to sell and distribute monthly parking permits for the parking of vehicles in any business parking permit zone listed in § **141-52**, Schedule M.

B. Permits shall be valid for such periods of time, location and under such conditions as provided by the Police Department on or with such permits. **[Amended 10-11-2017 by Ord. No. 2017.09.27]**

C. Parking permits are not intended for long-term storage of vehicles, and any vehicle remaining in the same space or parking garage for more than five consecutive days without notification to and the approval of the Police Department shall have its permit revoked, and the vehicle may be towed at the owner's expense.

D. The rate for the permits shall be set and/or adjusted by the City Council during the annual Fee Schedule adoption.

E. Business parking permit zones in the City of Dover shall be set forth in § **141-52**, Schedule M, Business Parking Permit Zones, unless otherwise posted.

7. AMENDMENT

Chapter 141 entitled "Vehicles and Traffic" is hereby amended by revising Section 30, "Hours of Operation and Rates", as follows:

§ 141-30 **Hours of operation and rates.**
[Amended 4-12-2017 by Ord. No. 2017.03.22-004; 11-8-2017 by Ord. No. 2017.10.25]

A. Paid parking shall be required daily between the hours of 9:00 a.m. and 8:00 p.m., except on Sundays, with the exception of: **[Amended 2-14-2018 by Ord. No. 2018.01.10; 10-10-2018 by Ord. No. 2018.09.26-010; 7-24-2019 by Ord. No. 2019.07.10-11]**

(1) The Orchard Street Parking Garage where paid parking shall also be required daily in designated metered spaces between the hours of 2:00 a.m. and 6:00 a.m.

(2) The following holidays: January 1; the third Monday in January, known as Martin Luther King, Jr. Civil Rights Day; the third Monday in February, known as Washington's Birthday; the last Monday in May, known as Memorial Day, or on a date to coincide with the federal observance if it is held on a different day; July 4; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; November 11, known as Veterans Day; Thanksgiving Day; the Friday after Thanksgiving; and Christmas Day. When one of the listed holidays falls on a Sunday, the Monday after shall be observed as a holiday.

B. Parking meter rates shall be set forth in the annual Fee Schedule adopted by the City Council.

C. For good cause, the Chief of Police, upon recommendation of the Parking Commission, shall have the authority to temporarily suspend the provisions of this section for specified dates and times.

8. AMENDMENT

Chapter 141 entitled "Vehicles and Traffic" is hereby amended by revising Section 31, "Unlawful acts; separate violations.", as follows:

§ 141-31 **Unlawful acts; separate violations.**
[Amended 8-24-2015 by Ord. No. 2015.07.08-014; 11-11-2015 by Ord. No. 2015.10.28-024; 4-12-2017 by Ord. No. 2017.03.22-004]

A. The following shall be considered violations of this article:

(1) It shall be unlawful for any person to park or allow any vehicle registered in his/her name to be parked in a parking meter zone so that the vehicle is not entirely within the area designated or delineated by lines or markings.

(2) It shall be unlawful for any person to park or allow any vehicle registered in his/her name to be parked in excess of 19 feet in overall length in a multi-space parking meter zone except as provided in § 141-32.

(3) Multi-space parking meters.

(a) It shall be unlawful for any person to park or allow any vehicle registered in his/her name to be parked or left standing in any area where parking is controlled by a multi-space parking meter:

[1] Without purchasing a receipt from said multi-space parking meter for such parking or standing time.

[2] Without displaying any receipt so purchased from a multi-space parking meter in a position on the dashboard of the vehicle in order that the time printed on said

receipt is clearly visible from outside the vehicle, except in a metered parking garage when the proper space number is entered into the pay-by-space parking meter, wherein such receipt display is not required.

[3] After parking or standing time which has been purchased has expired.

[4] Displaying an altered or falsified receipt or any receipt that has not been purchased from the multi-space parking meter controlling the parking space in which the vehicle displaying the receipt is parked. Violators will be subject to Table B fines under § 141-23 as set forth in the Fine Schedule as adopted by City Council. [Amended 10-11-2017 by Ord. No. 2017.09.27; 2-12-2020 by Ord. No. 2020.01.08-001]

[5] In excess of the posted time limits.

(b) Exception. No multi-space parking meter receipt is required for a vehicle parked in a parking meter zone for less than 15 minutes; this exception does not apply to metered parking lots or a metered parking garage.

(c) Each violation of the acts described in Subsection A(3)(a)[1] to [5] shall constitute a separate violation and additional violation.

(4) It shall be unlawful for any person to park or allow any vehicle registered in his/her name to remain parked in a parking meter zone when time purchased on the parking meter for that space has expired, except as provided in § 141-30.

(5) It shall be unlawful for any person to park or allow any vehicle registered in his/her name to be parked or left standing on any public highway or part of a public highway within the City in a parking meter zone without conforming to the provisions of this article.

(6) It shall be unlawful for any person to park in a metered on-street parking space with a receipt from a multi-space parking meter in a metered parking lot or a metered parking garage.

(7) The City's print-at-home permit program provides permits specific to the single vehicle associated with each such permit. It shall be unlawful for any person to forge, falsify, or print multiple copies of print-at-home permits for use by others, or in any other way assist, facilitate, aid, or abet the use of a print-at-home permit by or for any other vehicle other than the permitted vehicle. Violators will be subject to Table B fines under § 141-23 as set forth in the Fine Schedule as adopted by City Council.

B. Where a violation of this article is found, each additional one hour that a vehicle is so parked in violation shall constitute a separate additional violation.

C. The previous provisions of this article shall not apply to City-owned vehicles or to persons who are disabled and have obtained permission to park from the Chief of Police.

D. Chronic offenders. Any person with five violations of any subsection of § 141-31A(3), (4) and (6) or § 141-37 in a calendar year for any metered on-street parking space shall be fined as set forth in the Fine Schedule as adopted by City Council for each subsequent offense. [Amended 10-11-2017 by Ord. No. 2017.09.27; 2-12-2020 by Ord. No. 2020.01.08-001]

9. AMENDMENT

Chapter 141 entitled "Vehicles and Traffic" is hereby amended by revising Section 33, "Contractor Parking", as follows:

141-33 **Contractor parking.**

~~The Chief of Police, or designee, may permit plumbers, electricians or other contractors to park in any area, without regard to time restrictions, provided that it is essential to work being done in the immediate area.~~

A. The Chief of Police, or designee, may permit plumbers, electricians, or other such workers or contractors to reserve a parking space(s) upon payment of a fee established in the Schedule of Fees adopted by City Council, provided that it is essential for work being done in the immediate area.

B. In addition to the fee referenced in the paragraph (A) above, contractors shall also be required to pay any metered parking fees, per space, in effect in that location.

C. Contractors not needing a space reserved shall only be responsible for the metered parking fees, per space, in effect in that location.

D. Fees established in the Schedule of Fees for non-metered spaces are per space.

10. AMENDMENT

Chapter 141 entitled "Vehicles and Traffic" is hereby amended by revising Section 34, "Time Limits", as follows:

141-34 **Time limits.**
[Added 4-22-2015 by Ord. No. 2015.04.22-011; amended 12-26-2016 by Ord. No. 2016.10.12-013; 5-22-2019 by Ord. No. 2019.05.08-009]

~~No person shall park a vehicle in a metered on-street parking space or in a surface parking space in the Orchard Street or Belknap Parking Lots in excess of three consecutive hours. This section shall not apply to metered on-street parking spaces on the following public highways:~~

~~A. Henry Law Avenue.~~

~~B. River Street.~~

[Repealed]

11. AMENDMENT

Chapter 141 entitled "Vehicles and Traffic" is hereby amended by revising Section 37, "In-Vehicle Parking Meters", as follows:

§ 141-37 **In-vehicle parking meters.**

A. The use of in-vehicle parking meters (IVPM) to pay for parking is permitted notwithstanding the provisions of § **141-31A(3)(a)[1]** under the following conditions:

(1) The IVPM is displayed on the curbside window -by using the mounting bracket, or on the curbside dashboard, allowing the readout device to be clearly viewed.

(2) The IVPM is authorized for use in the City of Dover and activated for the proper zone in which the vehicle is parked.

(3) No manipulation of the software, display, deactivation, or reactivation of the IVPM resulting in the avoidance of parking fees has occurred.

B. Attempts at circumvention of the IVPM program may result in the closing of the IVPM account without refund of any kind.

12. AMENDMENT

Chapter 141 entitled "Vehicles and Traffic" is hereby amended by revising Section 48, "Schedule I: No Parking at Any Time", as follows:

§ 141-48 **Schedule I: No Parking at Any Time.**

In accordance with the provisions of § **141-17**, it shall be unlawful for the owner of any vehicle or any persons having custody or control of any vehicle to park it or permit it to be parked in the following locations within the City of Dover, and any vehicle found to be in violation of the aforementioned provisions may be towed by the direction of the Police Department and the expense of such towing borne by the owner of the vehicle:

Street	Side	Location
Abbey Lane	Southerly	From the intersection with Rutland Street easterly to the end of said Abbey Lane
Abbott Street	Southerly	From the intersection with Central Avenue westerly to the intersection with Mount Vernon Street
Academy Street	Both	Northerly for a distance of 100 feet starting at the intersection of Church Street
Alumni Drive	Both	From the intersection with Bellamy Road easterly to the intersection of Durham Road
Angle Street	Northerly	From Academy Street to Central Avenue
Arch Street	Both	From the intersection with Silver Street northerly to the intersection of West Concord Street
Ash Street	Southerly	From intersection with Central Avenue westerly to the parking lot entrance in the rear of No. 678 Central Avenue
Atkinson Street	Easterly	From the intersection with Washington Street southerly to the intersection with Silver Street
Ayers Lane	Both	Entire length
Baker Street	Southerly	From the intersection of East Concord Street easterly for a distance of 300 feet
Belknap Street	Easterly	From the intersection with Washington Street to the intersection with St. Thomas Street
Belknap Street **[Added 11-13-2019 by Ord. No. 2019.10.23-**	Westerly	From the intersection with Silver Street northerly to the intersection with

Street	Side	Location
013]		Washington Street, between December 1 and April 1
Bellamy Road	Easterly	From Alumni Drive southerly for a distance of 440 feet
Bellamy Road	Easterly	From the intersection with Cataract Avenue southerly to Alumni Drive
Bellamy Road	Westerly	From the Bellamy River Bridge southerly to 200 feet beyond Lisa Beth Drive
Boyle Street	Northerly	From Court street Easterly for a distance of 200 feet
Brick Road **[Added 12-9-2015 by Ord. No. 2015.10.28-027]**	Northerly	From the intersection of Central Avenue easterly for a distance of 100 feet
Broadway	Easterly	From the PSNH Pole No. 114/25 (a point across from Florence Street) northerly to the intersection with Oak Street
Canney Lane	Northerly	Entire length
Central Avenue	Both	From the intersection with Back River Road easterly to the intersection with Stark Avenue
Central Avenue	Easterly	From the intersection with Ham Street northerly for a distance of 35 feet
Central Avenue	Easterly	From the intersection with Pierce Street northerly to the driveway of 547 Central Avenue (formerly Seacoast Savings Bank)
Central Avenue	Easterly	From the intersection with Indian Brook Drive southerly to the PSNH pole number 1/71

CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

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Section: 3 Installation of Traffic Control Devices
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Street	Side	Location
Central Avenue	Easterly	From the intersection with South Pine Street Southerly to the PSNH pole number 1/147
Central Avenue	Easterly	From the PS Pole No. 1/1305 to the island of PS Pole No. 1/130A
Central Avenue	Easterly	From the south property line of 633 Central Avenue to the driveway of 655 Central Avenue
Central Avenue	Easterly	From the southerly driveway of 189 Central Avenue northerly to the intersection with George Street
Central Avenue	Easterly	From Washington Street north for a distance of 320 feet.
Central Avenue	Westerly	From Church Street to Silver Street, except during Sunday Religious Services at the First Parish Church
Central Avenue	Westerly	From the driveway to 146 Central Avenue southerly to a point 30 feet south of intersection with Trakey Street
Central Avenue	Westerly	From the intersection with Indian Brook Drive southerly to the intersection with Reservoir Street
Chapel Street	Both	From the intersection with Portland Avenue westerly to St. John Street
Chapel Street	Northerly	From the intersection with Main Street easterly to St. John Street
Charles Street **[Added 4-23-2014 by Ord. No. 2014.04.09-005]**	Northerly	From Central Avenue easterly for a distance of 150 feet
Charles Street **[Added 4-23-2014 by Ord. No. 2014.04.09-**	Southerly	From Central Avenue easterly for a distance of 240 feet

Street	Side	Location
005]		
Chestnut Street	Both	From the intersection with Washington Street northerly to the intersection with Third Street
Chestnut Street	Both	From the intersection with Washington Street southerly to the intersection with St. Thomas Street
Chestnut Street	Westerly	From the intersection with Fourth Street northerly for 50 feet
Church Street	Northerly	From the intersection with Central Avenue westerly to the intersection with Locust Street, except for school buses and parents picking up or discharging students or during church services at the First Parish Congregational Church. When both student pick-up/discharge and church services occur at the same time, school buses alone shall take precedence
Clifford Street	Northerly	From the intersection with Towle Avenue easterly for a distance of 30 feet
Court Street	Northerly	From Central Avenue to Boyle Street
Court Street	Northerly	From the intersection with Union Street easterly for a distance of 110 feet
Court Street	Southerly	From the intersection with Central Avenue to the intersection with Union Street
Court Street	Southerly	From South Pine Street westerly for a distance of 100 feet
Cushing Street **[Added 11-13-2019 by Ord. No. 2019.10.23-**	Easterly	The entire length, between December 1 and April 1

Street	Side	Location
013]		
Dover Street	Northerly	From the easterly corner of the property at 18-20 Dover Street, westerly for a distance of 135 feet, from 7:00 a.m. to 5:00 p.m. Monday through Friday
Durham Road	Both	From the intersection of Back River Road to the intersection of Mast Road
Durrell Street	Northerly and westerly	The entire length from St. John's Street to Winter Street
East Watson Street	Both	From the intersection with Central Avenue easterly to the intersection with South Watson Lane
Essex Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Southwesterly	From the intersection with Portland Avenue northwesterly to the dead end, between December 1 and April 1
Ezra's Way	Easterly	Entire length
Fern Court	Westerly	From the intersection with Folsom Street, northerly, and then westerly to the dead end
Fifth Street	Northerly	From the intersection with Central Avenue westerly to Chestnut Street,
Fifth Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Northerly	From the intersection with Chestnut Street westerly to the intersection with Grove Street, between December 1 and April 1
First Street **[Amended 9-3-2014 by Ord. No. 2014.08.13-014]**	Northerly	From the westerly driveway of 1 First Street easterly to the intersection with Central Avenue
Folsom Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Southerly	The entire length, between December 1 and April 1

Street	Side	Location
Forest Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Northwesterly	The entire length, between December 1 and April 1
Fourth Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Northerly	From the intersection with Chestnut Street westerly to the intersection with Grove Street, between December 1 and April 1
Fourth Street	Southerly	From the intersection with Chestnut Street westerly for a distance of 100 feet
Fourth Street	Southerly	From the intersection with Chestnut Street easterly to Public Service Pole No. 53/1A
Fourth Street	Southerly	From the Cochecho River bridge easterly to the intersection of Frances Drive, a distance of 250 feet
Garrison Road	Southerly	From the intersection with Shadow Drive easterly to the intersection with Meridian Drive
George Street **[Added 10-26-2016 by Ord. No. 2016.10.12-013]**	Northwesterly	From the intersection with Sonnett Street to the intersection with Henry Law Avenue, except where individual parking spaces are marked by the City
George Street	Southeasterly	From the northeast corner of the property line of 233 Central Avenue northeasterly to the intersection with Sonnett Street
Greenfield Drive	Northerly	From the intersection with Garrison Road easterly to the northwest corner of Greenfield Drive traffic circle
Ham Street **[Added 3-27-2019 by Ord. No. 2019.03.13-005]**	Northerly	From Central Avenue to Park Street

Street	Side	Location
Hampshire Circle	Northerly	From the southerly intersection with Whittier Street continuing around on that side of Hampshire Circle to the northerly intersection with Whittier Street
Hancock Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Southwesterly	The entire length, between December 1 and April 1
Hanson Street **[Added 4-25-2018 by Ord. No. 2018.04.11-003]**	Both	Entire length
Henry Law Avenue	Easterly	From the Maglaras Park entrance road to Browning Drive
Henry Law Avenue	Westerly	From the intersection of Browning Drive northerly for a distance of 75 feet
Henry Law Avenue	Westerly	From the intersection of George Street southerly to a point directly across from Towne Drive
Henry Law Avenue	Westerly	From the intersection with Williams Street southerly to the intersection with George Street
<u>High Ridge Drive</u>	<u>Southerly</u>	<u>From the intersection with Floral Avenue easterly to the dead end, between December 1 and April 1</u>
Horne Street	Westerly	From the intersection with Glencrest Avenue southerly to the driveway of 68 Horne Street
Industrial Park Drive **[Added 5-23-2018 by Ord. No. 2018.05.09-004; amended 3-27-2019 by Ord. No.**	Easterly then southerly (inside of curve)	From the westernmost driveway from 89 Industrial Park Drive (Eversource Pole No. 305/12B) northerly, then easterly to the driveway of 115

Street	Side	Location
2019.03.13-005]		Industrial Park Drive (Eversource Pole No. 305/15BS), from November 1 to April 1
Ivan's Lane	North	Entire length
Kirkland Street	Southerly	
Lexington Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Easterly	The entire length, between December 1 and April 1
Lincoln Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Northerly	The entire length, between December 1 and April 1
Lisa Beth Drive		
Locust Street	Easterly	From the intersection with Silver Street southerly to the intersection with Central Avenue
Locust Street	Easterly	From the intersection with St. Thomas Street southerly to the intersection with Silver Street
Long Hill Road	Both	From the intersection with New Rochester Road (Route 108) westerly to the intersection with Old Rochester Road (Route 16B)
Main Street	Easterly	From the intersection with Washington Street northerly to the intersection with Chapel Street
Mechanic Street	Both	From intersection of School Street northerly to the intersection of Chapel Street
Mill Street	Both	From a point 370 feet from Central Avenue easterly for a distance of 700 feet

Street	Side	Location
Mineral Park Drive	Northerly	From the intersection with Washington Street to the intersection with Pleasant View Circle
Morin Street	Both	From the intersection with Central Avenue, westerly to PSNH Pole No. 1/18B
Nelson Street	Southerly	From the intersection with Atkinson Street westerly to the intersection with Belknap Street
Nelson Street	Southerly	From the intersection with Locust Street westerly to the intersection with Atkinson Street, between December 1 and April 1
New York Street	Both	From the intersection with Broadway to the intersection with East Street
New York Street	Southerly	From the intersection with Central Avenue easterly to the Public Service Pole 111/12
Old English Village Road	Southerly	From the intersection with Central Avenue easterly to the Rollinsford Town Line
Old Garrison Road	Both	Along the entire 510 foot frontage of Tax Map J, Lot 10-6, owned by State of New Hampshire Fish and Game Department
Old Rollinsford Road	Both	From the intersection with Central Avenue to the Wentworth Douglass Hospital
Orchard Street	Both	From the intersection with Central Avenue westerly to the intersection with Chestnut Street

Street	Side	Location
Orchard Street Lot service road	Both	Entire length from its intersection with Orchard Street northerly, then westerly to its exit to Orchard Street Lot
Overlook Drive	Westerly	Entire length
Park Street Park Parking Lot **[Added 4-12-2017 by Ord. No. 2017.03.22-004]**		No parking during the hours of 8:30 p.m. to 7:00 a.m. during the period of April 1 through September 30 and during the hours of 7:00 p.m. to 7:00 a.m. during the period of October 1 through March 31
Paul Street	Easterly	From the intersection with Henry Law Avenue, to the intersection with Wallingford Street
Pierce Street	Both	Entire length
Plaza Drive	Easterly	From the intersection with Glenwood Avenue northerly to the intersection with Northway Circle
Pleasant View Circle	Westerly	From the intersection with Washington Street northerly to the intersection with Whittier Street
Portland Avenue	Easterly	From the north boundary of 161 Portland Avenue southerly to the north boundary of 149 Portland Avenue
Portland Avenue	Northerly	From PSNH pole 119/3A to the entrance of the Portland Avenue Parking Lot
Portland Avenue	Northerly	From the intersection with Chapel Street to the entrance with Portland Avenue parking lot
Portland Avenue	Southerly	The intersection with Chapel Street easterly and westerly for a distance of

Street	Side	Location
		100 feet
Portland Avenue **[Amended 12-9-2015 by Ord. No. 2015.10.28-028]**	Westerly	From the intersection of Oak Street southerly for a distance of 600 feet
Preble Street	Southerly	From the intersection with Central Avenue easterly then southerly along the westerly side to the intersection with Pierce Street
Quaker Lane	Westerly	Entire length
River Street	Easterly	From the intersection with Henry Law Avenue northerly for a distance of 130 feet
River Street	Westerly	From the intersection with Henry Law northerly to Washington Street
Rogers Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Southwesterly	The entire length, between December 1 and April 1
Rogers Street	Westerly	From the intersection with Cochecho Street northerly for a distance of 400 feet
Royer Lane	Both	Entire length
Sandpiper Drive	Southerly	From the intersection with Watson Road to the cul-de-sac
School Street	Southerly	From the westerly entrance to the School Street Parking Lot easterly to the intersection with Mechanic Street
Shaw's Lane	Easterly	Entire length from Garrison Road to Tideview Drive
Silver Street **[Amended 12-26-2016 by Ord. No. 2016.10.12-013]**	North	From the intersection with Central Avenue westerly to the intersection with Knox Marsh Road

Street	Side	Location
Silver Street **[Amended 12-26-2016 by Ord. No. 2016.10.12-013]**	South	From the intersection with Central Avenue westerly to the intersection with Knox Marsh Road
Smith Well Road	Westerly	From Glenwood Avenue to Barry Street
Sonnet Street	Both	From the intersection with George Street easterly to the intersection with Hanson Street
South Pine Street	North	From the intersection with Central Avenue easterly and northerly to the intersection with Court Street
South Pine Street	Southerly	From the intersection with Central Avenue easterly and northerly to the intersection with Court Street excluding the area between public service pole 150/4 easterly to public service pole 150/7A
Spring Street	Northerly	From Central Avenue to Locust Street
St. John Street	Easterly	From the intersection with Broadway southerly to the intersection with Chapel Street
St. Thomas Street	Both	From the intersection with Chestnut Street westerly to the property line between 25 and 33 St. Thomas Street except for vehicles whose driver or passenger is conducting business at the NH Circuit Court between the hours of 8 am and 5 pm, Monday through Friday.
St. Thomas Street	Southerly	The angled spaces between the McConnell Center and Atkinson Street except for vehicles whose driver or

Street	Side	Location
		passenger is conducting business at the NH Circuit Court between the hours of 8 am and 5 pm, Monday through Friday.
Summer Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Southerly	From the intersection with Central Avenue westerly to the intersection with Belknap Street, between December 1 and April 1
Susannah's Crossing	Southerly	Entire length of publicly accepted portion of the street
Third Street	Northerly	From the intersection with Central Avenue westerly to the intersection with Chestnut Street
Third Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Northerly	From the intersection with Chestnut Street westerly to the intersection with Grove Street, between December 1 and April 1
Third Street	Northerly	From the driveway of 33 Third Street westerly for 15 feet
Towle Avenue	Easterly	From the intersection with Clifford Street northerly for a distance of 30 feet
Towle Avenue	Westerly	From the intersection with Clifford Street northerly for a distance of 30 feet
Twombly Street	Northerly and easterly	From the intersection with Preble Street easterly and southerly to the intersection with Pierce Street
Union Street	Westerly	From the intersection with Court Street northerly to the intersection with Federal Street
Washington Street	Easterly	Between the intersection with Pleasant View Circle northerly to the intersection

Street	Side	Location
		with Mineral Park Drive
Washington Street	Southerly	From the intersection with Locust Street westerly for a distance of 56 feet
Washington Street	Southerly	From the easterly most driveway of 150 Washington Street to Atkinson Street
Washington Street	Westerly	From the intersection of Morrison Lane northerly for a distance of 150 feet
Whittier Street	Both	From the intersection with Mineral Park Drive northerly to the Whittier Street Bridge
Wildewood Lane	Both	From the intersection of Cottonwood Drive to the beginning of the cul-de-sac
Wildewood Lane	Northeasterly	From Sixth Street to Cottonwood Drive
Williams Street	Both	From the intersection with Central Avenue easterly to the intersection with Henry Law Avenue
Winter Street	Both	From the intersection with St. John Street easterly to the intersection with Durrell Street
Winter Street (formerly Cedar Street)	Northerly	From the intersection with Durrell Street easterly to the dead end
Young Street	Northerly	From the intersection with Main Street and Portland Avenue easterly to the Cochecho River
Young Street	Southerly	From the intersection of Main Street easterly to the Cochecho River, between December 1 and April 1

13. AMENDMENT

Chapter 141 entitled "Vehicles and Traffic" is hereby amended by revising Section 49 Schedule J: "Limited-Time Parking", as follows:

§ 141-49 **Schedule J: Limited-Time Parking.**

A. Three-hour parking. In accordance with the provisions of § **141-19**, it shall be unlawful for the owner or operator of any vehicle to park for more than three hours per day in the following described locations: **[Amended 5-23-2018 by Ord. No. 2018.05.09-004]**

Street	Side	Location
Central Avenue	Westerly	From the driveway between 642 and 648 Central Avenue northerly to the driveway between 652 and 660 Central Avenue
Portland Avenue Lot	Public Spaces	Westerly side of Portland Avenue between 44 Portland Avenue and Chapel Street.

B. Two-hour parking. In accordance with the provisions of § **141-19**, it shall be unlawful for the owner or operator of any vehicle to park for more than two hours per day in the following described locations:

Street	Side	Location
Adelle Drive	Both	For the entire length, between the hours of 8:00 a.m. and 2:00 p.m., Monday through Friday, between September 1 and June 15
Bellamy Road **[Added 4-10-2019 by Ord. No. 2019.03.27-007]**	Both	From the intersection with Hartswood Road, southerly to the Bellamy Road split, between the hours of 8:00 a.m. and 2:00 p.m., Monday through Friday, between September 1 and June 15
Broadway **[Added 2-14-2018 by Ord. No. 2018.01.10]**	Easterly	From the intersection with Florence Street northerly to the intersection with

Street	Side	Location
Broadway	Northerly	Oak Street, except as otherwise posted From the intersection with St. John Street westerly to the PSNH Pole No. 114/A1
Broadway **[Amended 10-26-2016 by Ord. No. 2016.10.12-013]**	Southerly	From the driveway between 3 and 7 Broadway easterly to the intersection with St. John Street
Central Avenue **[Amended 2-11-2015 by Ord. No. 2015.01.28-005]**	Easterly	From the intersection of New York Street, southerly to the intersection with Fifth Street
Central Avenue **[Added 2-11-2015 by Ord. No. 2015.01.28-005]**	Westerly	From the driveway between 572 and 574 Central Avenue, southerly to the intersection with Fifth Street
Chestnut Street **[Added 10-26-2016 by Ord. No. 2016.10.12-013; amended 4-12-2017 by Ord. No. 2017.03.22-004]**	Easterly	From the intersection with Fifth Street northerly to the intersection with Sixth Street
Chestnut Street **[Added 10-26-2016 by Ord. No. 2016.10.12-013; amended 4-12-2017 by Ord. No. 2017.03.22-004]**	Westerly	From the intersection with Third Street northerly to the intersection with Sixth Street
~~Chestnut Street Lot **[Added 10-11-2017 by Ord. No. 2017.09.27]**~~		~~3 spaces in the northeast corner~~
Fairfield Drive	Both	For the entire length, between the hours of 8:00 a.m. and 2:00 p.m., Monday through Friday, between September 1 and June 15
Fourth Street	Both	From the intersection with Chestnut Street westerly to the intersection with Grove Street except as otherwise posted

Street	Side	Location
Green Street **[Added 10-26-2016 by Ord. No. 2016.10.12-013; amended 4-12-2017 by Ord. No. 2017.03.22-004]**	Northerly	From the intersection with Chestnut Street westerly to the intersection with Washington Street except as otherwise posted
Hartswood Road	Both	For the entire length, between the hours of 8:00 a.m. and 2:00 p.m., Monday through Friday, between September 1 and June 15
Kirkland Street **[Amended 10-11-2017 by Ord. No. 2017.09.27]**	Northerly	From the intersection with Locust Street easterly to the intersection with Academy Street
Lisa Beth Drive	Both	For the entire length, between the hours of 8:00 a.m. and 2:00 p.m., Monday through Friday, between September 1 and June 15
Locust Street	Westerly	From the intersection with Hale Street, southerly to the intersection with Kirkland Street, unless otherwise posted
Plaza Drive	Westerly	Between exit and entrance to No. 307 Plaza Drive
St. Thomas Street	Both	From the intersection with Chestnut Street westerly to the property line between 25 and 33 St. Thomas Street.
St. Thomas Street	Southerly	Angled parking spaces between the McConnell Center and Atkinson Street
Sunset Drive	Both	For the entire length, between the hours of 8:00 a.m. and 2:00 p.m.,

Street	Side	Location
		Monday through Friday, between September 1 and June 15
Sylvan Drive	Both	For the entire length, between the hours of 8:00 a.m. and 2:00 p.m., Monday through Friday, between September 1 and June 15
Third Street	Both	From the intersection with Chestnut Street westerly to the intersection with Grove Street except as otherwise posted

C. One-hour parking. In accordance with the provisions of § **141-19**, it shall be unlawful for the owner or operator of any vehicle to park for more than one hour in the following described locations: **[Amended 8-24-2015 by Ord. No. 2015.07.08-015]**

Street	Location
(Reserved)	

D. Thirty-minute parking. In accordance with the provisions of § **141-19**, it shall be unlawful for the owner or operator of any vehicle to park for more than 30 minutes in the following described locations: **[Amended 8-24-2015 by Ord. No. 2015.07.08-015]**

Street	Side	Location
Church Street	Southerly	From the intersection with Locust Street, ~~2~~ 3 spaces in an easterly direction
George Street	Easterly	2 spaces nearest Henry Law Avenue
Henry Law Avenue	Northerly	From George Street to River Street
Locust Street **[Added 12-26-2016 by Ord. No. 2016.10.12-013; amended 10-10-2018 by Ord. No. 2018.09.26-010]**		All spaces adjacent to the traffic circle between the McConnell Center and Public Library, unless otherwise posted

E. Fifteen-minute parking. In accordance with the provisions of § **141-19**, it shall be unlawful for the owner or operator of any vehicle to park for more than 15 minutes in the following described locations: **[Amended 8-24-2015 by Ord. No. 2015.07.08-015; 12-9-2015 by Ord. No. 2015.10.28-029]**

Street	Location
Green Street	2 spaces on northerly side in front of Waldron Towers
Orchard Street	2 posted spaces in front of 40 Chestnut Street (Cochecho Park Apartments)
Orchard Street	2 posted spaces in the northeast corner of the lot
Transportation Center Lot 33 Chestnut Street **[Added 11-14-2018 by Ord. No. 2018.10.24-011]**	6 spaces westerly from terminal building in the row closest to the railroad tracks

F. In accordance with the provisions of § **141-19**, it shall be unlawful for the owner or operator of any vehicle to park in the following described locations between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday, between September 1 and June 30: **[Amended 8-24-2015 by Ord. No. 2015.07.08-015]**

Street	Side	Location
Clifford Street	Northerly	From the intersection with Towle Avenue easterly to the intersection with Woodman Park Drive
Shaws Lane	Westerly	From the intersection of Garrison Road northerly for a distance of 180 feet
Towle Avenue	Easterly	From the intersection with Silver Street southerly to the intersection with Clifford Street
Towle Avenue	Westerly	From the northerly property line of No. 5 Towle Avenue southerly to the intersection with Clifford Street

G. In accordance with the provisions of § **141-19**, it shall be unlawful for the owner or operator of any vehicle to park from 9:00 p.m. to 6:00 a.m. between April 1 and October 31 and from 5:00 p.m. to 7:00

a.m. between November 1 and March 31 in the following described locations: **[Added 10-26-2016 by Ord. No. 2016.10.12-013]**

Cemeteries	Location
Austin-Tuttle Cemetery	Old Dover Point Road and Gerrish Road
First Settler's Cemetery	Dover Point Road
Pine Hill Cemetery	Central Avenue
Pinkham Cemetery	Dover Point Road and Ayers Lane

H. In accordance with the provisions of § **141-19**, it shall be unlawful for the owner or operator of any vehicle to park in and upon the following streets and places between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday: **[Amended 8-24-2015 by Ord. No. 2015.07.08-015]**

14. AMENDMENT

Chapter 141 entitled "Vehicles and Traffic" is hereby amended by revising Section 51 Schedule L: "Parking Meter Zones", as follows:

Street	Location
(Reserved)	

§ 141-51 **Schedule L: Parking Meter Zones.**
[Added 4-22-2015 by Ord. No. 2015.04.22-012]

Metered Parking Garage	Location
Orchard Street Parking Garage **[Amended 12-26-2016 by Ord. No. 2016.10.12-013; 11-14-2018 by Ord. No. 2018.10.24-011; 5-22-2019 by Ord. No. 2019.05.08-009]**	Parking spaces on levels 1 and 2 within the parking structure which is south of Orchard Street, between Chestnut Street and Central Avenue, not including the 3 posted Police Station visitor spaces on the first floor of the parking garage unless otherwise posted
Metered Parking Lot	**Location**
Belknap Lot	320 Central Avenue and 18 Locust Street; southerly of Washington Street between Central Avenue and Locust Street

~~Chestnut~~Fourth Street Parking Lot **[Added 4-12-2017 by Ord. No. 2017.03.22-004]**	East of Chestnut Street, south of Fourth Street and west of the railroad tracks. All spaces except as otherwise posted
Henry Law Avenue Recreation Parking Lot - Henry Law Avenue **[Added 4-12-2017 by Ord. No. 2017.03.22-004]**	6 Henry Law Avenue, easterly and then northerly of Henry Law Avenue
Locust Street Lot **[Added 12-9-2015 by Ord. No. 2015.10.28-029; repealed 5-23-2018 by Ord. No. 2018.05.09-004]**	
Orchard Street Lot **[Amended 8-24-2015 by Ord. No. 2015.07.08-016; 12-9-2015 by Ord. No. 2015.10.28-029; 5-25-2016 by Ord. No. 2016.05.11-007]**	North of Orchard Street southerly of the Cochecho River between Central Avenue and Chestnut Street not including 2 posted spaces in the northeast corner of the lot, 2 posted spaces in front of 40 Chestnut Street (Cochecho Park Apartments) that are free 15 minute limit spaces, and 2 posted Police Station visitor spaces in front of 40 Chestnut Street (Cochecho Park Apartments)
River Street Lot	31 River Street easterly of the Cochecho River and north of Henry Law Avenue
Third Street Lot **[Amended 8-24-2015 by Ord. No. 2015.07.08-016]**	North of Third Street southerly of the railroad tracks between Chestnut Street and Central Avenue
Transportation Center Lot **[Amended 8-24-2015 by Ord. No. 2015.07.08-016]**	33 Chestnut Street westerly of Chestnut Street between First Street and Third Street

Metered On-Street Parking Spaces	Side	Location
Broadway **[Added 12-26-2016 by Ord. No. 2016.10.12-013; amended 5-22-2019 by Ord. No. 2019.05.08-009]**	Southerly	From the intersection with Central Avenue easterly to the intersection of St. John Street
Central Avenue **[Amended 10-11-2017 by Ord. No. 2017.09.27]**	Easterly	From the intersection with Fourth Street southerly to the intersection with Kirkland Street
Central Avenue **[Added 10-11-2017 by**	Westerly	From the intersection with Fourth

Ord. No. 2017.09.27]		Street southerly to the driveway between 236 and 240 Central Avenue
Chapel Street **[Amended 8-24-2015 by Ord. No. 2015.07.08-016]**	Southerly	From the intersection with Central Avenue easterly to the driveway on the west side of 15 Chapel Street
Chestnut Street **[Amended 8-24-2015 by Ord. No. 2015.07.08-016]**	Easterly	From the intersection with Fourth Street northerly to the intersection with Fifth Street
First Street	Northerly	From the westerly edge of 1 First Street westerly to the intersection with Chestnut Street
First Street	Southerly	From the intersection with Central Avenue westerly to the end of public parking at the rear of 432 Central Avenue
Fourth Street	Both	From the intersection with Central Avenue westerly to the intersection with Chestnut Street
Hale Street	Both	From the intersection with Central Avenue westerly to the intersection with Locust Street
Henry Law Avenue	Easterly	From the intersection with Washington Street southerly to George Street
Kirkland Street **[Added 10-11-2017 by Ord. No. 2017.09.27]**	Northerly	From the intersection with Central Avenue westerly to the intersection with Academy Street
Locust Street **[Amended 10-11-2017 by Ord. No. 2017.09.27]**	Both	From the intersection with Hale Street northerly to the intersection with Washington Street, unless otherwise posted
Main Street	Westerly	From the intersection with Washington Street northerly to the intersection with

		School Street
River Street	Easterly	From the intersection with Henry Law Avenue northerly to the intersection with Washington Street
St. John Street **[Added 5-22-2019 by Ord. No. 2019.05.08-009]**	Westerly	From the intersection of Broadway southerly to the intersection with Chapel Street
School Street	Both	Both sides from the intersection with Main Street easterly to the intersection with Mechanic Street
Second Street	Both	Both sides from the intersection with Chestnut Street easterly to the intersection with Central Avenue
St. Thomas Street	Both	Both sides from the intersection with Central Avenue westerly to the intersections with Locust Street
Third Street	Southerly	Southerly side from the intersection with Chestnut Street easterly to the intersection with Central Avenue
Washington Street	Both	Both sides from intersection of Chestnut Street easterly to the intersection of River Street

15. AMENDMENT

Chapter 141 entitled "Vehicles and Traffic" is hereby amended by revising Section 52 Schedule M: "Business Parking Permit Zones", as follows:

§ 141-52 **Schedule M: Business Parking Permit Zones.**
[Added 5-25-2016 by Ord. No. 2016.05.11-007; amended 5-23-2018 by Ord. No. 2018.05.09-004; 8-22-2018 by Ord. No. 2018.08.08-008]

The following parking lots/areas are authorized for permit parking as authorized by § **141-20**, Business parking permit program, unless otherwise restricted:

Parking Lots	
Belknap Lot **[Repealed 11-14-2018 by Ord. No. 2018.10.24-011]**	
~~Chestnut~~ Fourth Street Lot	
Orchard Street Lot	
Orchard Street Parking Garage	Spaces designated by the Chief of Police
Portland Avenue (Grimes) Lot	
River Street Lot	
Third Street Lot	
Transportation Center Lot	

Parking Areas	**Side**	**Location**
Chapel Street	Southerly	From the intersection of Main Street easterly to the intersection with Mechanic Street
First Street	Northerly	City-controlled areas
Green Street	Both	From the intersection with Fayette Street westerly, then southerly to the intersection with Washington Street
Henry Law Avenue	Easterly	From Washington Street southerly to River Street
Kirkland Street	Northerly	From the intersection with Central Avenue westerly to the intersection with Locust Street
Main Street	Westerly	From the intersection with Washington Street northerly to the intersection with School Street
Second Street	Both	From the driveway between 20 and 22 Second Street westerly to Chestnut Street

CITY OF DOVER	**CITY OF DOVER - ORDINANCE**
	Agenda Item#: 13.C.1.
	Ordinance Number: **O – 2020.07.08 – 005**
	Ordinance Title: Vehicles and Traffic
	Chapter: 141
	Section: 3 Installation of Traffic Control Devices 13 General Parking Restrictions 14 General Parking Provisions 18 Resident Parking Permits 20 Business Parking Permit Program 30 Hours of Operation and Rates 31 Unlawful acts; separate violations. 33 Contractor Parking 34 Time Limits 37 In-Vehicle Parking Meters 48 Schedule I: No Parking at Any Time 49 Schedule J: Limited-Time Parking 51 Schedule L: Parking Meter Zones 52 Schedule M: Business Parking Permit Zones

TAKES EFFECT

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

REQUIRES A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Robert Carrier By request
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Susan M. Mistretta City Clerk		

CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number:	**O – 2020.07.08 – 005**
Ordinance Title:	Vehicles and Traffic
Chapter:	141
Section:	3 Installation of Traffic Control Devices 13 General Parking Restrictions 14 General Parking Provisions 18 Resident Parking Permits 20 Business Parking Permit Program 30 Hours of Operation and Rates 31 Unlawful acts; separate violations. 33 Contractor Parking 34 Time Limits 37 In-Vehicle Parking Meters 48 Schedule I: No Parking at Any Time 49 Schedule J: Limited-Time Parking 51 Schedule L: Parking Meter Zones 52 Schedule M: Business Parking Permit Zones

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does | does not pass.		

CITY OF DOVER	CITY OF DOVER - ORDINANCE	
		Agenda Item#: 13.C.1.
	Ordinance Number:	**O – 2020.07.08 – 005**
	Ordinance Title:	Vehicles and Traffic
	Chapter:	141
	Section:	3 Installation of Traffic Control Devices 13 General Parking Restrictions 14 General Parking Provisions 18 Resident Parking Permits 20 Business Parking Permit Program 30 Hours of Operation and Rates 31 Unlawful acts; separate violations. 33 Contractor Parking 34 Time Limits 37 In-Vehicle Parking Meters 48 Schedule I: No Parking at Any Time 49 Schedule J: Limited-Time Parking 51 Schedule L: Parking Meter Zones 52 Schedule M: Business Parking Permit Zones

ORDINANCE BACKGROUND MATERIAL:

This ordinance enacts a variety of amendments, most of which are editorial in nature but several of which are substantive. Many of these amendments have been on hold pending the completion of the City's recodification project. The subject of this ordinance is therefore overall improvement to and updating of the City's Vehicles and Traffic Code, now codified as Chapter 141. Each Code section affected and amended is listed below with a brief explanation of the purpose behind the amendment:

Section 141-3 Installation of Traffic Control Devices: This amendment adds a "good cause" standard to guide the discretionary authority delegated by the City Council. The standard is flexible and is intended to encompass both "a cause or reason sufficient in law" as well as "one that is based on equity or justice or that would motivate a reasonable [person] under all the circumstances." *Barksdale v. Epsom*, 136 N.H. 511, 514 (1992) (quotations omitted).

Section 141-13 General Parking Restrictions: The amendment is intended to curtail use of parking garages for long-term storage of vehicles without prior approval, as use of parking garages this way inhibits availability of parking.

Section 141-14 General Parking Provisions: This first and third amendments in this section intend to ensure availability of disabled parking by clarifying that use of such parking is for disabled individuals ambulating to and from the vehicle, not simply the parking space. The second amendment clarifies the requirement that a valid permit must be visibly displayed by permit-holders using permit parking.

Section 141-18 Resident Parking Permits: The amendment to the header in this section is intended to clarify to a casual reader that this section does not apply to all residents—only downtown residents. The second amendment parallels the amendment to Section 141-13 and aims to curtail use of parking garages for long-term storage of vehicles.

Section 141-20 Business Parking Permit Program: The amendment parallels the amendment to Section 141-13 and aims to curtail use of parking garages for long-term storage of vehicles.

CITY OF DOVER	**CITY OF DOVER - ORDINANCE**
CITY OF DOVER	**Agenda Item#: 13.C.1.**
	Ordinance Number: **O – 2020.07.08 – 005**
	Ordinance Title: Vehicles and Traffic
	Chapter: 141
	Section: 3 Installation of Traffic Control Devices 13 General Parking Restrictions 14 General Parking Provisions 18 Resident Parking Permits 20 Business Parking Permit Program 30 Hours of Operation and Rates 31 Unlawful acts; separate violations. 33 Contractor Parking 34 Time Limits 37 In-Vehicle Parking Meters 48 Schedule I: No Parking at Any Time 49 Schedule J: Limited-Time Parking 51 Schedule L: Parking Meter Zones 52 Schedule M: Business Parking Permit Zones

Section 141-30 Hours of Operation and Rates: The amendment in this section was approved and recommended by the Parking Commission in November 2019, in order to enable the Chief of Police to temporarily suspend parking fees as needed. The "good cause" standard is again inserted to guide such decisions with the same intended flexibility as stated above.

Section 141-31 Unlawful acts; separate violations. The amendment is in relation to the City's new print-at-home permit program. The amendment notifies the public that the permit is specific to each vehicle and that permit-holders shall not take actions intended to subvert the parking program by facilitating unpermitted uses of the print-at-home permit.

Section 141-33 Contractor Parking: This amendment is intended to clarify fees applicable to laborers using public parking spaces. The amendment aims to strike a balance between laborers' interests as well as the public's interest in the availability of parking.

Section 141-34 Time Limits: This amendment needs to be removed, as the City has transitioned to a progressive pricing meter program. There are no time limits on any City street.

Section 141-37 In-Vehicle Parking Meters: This amendment makes the parking device visible curbside so that parking officers do no need to stand in the travel lane.

Section 141-48 Schedule I: No Parking at Any Time: This amendment adds "High Ridge Drive" at the request of Community Services, given challenges with getting snow removal vehicles and emergency vehicles up the hill during the winter months. The other two additions (St. Thomas Street) codify the deed and agreement between the New Hampshire Judicial Branch and the City of Dover to enforce parking restrictions in these areas.

Section 141-49 Schedule J: Limited-Time Parking: The first amendment adds the Portland Avenue Lot to effectuate a vote of the Parking Commission at its September 2019 meeting. The second amendment adds "per day" to keep drivers from shuffling a vehicle between spaces to evade the two-hour limit. The third amendment removes Chestnut Street as the lot was metered several years ago. Next, the addition of St. Thomas Street is, as stated above, meant to codify the deed and agreement between the New Hampshire Judicial Branch and the City of Dover. Finally, the amendment of spaces for Church Street was adopted by

the Parking Commission at its May 2019 meeting to accommodate the needs of the nearby daycare and kindergarten.

Section 141-51 Schedule L: Parking Meter Zones: This amendment replaces "Chestnut Street Parking Lot" with the "Fourth Street Parking Lot," as the entrance is being moved from Chestnut Street to Fourth Street. In addition, this amendment restores the codifications of several streets that appear to have been omitted during the recodification process that preceded the most recent recodification.

Section 141-52 Schedule M: Business Parking Permit Zones: This amendment also replaces "Chestnut Street Parking Lot" with "Fourth Street Parking Lot" for the same reasons described above.

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item: 13.C.2.

Ordinance Number: **O – 2020.07.08 – 006**
Ordinance Title: Zoning – Revising Terms, Syntax and Numbering
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 certain textual updates and changes, predominantly those recommended by General Code as part of an overall project of updating the City's ordinances and codification of same.

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term "Planning Department" or "Planning Office" with "Planning and Community Development Department

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term "Planning Director" with " Director of Planning and Community Development."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term "Comprehensive development plan" with "Master Plan."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term "manufactured house" with "manufactured home."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term "Planning Board of Natural Scientists" with "State Board of Natural Scientists."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term "Department of Health and Welfare with the Department of Health and Human Services."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term "Zoning Board of Appeals" or "Planning Board of Adjustment" with "Zoning Board of Adjustment"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term "Water Supply and Pollution Control Commission" or "Water Supply and Pollution Control Division" with the "Department of Environmental Services, Water Division."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term "Engineering Department" with "Community Services Department."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term "manufactured houses" with "manufactured homes."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term "Certified Mail" with "Verified Mail"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any reference to New Hampshire Administrative Rules "Env-Ws 421" to "Part Env-Wq 401."

3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the title of ARTICLE II from "Word Uses" to "Terminology"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the title of Section 170-6 from "Definitions" to "Word Uses and Definitions"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-6 revising the definition of the term Manufactured Housing Park or Mobile Home Park" to read as follows:

> **"MANUFACTURED HOUSING PARK** or **MOBILE HOME PARK** means any plot of ground upon which two (2) or more MANUFACTURED ~~HOUSING~~ HOMES, occupied for dwelling or sleeping purposes, are located."

4. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to add subsections to subsection A as follows:

"A Districts:

The City of Dover is hereby divided into the following districts:

(1) Residential

HR	Heritage Residential District
R-40	Rural Residential District
R-20	Low-Density Residential District
R-12	Medium-Density Residential District
RM-SU	Suburban Density Multi-residential District
RM-U	Urban Density Multi-residential District

(2) Nonresidential

B-1	NEIGHBORHOOD Business District
B-3	Thoroughfare Business District

B-4 HOTEL/Retail District
B-5 Highway Business District
I-1 Restricted Industrial District
I-2 Rural Restricted Industrial District
I-4 Assembly and OFFICE
ETP Executive and Technology Park

(3) Mixed -Use
H Hospital
LBW Little Bay Waterfront District
O OFFICE District
CBD Central Business District
CWD Cochecho Waterfront District

(4) Overriding
CD Conservation District
URD Urban Renewal District
RRD Riverfront Residential Overlay District
GWP Groundwater Protection District
HWD Hazardous Waste Landfill District
RCM Residential-Commercial Mixed Use
SRD Scenic Road Overlay District
TDR TRANSFER OF DEVELOPMENT RIGHTS
TEL TELECOMMUNICATIONS FACILITIES
WPD Wetland Protection District"

5. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-11 "Use Regulations" revising the numbering as follows:

"Except as herein provided, no BUILDING or land shall be used except for the purposes permitted in the district as described in this Article.

A. Uses Permitted by Right. A use listed in the Tables of Use and Dimensional Regulations by District is permitted as a matter of right in the district in which it is listed, subject to the rules set forth in this Chapter and other sections of the Code of the City of Dover.

B. Uses Permitted by Right, With Conditions Imposed. A use listed in the Tables of Use and Dimensional Regulations by District and denoted with a numerical reference number (footnote) indicates a use that is permitted by right only when in compliance with certain imposed conditions.

C. Uses Permitted by Special Exception. A use listed in the Uses Permitted by Special Exception Section of the Tables of Use and Dimensional Regulations by District may be permitted as a Special Exception granted by the ZONING BOARD OF ADJUSTMENT in accordance with the conditions of 170-52 herein and in conformance with such other rules and regulations as may apply.

The Special Exception designation in a given district does not constitute an authorization of an assurance that such use will be permitted.

~~C.~~D. Uses not permitted. A use not listed in the Tables of Use and Dimensional Regulations by District shall not be permitted in the district.

~~D.~~E. PLANNING BOARD Site Review Approval. Any development/redevelopment meeting the criteria laid out in the Applicability section of the Site Review Regulations, of the City of Dover shall be subject to the rules and regulations contained said chapter.

~~E.~~F. Overriding district regulations. All uses are subject to the regulations of the overriding districts as listed and defined in this Chapter. (Refer to Article VII.)"

6. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the title of Section 170-16 from "Dimensional Regulations for Swimming Pools" to "Swimming Pools"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the title of Section 170-17 from "Dimensional Regulations for Handicapped Accessible Additions" to "Removal of Barriers to Access"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the title of Section 170-25 "FLOODPLAIN DEVELOPMENT" to "General Provisions"

7. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-18 "Customary Home Occupations" subsection I updating the driveway reference citation as follows:

"I. A minimum of two (2) OFF-STREET PARKING SPACEs shall be provided. All driveways to be used in connection with such occupations shall conform to Chapter ~~92~~. ~~Driveways~~ 153 Site Plan Review or Chapter 157 Land Subdivision Regulations, as appropriate."

8. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-20 "Central Business District Regulations" subsection A adding numbered subsections as follows:

"A. Purpose and Intent

(1) The City of Dover Central Business District (CBD) follows the premises of context sensitive zoning. This context sensitive zoning is intended to foster a vital downtown both for itself and for its adjacent NEIGHBORHOODs and major roadways leading into the downtown through a lively mix of uses—with SHOPFRONTs, SIDEWALK cafes, and other commercial uses at STREET level, overlooked by canopy shade trees, upper story residences and OFFICEs.

(2) Redevelopment within the CBD shall be regulated by these context sensitive zoning regulations, in order to achieve the City's vision set forth in the 2007 update to the Land Use Chapter of the Master Plan, adopted by the PLANNING BOARD on November 13, 2007.

(3)These context sensitive zoning regulations were originally developed through a citizen-based discussion process regarding the design for the improvement of all properties in the CBD. To allow further refinement consistent with individual areas, the district has been divided into sub-districts, with special requirements for each sub-district to allow for context sensitive development along roadways and NEIGHBORHOODs alike. In 2012-2013, using a similar citizen-based process, these context sensitive zoning regulations were extended to the major roadways that lead into downtown, identified as the Downtown Gateway Sub-district.

(4) All of the areas within the CBD share a common goal of increased emphasis on the form and placement of STRUCTUREs, and a decreased emphasis on the function(s) contained within them. As such this Article sets careful and clear controls on BUILDING form—with broader

parameters on BUILDING use—so as to shape clear, attractive PUBLIC SPACEs (good STREETs, NEIGHBORHOODs and parks) with a healthy mix of uses. With proper urban form, a greater integration of BUILDING uses is natural and comfortable.

(5) Wherever there appears to be a conflict between the form based code and other sections of the Zoning Ordinance (as applied to a particular development), the requirements specifically set forth in this section shall prevail. For development standards not covered herein, the other applicable sections in the City of Dover Code shall be used as the requirement."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-20 "Central Business District Regulations" subsection F removing "(i)" from subsections (1)(b) and (c), and merging the text into the line above, as follows:

"(a) Energy Efficiency and Environmental Conservation

~~(i)~~ LEED (Leadership in Energy and Environmental Design) standards, or an equivalent standard (or such others as may succeed them), are encouraged to be incorporated into the BUILDING design.

(b) PUBLIC SPACE

~~(i)~~ Many of these standards apply only in conditions that enhance and define the PUBLIC SPACE. These controls concentrate on the PUBLIC SPACE/views from the PUBLIC SPACE and minimize interference in the private realm."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-20 "Central Business District Regulations" subsection H removing "(a)" and merging the text into the section above as follows:

"(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 two thousand 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."

9. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-22 "Telecommunication Facilities" subsection D revising the numbering as follows:

"(1) Location or replacement of TELECOMMUNICATIONS FACILITIES on existing TOWERs, ANTENNAs or ALTERNATIVE TOWER STRUCTUREs.

(a) The location or replacement of TELECOMMUNICATIONS FACILITIES on existing TOWERs, ANTENNAs or ALTERNATIVE TOWER STRUCTUREs may be approved by the Planning Department provided the following information is submitted in an application:

(~~a~~1) A scaled plan detailing exact size and location of the telecommunication devise including a scaled elevation view.

(~~b~~2)Submission of proof that the telecommunication device is needed to service City of Dover residents.

(~~c~~3)Proof that the device meets all other technical requirements of this ordinance.

(b)Any application denied by the Planning Department may be appealed to the PLANNING BOARD."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-22 "Telecommunication Facilities" subsection E revising the numbering as follows:

"E. Performance Standards.

The uses listed in this section are deemed to be permitted uses, and at the discretion of the PLANNING BOARD, may require further review under this Chapter in accordance with Chapter 149, Site Review Regulations, and all other applicable ordinances and regulations of the City of Dover.

(1) Principal or Secondary Use.

(a) Subject to this ordinance, an APPLICANT who obtains site review approval to site under this ordinance as a secondary and permitted use, may construct TELECOMMUNICATIONS FACILITIES in addition to the existing principal use. ANTENNAs and TOWERs may be considered either principal or secondary uses. A different existing use or an existing STRUCTURE shall not preclude the installation of an ANTENNA or TOWER on such LOT.

(b) For purposes of determining whether siting of an ANTENNA or TOWER complies with zoning district development regulations, including, but not limited to area, SETBACK, LOT COVERAGE, FRONTAGE, and other dimensional requirements, the dimensions of the entire LOT shall control, even though the ANTENNAs or TOWERs may be located on leased parcels within such LOTs. TOWERs that are constructed, and ANTENNAs that are installed in accordance with the provisions of this ordinance, shall not be deemed the expansion of a non-conforming use or STRUCTURE. Further, said facilities shall not be considered an ACCESSORY USE.

(2) HEIGHT Requirements.

(a) New TOWER Construction – one hundred eighty (180) feet maximum.

(b) Co-location on Existing TOWER and ANTENNAs – current HEIGHT plus fifteen percent (15%) (not to exceed two hundred (200) feet)

(c) Co-location on ALTERNATIVE TOWER STRUCTUREs – current HEIGHT plus twelve (12) feet

(d) The HEIGHT requirements and limitations outlined above shall preempt all other HEIGHT regulations as required by the City of Dover Zoning Ordinance, and shall apply only to TELECOMMUNICATIONS FACILITIES. A Conditional Use Permit may be granted by the PLANNING BOARD to waive the HEIGHT limitations only if the intent of this Chapter is preserved (e.g. when it can be shown that there would be no

increase in adverse impact) and the increased HEIGHT would provide a greater opportunity for co-location provided that:

(~~a~~1) The granting of the permit will not be detrimental to the public safety, health or welfare or injurious to other property, and will promote the public interest.

(~~b~~2) A written narrative identifying a particular hardship or special circumstance that warrants granting the permit. Factors to be considered, but not limited to, in determining a hardship or special circumstance shall include:

(~~1~~a)topography and other site features
(~~2~~b)availability of Alternative site locations
(~~3~~c)property location as relates to required coverage area
(~~4~~d)size/magnitude of project and availability of co-location

(~~c~~3) Necessary federal approvals and/or recommendations have been received."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-22 "Telecommunication Facilities" subsection H revising the numbering as follows:

"H Bonding and Security and Insurance.

(1) Recognizing the extremely hazardous situation presented by abandoned and unmonitored TOWERs, the PLANNING BOARD shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the TOWER is abandoned and the TOWER owner is incapable and unwilling to remove the TOWER in accordance with Subsection I below.

(2) Bonding and surety shall be consistent with the provisions in the Chapter 155, Subdivision of Land. Furthermore, the PLANNING BOARD shall require the submission of proof of adequate insurance covering accident or damage."

10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-23 "Impact Fees" subsection F revising the numbering as follows:

"F Waivers

~~(1)~~ The PLANNING BOARD may grant full or partial waivers of IMPACT FEEs where the PLANNING BOARD finds that one (1) or more of the following criteria are met with respect to the particular public capital facilities for which IMPACT FEEs are normally assessed:

(~~a~~1) The PLANNING BOARD may agree to waive all or part of an IMPACT FEE ASSESSMENT and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of IMPACT FEEs under this provision that would involve a contribution of real property or the construction of capital facilities; the PLANNING BOARD shall submit a copy of the waiver request to the City Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of IMPACT FEE ASSESSMENT. The APPLICANT shall pay all costs incurred by the City for the review of such proposal, including consultant and counsel fees."

11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-25 "Floodplain Development" subsection J revising the numbering as follows:

"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~~1) 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~~2) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(~~iv~~3) Any additions to the MANUFACTURED HOME shall be similarly anchored."

12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-27 "Conservation District" subsection G revising the numbering as follows:

"G Boat docks. A boat dock may be allowed on a residential lot, provided that the following provisions are met:

(~~a~~1) The dock is for recreational and accessory use only.

(~~b~~2) One dock is allowed per lot.

(~~c~~3) The beneficiary of an easement or right-of-way, recorded at the Strafford County Registry of Deeds prior to the October 10, 1986, amendment posting date for the purpose of providing water access to non-waterfront lots, shall be entitled to one boat dock within the prescribed easement or right-of-way.

(~~d~~4) All applicable state and federal approvals have been received.

(~~e~~5) A dock may be provided a maximum space for two slips. Joint use of private docks by adjoining waterfront residents, not to exceed two slips per lot, shall be encouraged when appropriate."

13. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-27.1 "Wetlands Protection District" subsection C(1) updating the Code of Administrative Rules citation and removing the paragraph space as follows:

"(1) The Wetlands Protection District is hereby determined to be all areas of wetlands as defined by RSA 482-A:2, X and New Hampshire Administrative Rule ~~Wt 101.103~~ Env-Wt 101.113, which states a '"Wetland' means an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and similar areas. For the purpose of this section, the delineation of wetland protection district boundaries shall be consistent with NHDES Wetlands Bureau Rules Env-Wt. 301.01 or successor regulations"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-27.1 "Wetlands Protection District" subsection D(1)(a) by removing "(i)" as follows:

"D. Procedural requirements.

(1) Presence of Wetland Protection District on site.

(a) Where field investigation indicate that a Wetland Protection District is present on a proposed development site, those wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, (January, 1987) or successor document. The hydric soils component of wetlands delineations shall be determined in accordance with the manual Field Indicators for Identifying Hydric Soils in New England (Version 2, July 1998, published by the New England Interstate Water Pollution Control Commission) or successor document. Pursuant to RSA 310-A:75 through 310-A: 87, a Certified Wetland Scientist shall conduct this delineation.

~~(i)~~ A Certified Wetland Scientist is defined as: "a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is

qualified to delineate wetland boundaries and prepare wetland maps; to classify wetlands; to prepare wetland function and value assessments; to design wetland mitigation; to implement wetland mitigation; to monitor wetlands functions and values; and to prepare associated reports, all in accordance with standards for identification of wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified by the board." (RSA 310-A:76) If necessary, a botanist shall be used in conjunction with the wetlands scientist to identify wetland vegetation where required. The botanist shall have equivalent and practical experience to that of the wetlands scientist."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-27.1 "Wetlands Protection District" subsection E(2)(a) updating the Code of Administrative Rules and renumbering as follows:

"E. Permitted uses.

~~(1) Any use otherwise permitted by this Chapter, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under Section E (1) must first receive conditional use approval as provided for in Section F before any BUILDING permit or subdivision/site plan can be approved.~~

~~(a) Crossing of a Wetland Protection District as provided for in Section F(1).~~

~~(b) The construction or reconstruction of FENCES, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:~~

~~(i) Said STRUCTUREs are constructed on posts or pilings so as to permit unobstructed flow of water and are designed in compliance with the New Hampshire Wetlands Board Code of Administrative Rules (WT 400 and 600).~~

~~(ii) The natural contour of the wetland is preserved.~~

~~(iii) All other applicable provisions of the city's Zoning Ordinance have been met."~~

"E. Permitted uses. Any use otherwise permitted by this chapter, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under Subsection E

must first receive conditional use approval, as provided for in Subsection F, before any building permit or subdivision/site plan can be approved.

(1) Crossing of a Wetland Protection District as provided for in Subsection F(1).

(2) The construction or reconstruction of fences, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:
(a) Said structures are constructed on posts or pilings so as to permit unobstructed flow of water and are designed in compliance with the New Hampshire Wetlands Bureau Administrative Rules Chapters Env-Wt 400 and Env-Wt 600
(b) The natural contour of the wetland is preserved.
(c) All other applicable provisions of this chapter have been met."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-27.1 "Wetlands Protection District" subsection G(1)(a) updating the clarifying the distance is measured in "feet" :

> "(a) *Buffers Established.* Buffers are hereby established around and encircling all wetlands other than those that were created as legally permitted sedimentation/detention basins or roadside drainage ditches. The minimum width of the wetland buffers shall be fifty (50) feet horizontal distance as measured outward from the perimeter edge of the wetland. Wherever a permit to fill a wetland has been issued by either the New Hampshire Department of Environmental Services (NHDES) or the U.S. Army Corps of Engineers (USACOE), the perimeter of the wetland shall be deemed to be the new edge between the fill as placed in accordance with the permit and the remaining wetland. If there is no remaining wetland, there is no buffer. All other wetland edges shall be determined in accordance with Section D (1) above."

14. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-28.2 "Residential-Commercial Mixed Use (RCM) Overlay District" subsection renumbering and ordering the section as follows:

A. **"**Purpose and intent.
(1) The Residential-Commercial Mixed Use Overlay District is designed as an overlay district that allows a mixture of residential use and commercial uses on one parcel. In order for a developer to utilize these regulations, the Planning Board shall have granted a conditional use permit.

The district includes options which enable and encourage greater flexibility in the design of residential housing for older persons with commercial projects. The overlay permits development of large tracts of land on a development-plan basis which allows flexibility in internal road design, with reduced dwelling lot sizes and modified dimensional requirements.

(2) The mixed residential and commercial uses are intended to be complementary to one another and to create a sense of community between the mixed uses. Housing and commercial uses can be developed to provide appropriate use of land, facilitate the economical and efficient provision of public services, promote open space conservation, protect the natural and scenic attributes of the land, and expand opportunities for the development of housing for older persons, as defined under RSA 354-A:15, outside the traditional residential developments.

B. Conditional use permit.

(1) Conditional use approval may be granted by the Planning Board (RSA 674:21, II) after proper public notice and public hearing, provided that the proposed project complies with the following standards:

(a) The applicant demonstrates that the development complies with the design guidelines that are outlined in § 153-16 of the Site Review Regulations. These guidelines encourage a context-sensitive development, which encourages components that act as one project and not as two adjacent projects.

(b) The applicant demonstrates that the development poses no detrimental effects on surrounding properties. Potential areas of impact that need to be analyzed include, but are not limited to, vehicular traffic, noise, property value, visual blight, natural resources degradation, light pollution, and offensive emissions such as dust, odor, or smoke.

(c) The applicant shall submit a fiscal impact analysis as defined in § 157- 21C(1)(b) of the Land Subdivision Regulations. The analysis shall demonstrate that the project is at least a cost-neutral project for the City at present and 10 years from the occupation.

(2) 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.

C. Location. The Residential-Commercial Mixed Use Overlay District shall include any parcel located within the B-4, I-4 or ETP zone which is greater than 50 acres and has the ability to connect into municipal water and sewer.

D. Permitted uses. The following uses are permitted:

(1) Principal uses.

(a) Housing for older persons as that term is defined under RSA 354-A:15 and 42 U.S.C. § 3607(b)(2) and the regulations adopted thereunder in the following settings:

[1] ~~(i)~~ Single-family dwelling,

~~a.~~ including the use of manufactured housing.

[2] ~~(i)~~Two-family dwelling.
[3] ~~(ii)~~Three- to four-family dwelling.
[4] ~~(iii)~~Multifamily dwelling.
[5] ~~(iv)~~ Manufactured housing parks (permitted outright without a special exception).

(b) Public and private utilities.

(c) Nonresidential uses as allowed as follows:

[1] ~~(i)~~ Any use allowed in the underlying zone that is compatible with housing for older persons.
[2] ~~(ii)~~ Barber or beauty shop.
[3] ~~(iii)~~ Bank.
[4] ~~(iv)~~ Eating/drinking establishments (no drive-through service).
[5] ~~(v)~~ Bed-and-breakfast.
[6] ~~(vi)~~ Office.
[7] ~~(vii)~~ Retail store.
[8] ~~(viii)~~ Theater.
[9] ~~(ix)~~ Adult day care.
[10] ~~(x)~~ Nursing homes ~~(~~in areas not serviced by City water and sewer utilities at a density of one bedroom per 10,000 square feet of land; in areas serviced by City water and sewer utilities at a density of one bedroom per 7,500 square feet of land).
[11] ~~(xi)~~ Congregate care facilities ~~(~~in areas not serviced by City water and sewer utilities at a density of one unit per 10,000 square feet of land; in areas serviced by City water and sewer utilities at a density of one unit per 7,500 square feet of land).
[12] ~~(xii)~~ Other uses compatible with housing for older persons may be approved via Conditional Use, using the criteria in 170-20 B(2).
[13] ~~(xiii)~~ Nonresidential uses in existence at the adoption of this section on adjacent parcels shall be allowed to expand within the development if conceptually shown on the approved plan.

(2) Accessory uses.

(a) Recreational facilities.
(b) "Community building," defined as a building used as a place of meeting, recreation or social activity typically for use by the residents of a particular development.
(c) Maintenance buildings.
(d) Rental and sales offices.

E. Procedural concepts.

(1) The developer shall prepare a development plan, which locates the proposed types of nonresidential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership but shall be treated as one development and shall be bound by the approval granted for the entire development plan. If approval is granted, individual lots must be developed as part of the larger development plan and phasing outlined below, and not separately. The development plan must identify the percentage of the nonresidential uses, residential uses and open space. Nonresidential and/or mixed-use uses must comprise at least 55% of the total proposed floor area for the development (outdoor display areas may be counted towards the minimum required floor area); residential uses must not exceed 45% of the total proposed floor area for the development. A building shall be considered "mixed-use," provided that at least 50% of the floor area of the first floor is reserved as commercial space and provided that such commercial space is located

roughly in the front half of the building and extends the length of the building facade. Residential accessory uses (e.g. mechanical, storage, laundry, etc.) are permitted to be located within the back half of the first floor of any mixed-use building.

(2) A minimum of 20% of the area of the original tract shall be reserved as open space and identified as such on the development plan. Fifty percent of the required open space (as defined in § 157-60) must be usable uplands and reasonably accessible to all property owners in the project. Any open space provided above 20% may be mixed wetlands and upland.

(3) Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in § 157-60) applied to the development lot and not individually to the internal dwelling lots.

(4) For residential development that includes two-family, three- to four-family or multifamily dwellings, density shall be based upon calculating one unit per 40,000 square feet of contiguous upland, and using 150 feet of frontage on a public roadway.

(5) For single-family residential density shall be based upon calculating one unit per 10,000 square feet of contiguous upland, and using 100 feet of frontage on a public roadway.

(6) The development plan may be phased for a term of five years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Subsection A. For the purposes of this section, development shall include:

(a) ~~(1)~~ Construction of structures;
(b) ~~(2)~~ Environmental remediation;
(c) ~~(3)~~ Site preparation or demolition;
(d) ~~(4)~~ Roadway utility or recreation and common area design and construction; and
(e) ~~(5)~~ Bonding or other security for site development.

(7) The phasing plan shall provide that no more than 50% of the residential development may be occupied prior to completion of between 25% and 50% of the nonresidential structures, as negotiated between the Planning Board and the developer.

(8) Provided that the developer is making reasonable efforts to develop the site, the Planning Board may extend the initial five-year phasing period, provided a request for extension is submitted before the expiration of the initial five-year phasing term.

(9) ~~(1)~~ Residential development plan guidelines.

(a) The developer shall be permitted to allocate permitted density among internal dwelling lots in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the development lot or legal lot. Layouts may include individual lots or a cluster of units without lot lines.

(b) Dwelling layouts shall be so designed that parking is screened from external roadways by garages, building locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external streets shall be preserved as much as possible.

(c) Where possible, it is desirable and encouraged to mix residential and nonresidential uses. This may be achieved through situating the buildings close to each other, or though allowing structures to house residential, preferably on the second or above floor, with nonresidential on the first floor. Creativity and flexibility is encouraged, and the development plan may offer another option for mixing uses. Units created through the TDR program are not required to be housing for the elderly, as that term is defined under RSA 354-A:15 and 42 U.S.C. § 3607(b)(2).

(d) All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include structures with peaked roofs and

architectural shingles. The guidelines for this development are included in Chapter 153, Site Review Regulations,

(c) All manufactured houses shall adhere to the standards outlined in Chapter 101, Manufactured Home Parks, with the exception of §§ 101-3, 101-4, 101-5, 101-6, and 101-7F, which shall be controlled by the provisions hereof and unless noted below. Where there is a difference in the requirements between this overlay district and the provisions of Chapter 101, Manufactured Home Parks, the provisions of the overlay district shall apply.

(10) (2) Nonresidential development plan guidelines.

(a) The general character of the nonresidential structures within the development lot is intended to be a pedestrian-friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, facade treatment, and signage.

(b) The guidelines for this development are included in Chapter 153, Site Review Regulations, § 153-16.

F. Standards and regulations.

(1) Internal roads. As part of the approval of the conditional use permit, the Planning Board shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below, roadways shall conform to the street design criteria laid out in the Code.

(a) Minimum internal right-of-way.
[1] ~~(i)~~ Maximum residential: 35 feet.
[2] ~~(ii)~~ Maximum nonresidential: 50 feet.

(b) Minimum pavement width.
[1] ~~(i)~~ Minimum residential: 20 feet.
[2] ~~(ii)~~ Minimum nonresidential: 28 feet.
[3] ~~(iii)~~ Minimum sidewalk pavement width: five feet.
[4] ~~(iv)~~ Minimum bike/Segway®/golf cart path width: five feet.

(c) Minimum tangent length at intersections: 75 feet.

(d) Maximum street angle at intersections: 60°.

(e) Minimum center-line radius: 100 feet.

(f) Minimum tangent length between reverse curves: 50 feet.

(2) Dimensional requirements.

(a) Nonresidential/mixed-use buildings.
[1] ~~(i)~~ Minimum structure setback from external lot line: 50 feet.
~~(a)~~ Expanding existing nonresidential uses are not held to this setback.
[2] ~~(i)~~ Minimum structure setback from external right-of-way: 50 feet.
[3] ~~(ii)~~ Maximum nonresidential building height: 55 feet.
[4] ~~(iii)~~ For all other dimensional requirements for nonresidential structures and parking setbacks refer to the underlying zone.

(b) Residential dwellings.
[1] ~~(i)~~ Minimum structure and parking setback from external lot line: 50 feet.
[2] ~~(ii)~~ Minimum structure and parking setback from external row: 100 feet.
[3] ~~(iii)~~ Maximum residential building height: 35 feet.

[4] ~~(iv)~~ Minimum frontage on internal road: 40 feet.
[5] ~~(v)~~ Minimum setbacks:
[a] Front yard setbacks: 20 feet.
[b] Distance between buildings: 24 feet.

(3) Parking.
(a) All dwelling units shall require two independently accessible parking spaces per unit, except that the congregate-care and nursing-home requirements shall be as otherwise defined by this chapter. Nonresidential uses shall comply with parking requirements defined by this chapter.
(b) Overnight parking shall not be permitted on internal roadways."

15. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-28.3 "Groundwater Protection" subsection F(2)(b) removing the reference to RSA 146-E:4 as follows:

"(b) Pursuant to Chapter 109-27, Fire Prevention and Life Safety~~, and RSA 146-E:4,~~ on-premise use heating oil tank facilities shall comply with the provisions of the National Fire Protection Association Standard NFPA 31, "Installation of Oil-Burning Equipment".

16. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 "Zoning Board of Adjustment", revising section C(1)(a) as follows:

"(a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made ~~by the~~ in the enforcement of this Chapter (interpretation of ordinance)."

17. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-29-6 "Criteria for Non-conforming EXPANSIONs", revising section A(1) as follows:

"~~A~~ EXPANSION of EXISTING EXCAVATIONs located in an area in which EXCAVATIONs are no longer permitted by zoning that was in effect on August 4, 1989 may be restricted or modified with conditions by the PLANNING BOARD, if after notice to the owner and a public hearing, the PLANNING BOARD finds that the EXPANSION will have a substantially different and adverse impact on the NEIGHBORHOOD. Impacts will vary depending upon the particular NEIGHBORHOOD; nevertheless, the following criteria will be taken into consideration:

(~~1~~A)The EXCAVATION will not cause a diminution in area property values or unreasonably change the character of the NEIGHBORHOOD.

(~~2~~B)The EXCAVATION will not create any NUISANCE or create health or safety hazards.

(~~3~~C)The EXCAVATION will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof."

18. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-29-7 "Operation Standards", revising section A(1) as follows:

"~~A~~ For EXCAVATIONS not requiring a permit, the following standards apply. For those EXCAVATIONs requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the PLANNING BOARD.

(~~1~~A)No EXCAVATION shall be permitted within fifty (50) feet of the boundary of a disapproving ABUTTER, within one hundred fifty (150) feet of a dwelling that either existed or for which a BUILDING permit has been issued at the time the EXCAVATION is commenced.

(~~2~~B) No EXCAVATION shall be permitted below road level within fifty (50) feet of the right-of-way of any public highway as defined in RSA 229:1 unless such EXCAVATION is for the purpose of said highway.

(~~3~~C) Vegetation or suitable BERM or combination of both shall be maintained or provided within the peripheral areas of items (1) and (2) of this section.

(~~4~~D) No fuels, lubricants or other toxic or polluting chemicals shall be stored on-site unless in compliance with State laws or rules pertaining to the storage of such materials.

(~~5~~E) Where temporary SLOPEs will exceed a one to one (1:1) grade, a FENCE or other suitable barricade shall be erected to warn of danger and/or to limit access to the site.

(~~6~~F) Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods.

(~~7~~G) EXCAVATION practices that result in continued siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited.

(~~8~~H) No EXCAVATION shall be permitted within one hundred (100) feet of any great pond, navigable river, or any other standing body of water ten (10) acres or more in area, or within fifty (50) feet of any other stream, river or brook which normally flows throughout the year, or any naturally-occurring standing body of water less than ten (10) acres, prime wetland as designated in accordance

with RSA 482-A: 15, I or any other wetland area as defined by the Department of Environmental Services (DES) and, Chapter 170, Zoning, Article VII, 170-27.1.C.

(~~9~~I) Sand and gravel extraction operations shall not excavate below an elevation four (4) feet above the seasonal high water table observed when the associated water supply well has not been operating for at least two (2) weeks prior to the date of measurement. Refer to section 170-28.3, Groundwater Protection, for monitoring report requirements."

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

REQUIRES A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Deputy Mayor Dennis Ciotti, City Council Planning Board Representative
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Susan M. Mistretta City Clerk		

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does | does not pass.		

ORDINANCE BACKGROUND MATERIAL:

The amendments provided to the Council for ratification are derived almost entirely from suggestions raised by General Code, as part of the migration to a new Code and codification system.

After public hearings in April, May and June, the Planning Board adopted the amendments on June 23, 2020.

It is requested that the City Council waive the notice by first class mail in accordance with Dover Code Chapter 170-53(G)(2).

Also included as part of the background are the following:

- Memorandum from Christopher Parker to the Dover City Council dated July 2, 2020, containing the required report of findings;
- A copy of the letter mailed to each property owner in Dover.
- A copy of the "Rezoning 2020" presentation to the City Council with background information.
- A red-lined version of the textual changes to Chapter 170 proposed in this Ordinance, attached herein for informational purposes.

Finally, for ease of reference an overview of the changes is provided in the table below.

Amendment # (as listed above)	Section	Summary	Why
2	All	Universally update terms and names	Standardize terms and references within Chapter
3	170-6	Change Article Title, and section title; Amend definitions for manufactured housing park or mobile home park	Clarify difference between article and title and update definitions for consistency
4	170-7	Add numbering to the subsections	General Code Recommendation
5	170-11	Add a new subsection, splitting up previous section	General Code Recommendation
6	170-16	Change section title	Remove "dimensional regulations for"
6	170-17	Change section title	Update Terminology
7	170-18 I	Update references to Driveway Chapter	Chapter eliminated
8	170-20	Renumber section A and H	General Code Recommendation
9	170-22	Renumber section H	General Code Recommendation
10	170-23	Renumber Section F	General Code Recommendation
11	170-25	Rename section J	General Code Recommendation
12	170-27	Renumber section G	General Code Recommendation
13	170-27.1	Renumber section heading Correct Wetland Protection District references	General Code Recommendation
14	170-28.2	Renumber Whole Section	General Code Recommendation
15	170-28.3	Eliminate reference to RSA 146 E:4	Outdated

Amendment # (as listed above)	Section	Summary	Why
16	170-52	Eliminate typo	General Code Recommendation
17	170-29.6	Renumber section	General Code Recommendation
18	170-29.7	Renumber section	General Code Recommendation

To: Dover City Council
From: Christopher Parker, AICP
CC: J. Michael Joyal, City Manager
Dover Planning Board
Date: July 2, 2020
Re: Zoning Amendments

ISSUE:
On June 23, 2020, the Planning Board unanimously approved 17 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 14th goal setting session.

The Planning Board posted the amendments after consideration on February 11, 2020. It held public hearings on April 14, 28, May 12 and 26th and June 23, 2019. The Board unanimously approved the amendments at the conclusion of the June 23rd hearing and forwarded them to the City Council for ratification.

ATTACHMENTS:
- Property Owner Letter
- March 7th Presentation to the Council.

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 proposed amendments are mostly housekeeping and syntax in nature and have no root in or impact upon the Master Plan, other than they propose an orderly code for development.

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;

There is no conflict with the Capital Improvements Program within the proposed amendments.

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

Two proposed changes update references to organizations and regulations at the State level regarding wetlands and conservation actions.

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

These housekeeping changes have no direct impact on any neighborhood. No non-conformities are expected.

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

No effect is expected.

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.

Christopher G. Parker, AICP
Assistant City Manager
Planning and Strategic Initiatives
c.parker@dover.nh.gov

288 Central Avenue
Dover, New Hampshire 03820-4169

(603) 516-6008
www.dover.nh.gov

City of Dover, New Hampshire

Department of Planning & Community Development

March 30, 2020

Dear Dover Property Owner:

The Dover Planning Board has scheduled **four** opportunities for the public to learn about and provide feedback on 32 proposed amendments to the Dover Zoning Ordinance. Public hearings will be held at each of the Planning Board meetings in April and May: **Tuesday April 14, 2020, Tuesday April 28, 2020, May 12, 2020 and May 26, 2020**. You are invited to attend one or all of the meetings, which will be held in **City Hall's City Council Chambers, 288 Central Avenue at 7:00 PM. You may also email Dover-Planning@dover.nh.gov or call (603) 516-6338 with comments.** The amendments were developed with input from Planning Board members, Planning Department staff, a third party Code Review Company, and work from a Committee to review rezoning opportunities. The amendments encourage context-sensitive development that promotes economic growth and contribute to a vibrant urban core.

The following is a summary of the amendments:

1. Purpose statement for grammatical and syntax changes.
2. Amend Chapter 170 updating terms and phrases, such as "Planning Director, and "Planning Office"
3. Amend Chapter 170 updating the title of Article II, and replacing the term "Mobile Home."
4. Amend 170-7 Adding new subsection numbers to the existing language.
5. Amend 170-11 revising the section numbering, without adjusting language.
6. Amend 170-16 and 25 revising the titles of the sections.
7. Amend 170-18 updating the references to the driveway regulations
8. Amend 170-20 revising the section numbering, without adjusting language.
9. Amend 170-22 D, E and H revising the section numbering, without adjusting language.
10. Amend 170-23 F revising the section numbering, without adjusting language.
11. Amend 170-25 J revising the section numbering, without adjusting language.
12. Amend 170-27 G revising the section numbering, without adjusting language.
13. Amend 170-27.1 C, D, E and G revising the section numbering, and clarifying distance of buffers.
14. Amend 170-28.2 revising the section numbering, without adjusting language.
15. Amend 170-28.3 revising the reference to State Statute
16. Amend 170-52 clarifying the chapter interpretation role of the ZBA.
17. Amend 170-29.6 revising the section numbering, without adjusting language.
18. Amend 170-29.7 revising the section numbering, without adjusting language.
19. Takes Effect

1. Purpose statement for substantive rezoning amendments.
2. Amend Chapter 170 Create a Gateway district, and rezone areas along Durham Road, Central Avenue, New Rochester Road, Broadway, Dover Point Road, Portland Avenue and Oak Street.
3. Amend 170- 7 and 8 Eliminate the I-1 (Restricted Industrial Zone)
4. Amend 170-8 Rezone a portion of Indian Brook Drive to B-4, and a portion of Sixth Street to ETP
5. Amend 170- 7 and 8 Eliminate the B-1 (Neighborhood Business)
6. Amend 170-8 Rezone a portion of Durham and Mast Roads to B-4 from residential
7. Amend 170-8 Rezone a portion of Littleworth Road to I-2 from single family residential
8. Amend 170- 7 and 12 rezoning I-2 (Rural Restricted Industrial) to CM (Commercial Manufacturing)
9. Amend 170- 7 and 12 rezoning B-3, B-4 and B-5 districts to C (Commercial)
10. Amend 170- 7 and 12 rezoning I-4 and ETP to IT (Innovative Technology)
11. Amend 170-21 to add solar components to create an Alternative Energy Systems Code

ZONING AMENDMENT PUBLIC HEARING
City Council Chambers, City Hall
Tuesday, April 14, 2020 – 7:00 PM
Tuesday, April 28, 2020 – 7:00 PM
Tuesday, May 12, 2020 – 7:00 PM
Tuesday, May 26, 2020 – 7:00 PM

City of Dover
288 Central Avenue
Dover NH 03820-4169

Return Service Requested

****** IMPORTANT ZONING AMENDMENT INFORMATION ENCLOSED ******

12. Amend 170-27.2 to revise the TDR Ordinance calculations, application process and add incentives for 600 sf units and incentives for creating assembly and manufacturing.
13. Amend 170-28.2 removing age restriction limitations, and clarify water/sewer requirements.
14. Amend 170-32 revising requirements per zone, based upon area rezoning amendments.
15. Amend 170-33 revising requirements per zone, based upon area rezoning amendments.
16. Amend 170-7 update the district list and purpose statements.
17. Takes Effect

The full text of the amendments is available through the Planning Department. View the amendments on the City's website at https://bit.ly/2QBNiZq or request a copy be emailed.

Please email Dover-Planning@dover.nh.gov or call (603) 516-6338 with comments.

REZONING 2020

MARCH 4, 2020

HOW DID WE GET HERE?

- January 2018: Planning Board Goals Set
- February: Rezoning Subcommittees created
- February 2018 to August 2019: Subcommittees draft reports
- August 27 2019: Subcommittee submits report
- September 2019 – February 2020: Staff drafts language.
- February 11, 25, 2020: PB Posts amendments

WHAT'S NEXT?

- Area Rezoning Neighborhood meetings
- Planning Board Public Hearing
- Public Comment Period
- Deliberations and Vote by Planning Board
- Recommendations sent to City Council
- City Council Public Hearing
- Deliberations and Vote by City Council

REZONING – SYNTAX AND RESTACKING

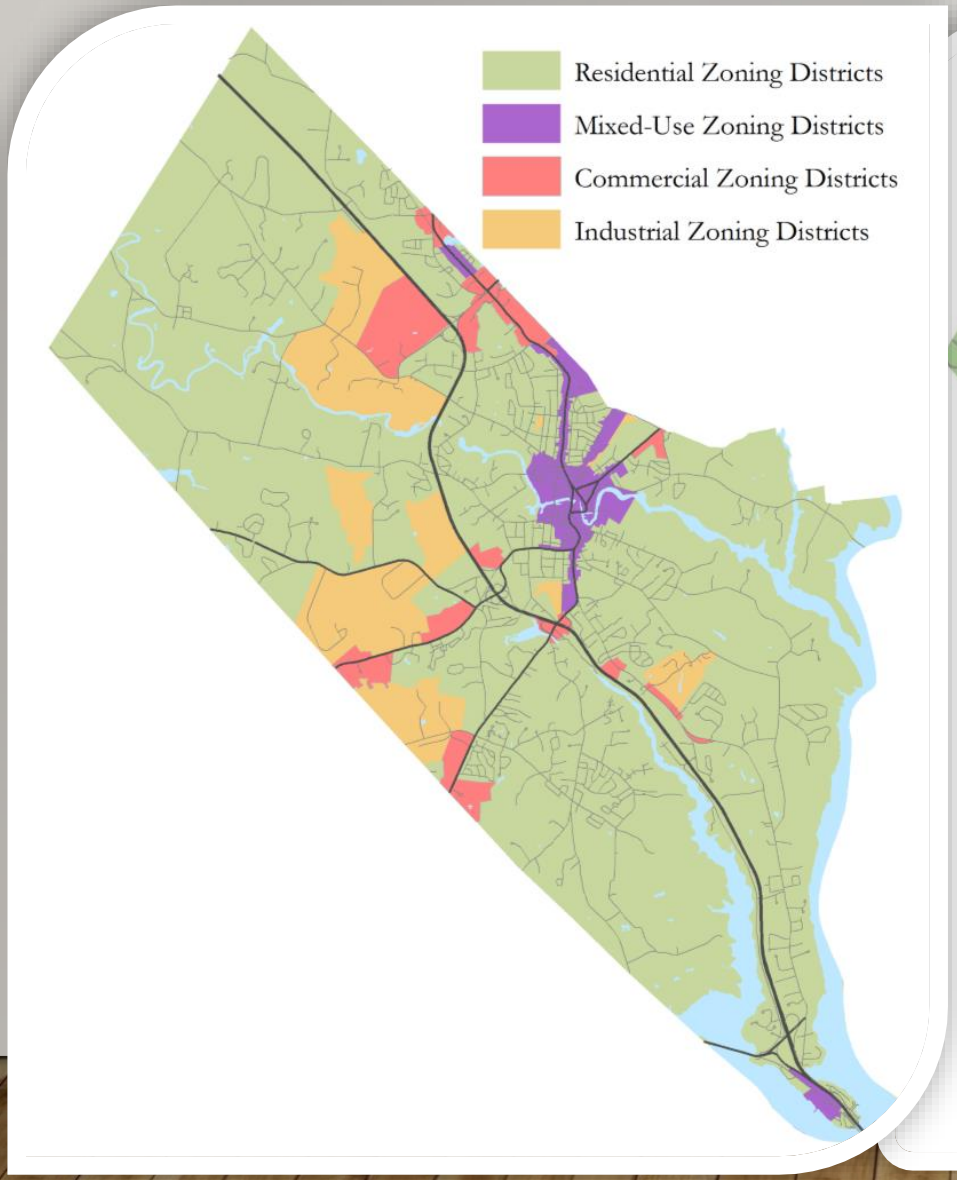
- "Comprehensive Development Plan" to "Master Plan"
- "Engineering Department" to "Community Services Department"
- Chapter "149" to Chapter "153"
- NH Administrative Rule "Wt 101.103" to "ENV Wt.101.113"

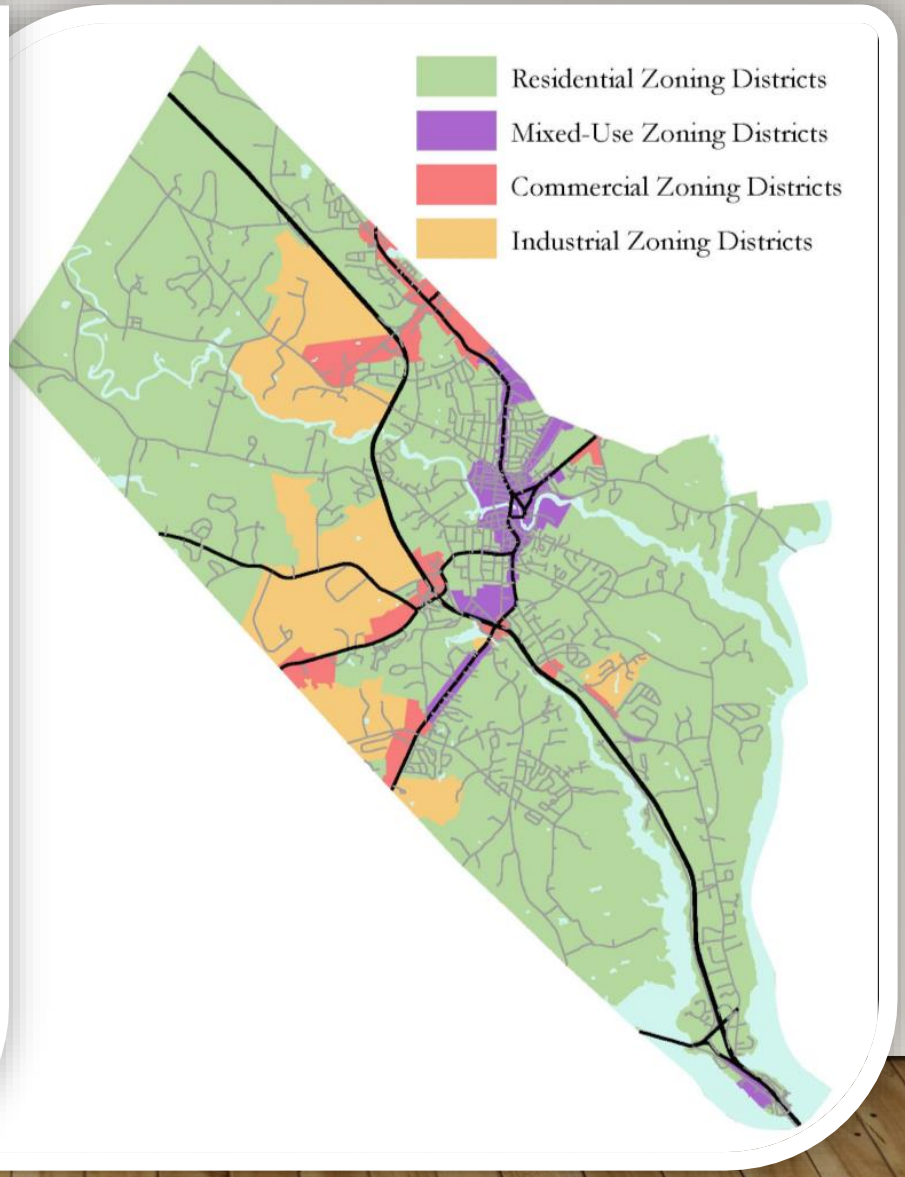
- Converting numbered bullet points to letters
- Adding lettered bullets to sections previously not indexed

- Article II changes from "Word Uses" to "Terminology"

- To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made ~~**by the**~~ in the enforcement of this Chapter

REZONING – SUBSTANTIVE

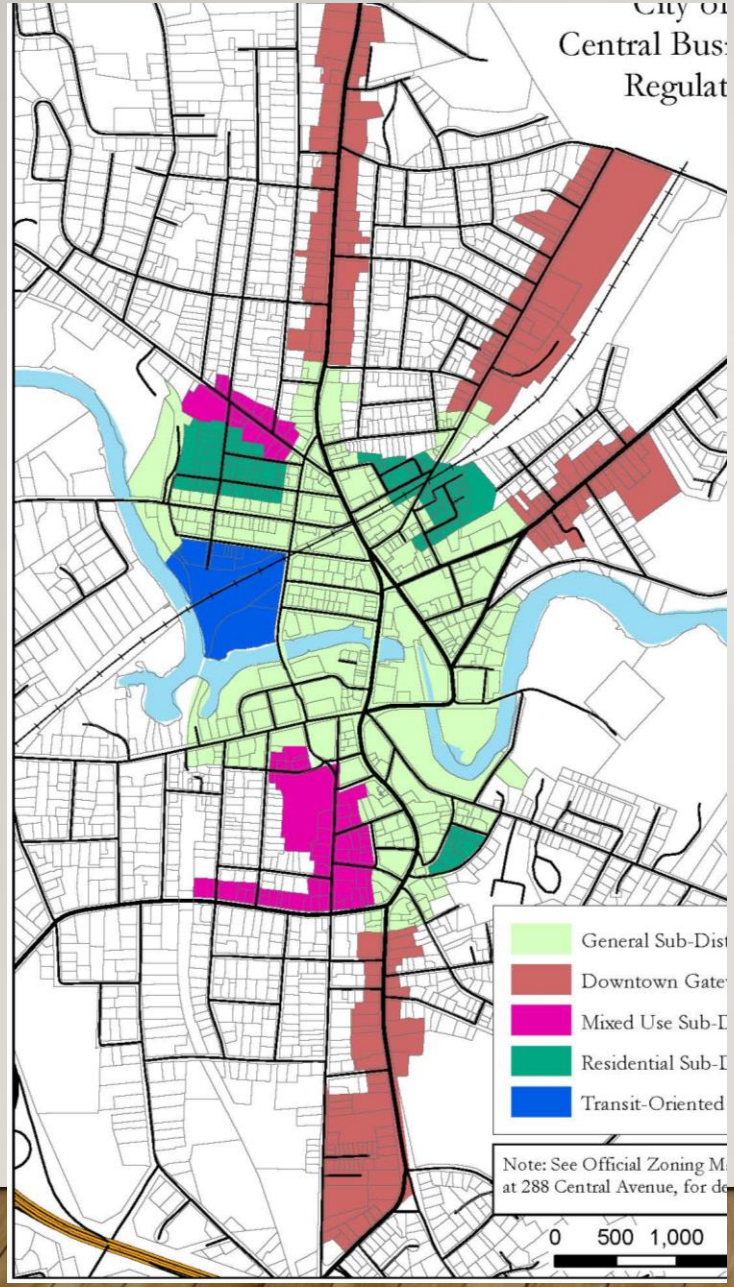




REZONING – ACREAGE

	2019 Ac	% of City	2020 Ac	% of City
Commercial	775	4%	583	3%
Industrial	1,836	10%	2,112	11%
Mixed use	571	3%	704	4%
(Nonres.	3,182	17%	3,399	18%)
Residential	15,410	83%	15,193	82%

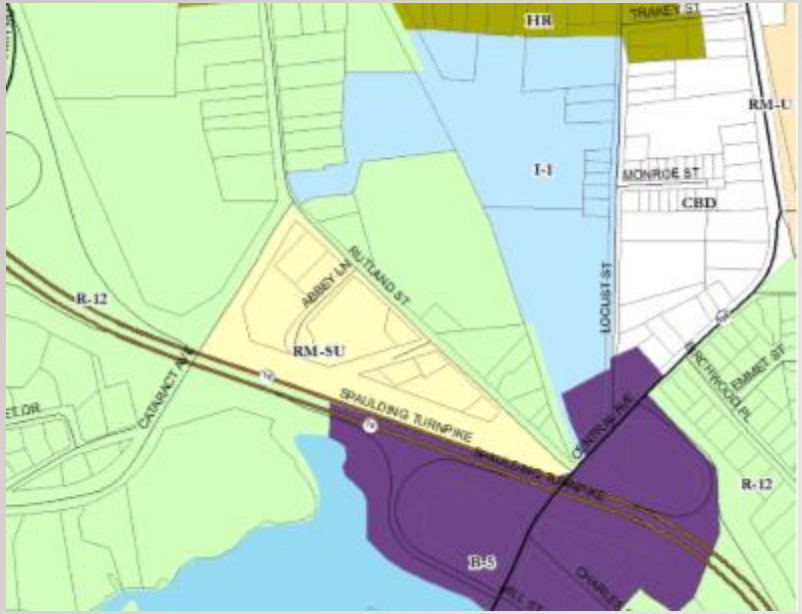
	2019 Ac	% of City	2020 Ac	% of City
Single	14,447	78%	14,231	77%
Multi	963	5%	962	5%

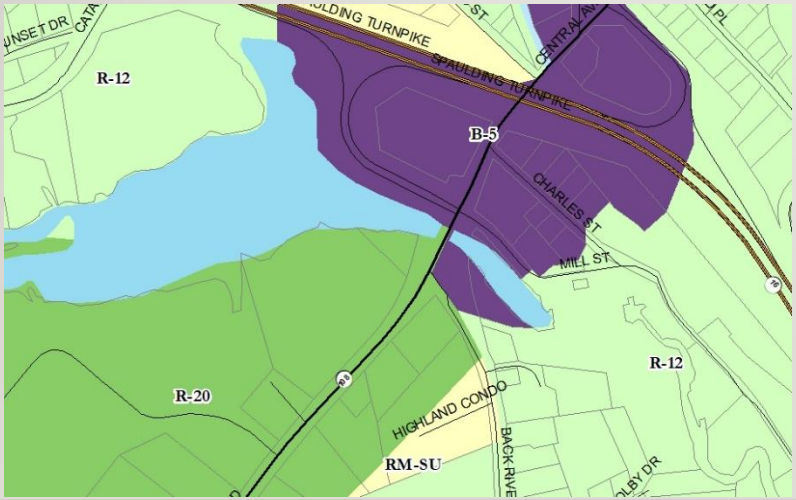


CREATE GATEWAY

Create standalone Gateway zone, incorporating Downtown Gateway sub district.

Changes 109 acres, all mixed use from a sub district of the Central Business District to a standalone district and then adds other areas to the new district.





Create Gateway

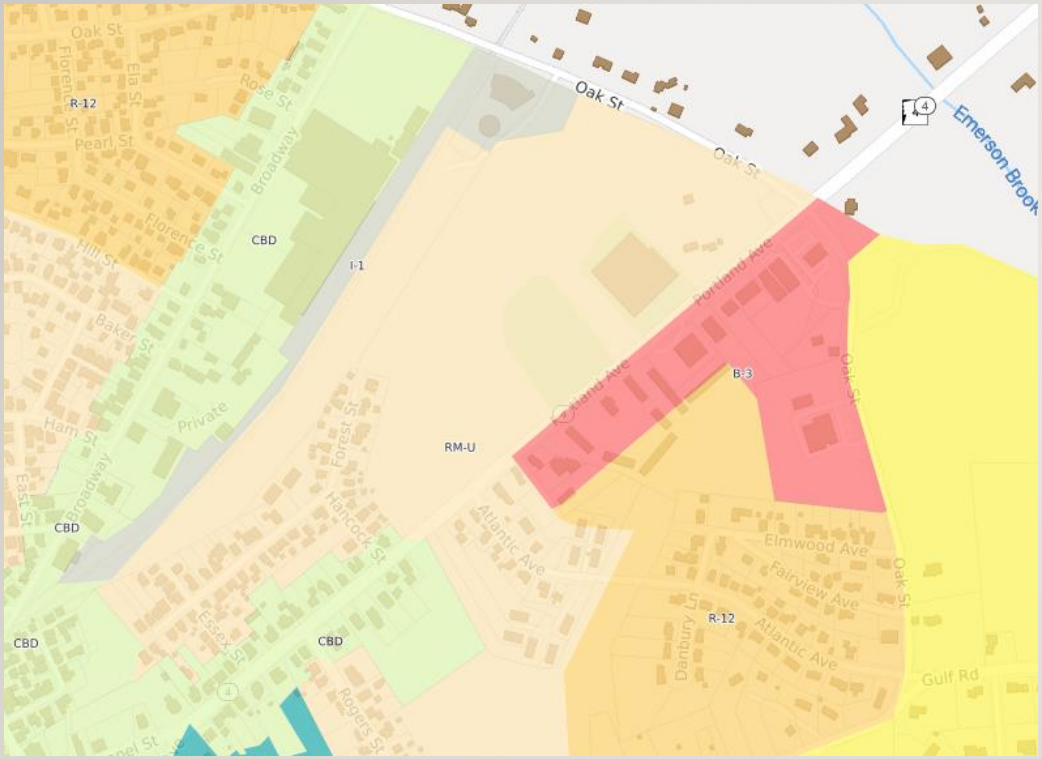
Rezone area between Locust Street and Spaulding Turnpike from I-1, R-12 and RM-SU and B-5 to Gateway

Changes 90 acres, 35 of which is residential, 30 is commercial and 25 is industrial to the new standalone mixed use district.

Rezone area on Durham Rd at Back River from R20 to Gateway

Changes 7acres all residential to the new standalone mixed use district.

Create Gateway



Rezone area off Oak Street and Portland Avenue from I-1, and B-3 to Gateway

Changes 31 acres, which is residential, 22 is commercial and 9 is industrial to the new standalone mixed use district.

Create Gateway



Rezone area along New Rochester Road from O to Gateway

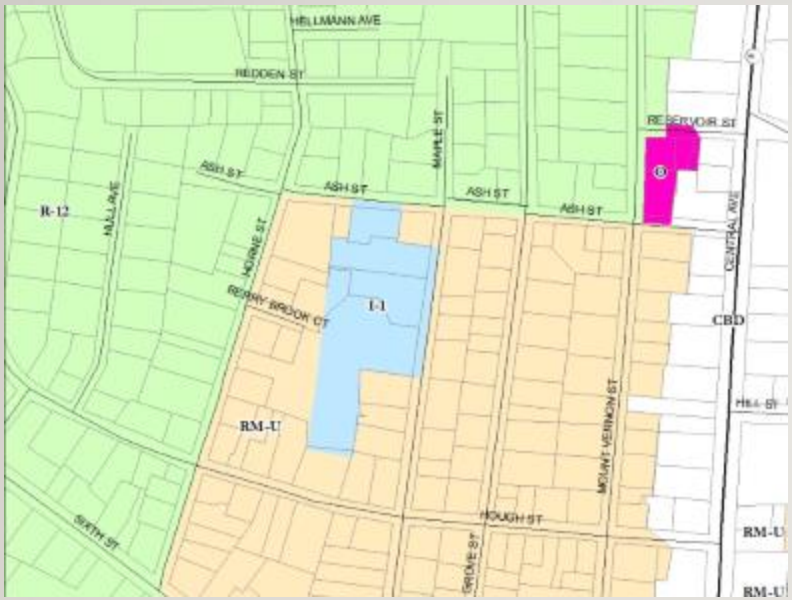
Changes 25 acres, which are mixed use to the new standalone mixed use district.



Rezone area on Dover Point Road to Gateway

Changes 5 acres all commercial to the new standalone mixed use district.

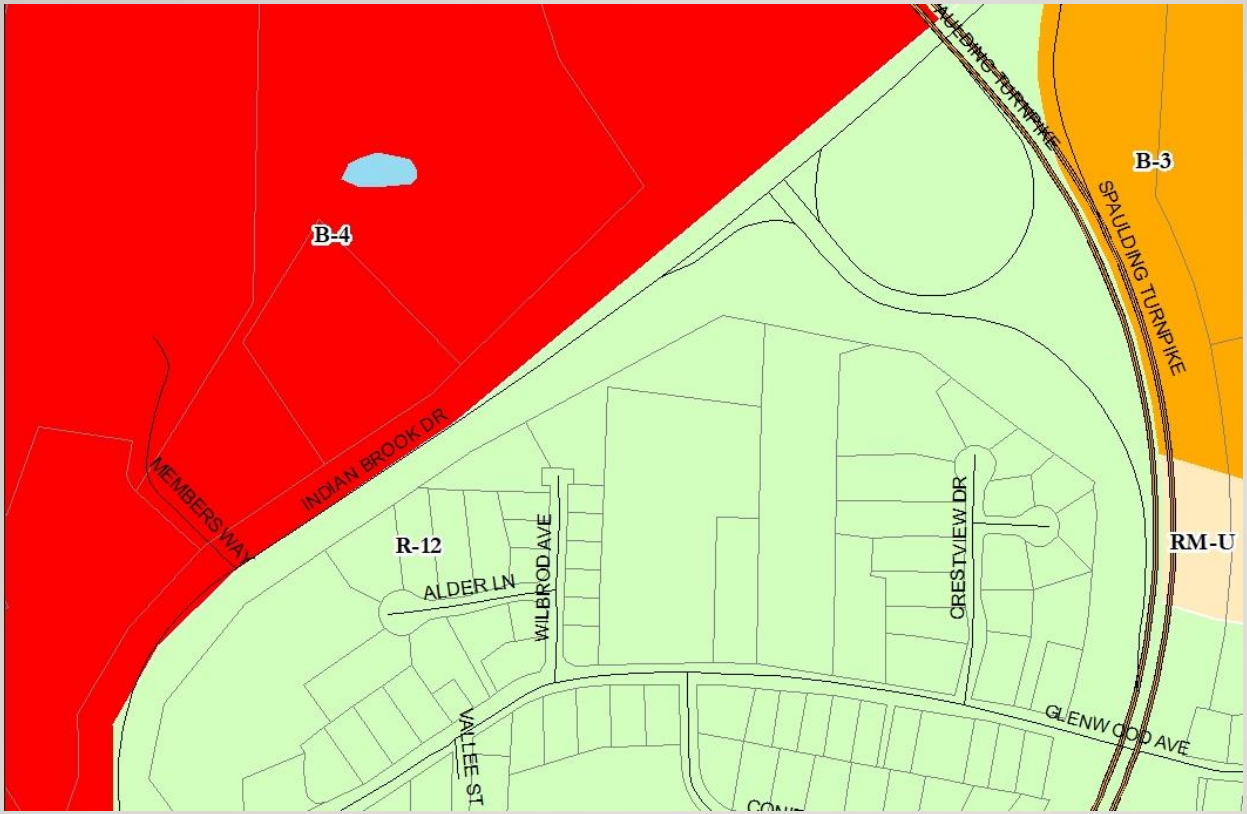
ELIMINATE I-1:



Rezone area between Maple Street and Horne Street to RM-U

Changes 4 acres, all industrial, to residential to meet neighborhood context.

INDIAN BROOK:



Rezone R-12 area along Indian Brook Drive to B-4

Changes 20 acres, 12 usable, residential to commercial*

Sixth Street:



Rezone R-12 area along Sixth Street to ETP

Changes 14 acres, 10 usable, all residential to commercial*

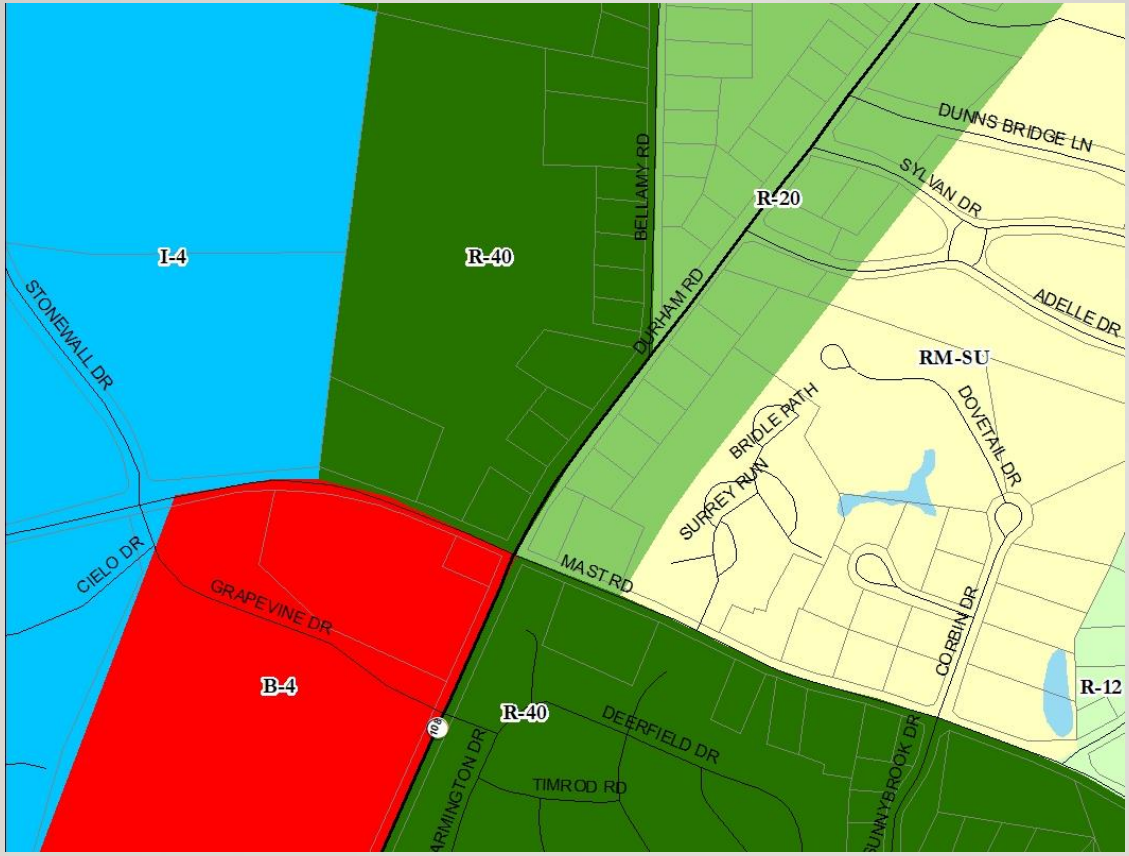
Weeks Crossing



Rezone area along Pine Crest and Week's Lane to B-3 from R-12 and B-1

Changes 1.5 acres, which are commercial and residential to commercial

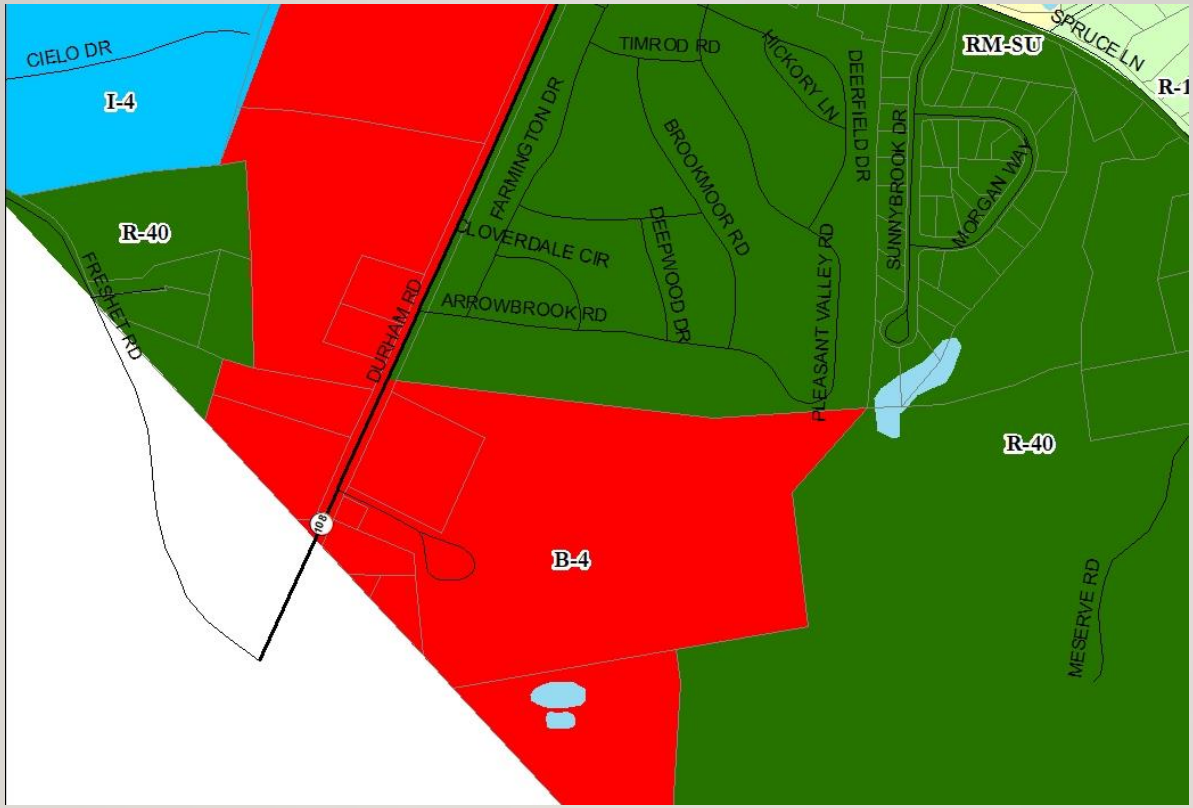
Durham Road/Mast Road



Rezone area along Mast Road and Durham Road intersection to B-4

Changes 46 acres, all residential. 43 becomes commercial, 3 stays residential*

Durham Road



Rezone area along Durham Road and Spruce Lane intersection to I-4

Changes 74 acres, 29 residential to industrial.*

Littleworth Road



Rezone area along Littleworth and Knox Marsh Road to I-2

Changes 155 acres, 101 residential, to industrial. 54 from Commercial to industrial*

Name Changes/Consolidation

- Amendment 8
  - Re name rural industrial (I-2) to Commercial Manufacturing (CM)
  - Updates uses
- Amendment 9
  - Rename Thoroughfare Business (B-3) to Commercial (C)
  - Rezone Highway Business (B-5) to Commercial (C)
  - Rezone Hotel/Retail (B-4) to Commercial (C)
  - Consolidates all Commercial zones into one, using B-3 as basis
- Amendment 10
  - Rename Office and Assembly (I-4) to Innovative Technology (IT)
  - Rezone Executive Technology to Innovative Technology (IT)

Updates

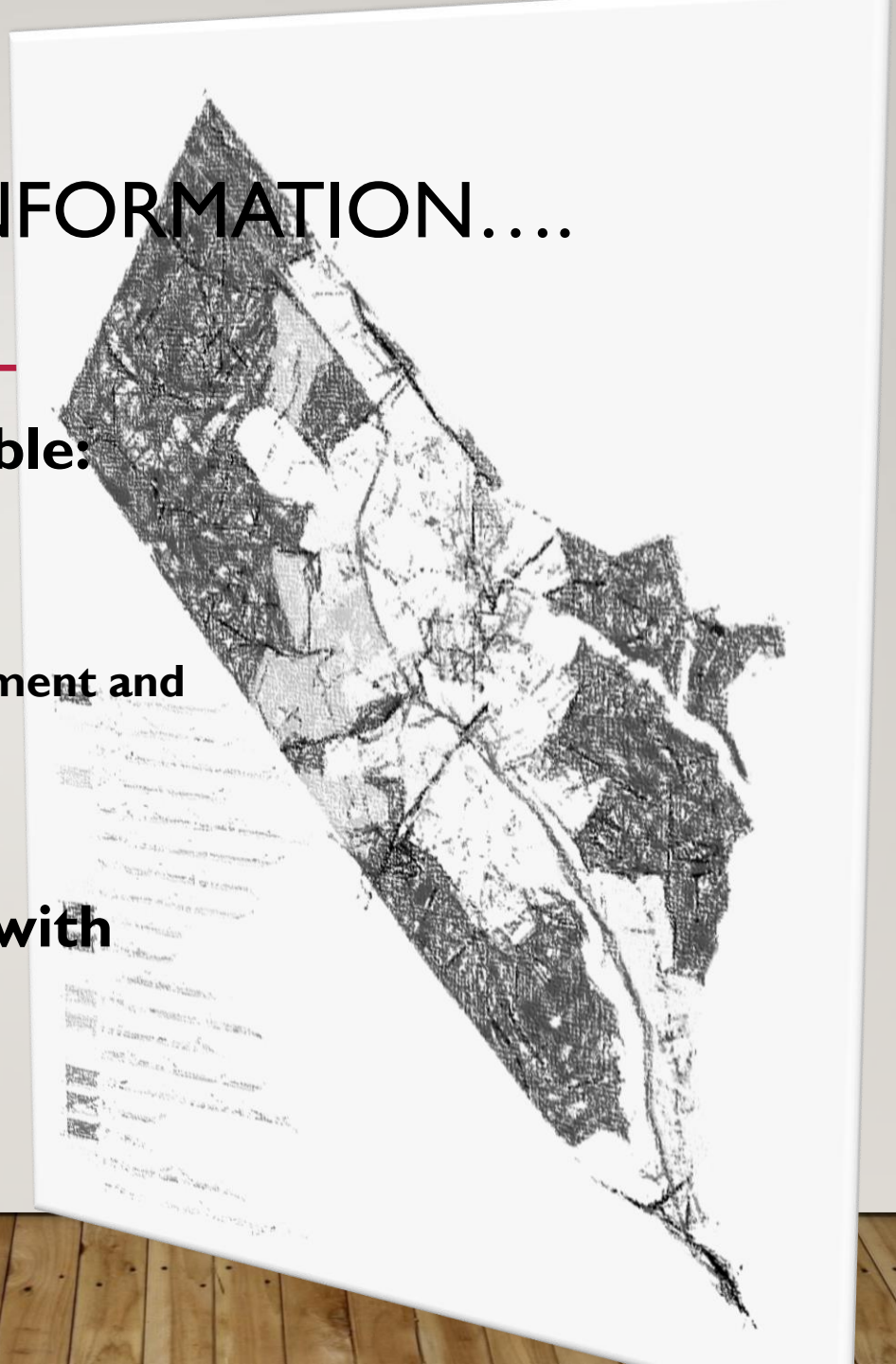
- Amendment 11
  - Revise Small Wind Energy Systems to Alternative Energy Systems
  - Adds Solar Power
  - Reviewed by Eng Com.
- Amendment 13
  - Revise RCM to allow on lots 50 acres or larger in IT, CM districts
  - Removes age restriction on units
  - Requires industrial/manufacturing for uses in CM
  - Clarifies Sewer needs for Adult Care
  - Bonus units if 1,000 sf or less
  - Clarifies parking is shared by all components
- Amendment 14

TDR Updates

- Removes rounding of units
- Adds provision for 600 sf homes, at no cost, if cost meets HUD guidelines
- Clarifies Total Living Area
- Removes sale only
- Caps number of SF units allowed for purchase
- Clarifies application style
- Sets thresholds for submission (4+ units)
- Allows multi-family to be no charge if rent meets HUD guidelines
- Clarifies commercial requirements in mixed use
- Allows creation of 1 unit per 2,000 sf created of assembly or manufacture over 40,000 sf
- Removes cluster style
- Increases rear setback/ abutter screening
- Requires utilities

FOR MORE INFORMATION….

- **The full text is available:**
  - **On the City's Web Site: www.dover.nh.gov**
  - **In the Planning Department and City Clerks Office**
  - **At the Public Library**
- **Please call 516-6008 with further questions.**



ZONING

CHAPTER 170

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~~WORD USAGE~~TERMINOLOGY

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[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 08-12-2015 by Ord. No. 2015.07.22-017]

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R-20 Low-Density Residential District
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B-1 NEIGHBORHOOD Business District
B-3 Thoroughfare Business District
B-4 HOTEL/Retail District
B-5 Highway Business District
I-1 Restricted Industrial District
I-2 Rural Restricted Industrial District
I-4 Assembly and OFFICE
ETP Executive and Technology Park

Mixed -Use
H Hospital
LBW Little Bay Waterfront District
O OFFICE District
CBD Central Business District
Regulating Plan
General
Mixed Use
Residential
Downtown Gateway
TOD Transit Oriented Development
CWD Cochecho Waterfront District

[HISTORY: Adopted by the City Council on 05-23-1979 as Ord. No. 15-79; Amended on 09-13-2013 by Ord. No. 2013.08.14-12; Amended on 02-26-2014 by Ord. No. 2014.01.22-001; Amended on 04-23-2014 by Ord. No. 2014.04.09-008; Amended on 08-12-2015 by Ord. No. 2015.07.22-017 Amendments noted where applicable.]

GENERAL REFERENCES - PLANNING BOARD – See Ch. 41. Site Plan Review- See Ch. 149. STREETs and SIDEWALKs – See Ch. 152. Subdivision of Land – See Ch. 155.

ARTICLE I

GENERAL PROVISIONS

170-1. Title.

This Chapter shall be known and may be cited as the "Zoning Ordinance of the City of Dover, New Hampshire."

170-2. Authority.

This Chapter is adopted pursuant to the authority granted by RSA 674:16.

170-3. Purpose.

This Chapter is an element of the Dover ~~Comprehensive Development Plan~~Master Plan and is designed to promote the health, safety, and the general welfare of Dover's residents by serving to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; to encourage the maintenance of Dover's economic and aesthetic quality of life; and to encourage the most appropriate use of land throughout the City of Dover.

170-4. Interpretation.

The provisions of this Chapter shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals and the general welfare of the City of Dover. The provisions of this Chapter are not intended to repeal or in any way impair or negate any other lawfully adopted ordinance, regulation or rule. Whenever the regulations made under the authority hereof differ from those prescribed by any ordinance or regulation, that provision which imposes the greater restriction shall govern.

170-5. Applicability. **[Amended on 06-10-87 by Ord. No. 13-87.]**

All BUILDINGs or STRUCTUREs hereafter erected, reconstructed, ALTERED, enlarged or relocated or all future use of premises in the City of Dover shall be in conformity with the provisions of this Chapter. This Chapter shall not apply to existing BUILDINGs or STRUCTUREs, nor to the existing use of any BUILDING or STRUCTURE or of land to the extent to which it is used at the time of enactment of this Chapter. Furthermore, if the PLANNING BOARD has formally accepted an application for development prior to the first legal notice of a proposed change to this Chapter, the Building Official shall not withhold a BUILDING permit, and the proposed regulation shall not affect the accepted application.

ARTICLE II

~~WORD USAGE~~TERMINOLOGY

170-6. Word Usage and Definitions. [Amended on 9-24-80 by Ord. No. 15-80; Amended on 6-10-87 by Ord. No. 13-87; Amended on 9-14-88 by Ord. No. 15-88; Amended on 11-30-88 by Ord. No. 24-88; Amended on 08-01-90 by Ord. No. 8-90; Amended on 04-03-91 by Ord. No. 01-91; Amended on 09-01-93 by Ord. No. 20-93; Amended on 09-15-93 by Ord. No. 19-93; Amended on 10-20-93 by Ord. No. 28-93; Amended on 08-24-94 by Ord. No. 09-94; Amended on 03-18-98 by Ord. No. 02-98; Amended on 02-17-99 by Ord. No. 25-98; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 03-19-2003 by Ord. No. 05-03; 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. 10-10.27-13; Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 08-19-2015 by Ord. No. 2015.07.22-017; Amended on 06-22-2016 by Ord. No. 2016.06.08-010; Amended on 08-22-2018 by Ord. No. 2018.08.08-009]

A. For the purposes of this Chapter, the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive; the words "used" or occupies" include the words "intended, designed or arranged to be used or occupied," and certain terms or words shall be interpreted as follows:

B. Words and terms appearing in CAPITAL LETTERS throughout this Chapter shall have the meanings indicated below. Other Land Use/Planning related words and terms not defined in this Chapter shall rely on the definition(s) contained within *A Planners Dictionary* published and updated by the American Planning Association:

ABANDONED SIGN means any SIGN that does not display a well-maintained message for a consecutive one-hundred eighty (180) day period, and/or the owner of said SIGN cannot be located after reasonable efforts have been made, and/or said SIGN is no longer fully supported by the STRUCTURE designed to support the SIGN for a consecutive one-hundred eighty (180) day period, and/or the SIGN no longer advertises bona fide business and/or products sold for a consecutive one-hundred eighty (180) day period. The Zoning Administrator shall direct the removal of any SIGN which meets this definition.

ABUTTER means:

(1) The owner of record of a parcel of land located in New Hampshire and adjoins or is directly within two hundred (200) feet (including land across the STREET or waterway) of the proposed site under consideration by the PLANNING BOARD.

(2) For the purposes of receiving testimony only, and not for purposes of notification, the term "ABUTTER" shall include any person or entity who is

able to demonstrate that his land will be directly affected by the proposal under consideration.

(3) In the case of an abutting property being under a condominium or other collective form of ownership, the term "ABUTTER" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line shall be notified only by first class mail.

(4) For purposes of notification and receiving testimony, ABUTTER means all affected towns and the regional planning commission in the case of a development having regional impact, as determined by the PLANNING BOARD.

(5) For purposes of notification, ABUTTER ownership information for LOTs located in Dover, shall be obtained through the City's Tax Assessment Office.

ACCESSORY DWELLING UNIT means a secondary DWELLING UNIT (a) attached and subordinate to a SINGLE FAMILY DWELLING or (b) constructed above a detached garage that is accessory and subordinate to a SINGLE FAMILY DWELLING. See Section 170-24 for the ACCESSORY DWELLING UNIT regulations.

ACCESSORY STRUCTURE means a STRUCTURE with a minimum FLOOR AREA of one hundred (100) square feet which exists on the same LOT and within the same zoning district as the PRINCIPAL BUILDING and which shall be customarily incident and subordinate to the PRINCIPAL BUILDING subject to the provisions of Chapter 170-10 E.

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 170-10 E.

ADULT BOOKSTORE AND/OR VIDEO STORE means a place of business that devotes more than fifteen percent (15%) of the total display, shelf, rack, table, stand or FLOOR AREA, for the display and sale of the following: [Added]

(1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides, tapes, records, CD-ROMS or other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1; or

(2) Instruments, devices or paraphernalia which are designed for use in connection with "sexual conduct" as defined in RSA 571-B:1, other than birth control devises.

An **ADULT BOOKSTORE** and/or VIDEO STORE does not include an establishment that sells books, periodicals or videos as an incidental or accessory part of its principal stock and trade and does not devote more than fifteen percent (15%) of the total FLOOR AREA of the establishment to the sale of books, periodicals or videos.

ADULT CABARET means a night club, bar, restaurant or similar establishment which during a substantial portion of the total presentation time, features live performances that meet the definition of "harmful to minors" and/or "a sexual conduct" as set forth in RSA 571-B:1 and/or shows films, motion pictures, video cassettes, slides or other photographic reproductions, which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

ADULT DAY CARE means a facility used for the care of three (3) or more adults for less than twenty-four (24) hours per day who are in need of supervision or assistance with daily living activities. The facility may provide for dining, recreation activities, education and counseling services, and ACCESSORY USEs related to the care of adults in need.

AGRICULTURE - See RSA 21:34-a.II. AGRICULTURE shall not include marketing or selling at wholesale or retail, except where permitted as part of a ROADSIDE FARM STAND or where the retail sale of agricultural or FARM products raised on site is a permitted use. One SINGLE FAMILY DWELLING shall be permitted as an accessory to the principle use.

ALTER or **ALTERATIONS** means any change involving the structural frame of a BUILDING or use of a BUILDING.

ALTERNATIVE TOWER STRUCTURE means the use of STRUCTUREs such as man-made trees, clock TOWERS, bell steeples, rooftops on BUILDINGs five (5) stories or more, light poles, and similar Alternative-design mounting STRUCTUREs that camouflage or conceal the presence of ANTENNAs or TOWERS and their appurtenances.

ANTENNA means any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, repeater, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

APPLICANT means any person, agent, firm, association, partnership or corporation that makes application to a land use board, pursuant to the rules and regulations of this Chapter.

ASSESSED PROPERTY means any land or BUILDINGs comprising NEW DEVELOPMENT that is subject to an IMPACT FEE ASSESSMENT under this Article.

ASSESSMENT means a notification issued by the City of Dover, its PLANNING BOARD, or its Building Inspector, which states the amount of an IMPACT FEE due on an ASSESSED PROPERTY and the responsibilities, conditions or schedules pertinent to the process and timing of IMPACT FEE payments to the City.

ASSISTED LIVING FACILITY means a facility, licensed under RSA 151-E, that provides housing and supportive services and care for more than twelve (12) elderly residents who require assistance with daily living activities but do not require the skilled nursing and medical care provided in a NURSING HOME. Such supportive services include the provision of meals, housekeeping, laundry, transportation, daily personal care, dispensing of medications and twenty-four (24) hours per day staffing. An ASSISTED LIVING FACILITY includes a community dining ROOM in which meals are provided to all residents, and each individual assisted living unit may also have a kitchenette. Other than any accommodations provided for use by the facility's staff, only assisted living units are permitted as part of an ASSISTED LIVING FACILITY.

ASSEMBLY HALL means a BUILDING or a portion of a BUILDING, not to exceed five thousand (5,000) square feet, used for groups of people to gather for an event or regularly scheduled program. ASSEMBLY HALLs include but are not limited to SERVICE CLUB, religious institutions, cultural and educational lecture/performance halls, banquet halls, and similar facilities.

AUTO SERVICE means a place of business which offers as a service the repair of automobiles. Such "AUTO SERVICE" place shall not be construed to be a VEHICLE REFUELING /RECHARGING STATION.

BED AND BREAKFAST means a residential STRUCTURE consisting of nine (9) or less bedrooms rented on a temporary short term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on-site management on a twenty-four (24) hour basis. Breakfast shall be the only meal served and shall be served to registered guests only.

BERM means a mound of EARTH that may contain stumps of sufficient HEIGHT to serve as sight, sound, sand and dust screening of operations in an EXCAVATION SITE.

BLOCK means a tract of land bounded by STREETs or by a combination of STREETs and public land, railroad RIGHTS OF WAY, waterways or other barriers to the continuity of a development.

BLOCK CORNER means where two public STREETs meet on a BLOCK.

BLOCK FACE means the aggregate of all the BUILDING facades on one side of a BLOCK.

BUILD TO LINE means a line parallel to the STREET RIGHT-OF-WAY LINE representing the distance that part of the BUILDING must be located. Front porches, stairs and handicap ramps may extend beyond the 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. For parcels with no FRONTAGE, the BUILD TO LINE shall be calculated from the boundary parallel to the nearest STREET RIGHT-OF-WAY LINE. For parcels with FRONTAGE on a tidal waterway, the BUILD TO LINE may be a one hundred (100) foot SETBACK, unless reduced via a Conditional Use Permit from the reference line, no matter the distance to the STREET RIGHT-OF-WAY LINE.

BUILDING means any STRUCTURE built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and which is constructed and permanently affixed on the land. Such "BUILDING" includes open decks, open breezeways and any roofed areas. This in no way is to be construed to include a trailer, ~~MANUFACTURED HOUSE~~MANUFACTURED HOME or any other like product. For the purposes of measuring SETBACKs, eaves and uncovered porches accessible ramps or steps may encroach into the side, REAR and front SETBACKs or a distance of up to three (3) feet. Improvements made at ground level (patio, pads, deck) are not required to meet SETBACKS.

BULK means a term used to indicate the physical size, SETBACKs, and location of a BUILDING upon a LOT.

BUSINESS FLOOR AREA - [Repealed on 08-08-2018 by Ord. No. 08-08-2018-009]

BUSINESS FRONTAGE means the length along the GROUND FLOOR of a BUILDING front, having FRONTAGE on the STREET, which is occupied by a separate and distinct principal use; or the length along the GROUND FLOOR of a BUILDING side, having FRONTAGE on a STREET, which is occupied by a

separate and distinct principal use or by the same principal use which occupies the front of said BUILDING.

CERTIFIED SOIL SCIENTIST means a person who, by reason of special knowledge of pedological principles acquired by professional education and practical experience as specified by RSA 310-A:84, is qualified to practice soil science and who has been duly certified by the ~~PLANNING BOARD of Natural Scientists~~State Board of Natural Scientists.

CERTIFICATE OF OCCUPANCY – See Chapter 68 of the Code of the City of Dover, titled "Building Construction", Section 68-15.

CHILD CARE FACILITY means a non-residential facility used 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.

CHILD CARE HOME means an occupied SINGLE FAMILY DWELLING in which child day care is provided for less than twenty four (24) hours per day, except in emergencies. A CHILD CARE HOME is subject to the CUSTOMARY HOME OCCUPATION requirements and requires a CUSTOMARY HOME OCCUPATION Certificate of Use. There are two types of CHILD CARE HOMES, as follows:

(1) Group CHILD CARE HOME is a child day care for seven (7) to twelve (12) preschool aged children from one or more unrelated families. The twelve (12) children shall include all children residing with the caregiver in the home, except children ten (10) years of age or older. In addition to the twelve (12) children, up to five (5) children enrolled in a full day school program may also be cared for up to five (5) hours per day on school days and all day during school holidays. Applications require Technical Review Committee review, are subject to possible Site Review and PLANNING BOARD approval per Section 149-4.D of the Site Review Regulations.

(2) Family CHILD CARE HOME is a child day care for up to six (6) preschool aged children from one or more unrelated families. The six (6) children shall include all children residing with the caregiver in the home, except children ten (10) years of age or older. In addition to the six (6) children, up to three (3) children enrolled in a full day school program may also be cared for up to five (5) hours per day on school days and all day during school holidays. A Family CHILD CARE HOME for up to three (3) children (at any one time and not including the provider's own children) shall not require a

CUSTOMARY HOME OCCUPATION Certificate of Use and does not require Technical Review Committee review.

CIVIC BUILDING means a BUILDING operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

CIVIC SPACE means an outdoor area dedicated for public use.

COLLECTION means the actual delivery of payment of an ASSESSMENT of an IMPACT FEE to the City of Dover on behalf of an ASSESSED PROPERTY.

COMMENCEMENT OF CONSTRUCTION means the beginning of the physical construction of an approved STRUCTURE. Said construction shall include the erection of any portion of a STRUCTURE above or below grade level.

COMMERCIAL EXCAVATION means EXCAVATION of EARTH intended for commerce, excluding EXCAVATION that is strictly conducted for the purpose of ALTERATIONs, renovation, improvement or construction to the property on which the EXCAVATION takes place. Any material leaving the property for whatever reason is considered to be a commercial operation, except agricultural activities, as defined by RSA 21:34-a.

COMMERICAL PARKING FACILITY means an area of OFF-STREET PARKING, where, for a fee, or permit, motor vehicles may be stored for the purpose of temporary, daily, weekly, or overnight OFF-STREET PARKING. Said facility may provide shuttle or park-n-ride services.

COMMERCIAL RECREATION means leisure time activities conducted at prescribed places, sites, or fields as a principal use, in order to obtain profit for a private group, organization, or individual. For the purpose of this ordinance, COMMERCIAL RECREATION may include but not be limited to: (a) mechanical and/or electronic operating games (b) animated mechanical devices and/or rides (c) live entertainment; and (d) food concessions will be allowed by permit.

COMMON YARD means a planted private FRONTAGE wherein the facade is set back from the front property line.

CONGREGATE CARE FACILITIES means a residential facility for elderly persons containing individual, one (1) and two (2) bedroom units. Each unit may also have a kitchenette. The facility shall contain common dining facilities and amenities such as housekeeping, transportation and organized social and recreational activities, and may include limited medical services on site. This

facility is intended for and solely occupied by persons sixty-two (62) years of age or older and thereby qualifies as “housing for older persons” under state law.

CONSERVATION LOT means a LOT created solely for the purpose of land conservation. The CONSERVATION LOT must contain no less than fifty percent (50%) developable uplands, but will have no DEVELOPMENT RIGHTS. The CONSERVATION LOT may be owned by a private, nonprofit organization, which has as its purpose the preservation of OPEN SPACE, or dedicated to a public entity. CONSERVATION LOTs must meet the required minimum LOT size and SETBACKs. CONSERVATION LOTs do not need to meet the minimum FRONTAGE requirements. CONSERVATION LOTs must be created following the regulations outlined in Chapter 155, Subdivision of Land.

CONTIGUOUS means land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, wholly within the City, except in the case of STATIONARY MANUFACTURING PLANTS, whose perimeter is not defined by the City’s boundaries.

CONTINUING CARE COMMUNITY FACILITY means a residential development that provides multiple elements of adult living, including independent living units, assisted living units and skilled nursing care, enabling residents to live at a single location as their medical needs change over time. This facility is licensed pursuant to RSA 420-D and includes common dining, recreation and health facilities and other common areas; provides services such as medical care, programmed social activities; and may include limited accessory retail and personal services. This facility is intended for and solely occupied by persons sixty-two (62) years of age or older and thereby qualifies as “housing for older persons” under state law.

COUNTRY CLUB means a nonprofit establishment involving the use of a golf course, swimming pool or tennis courts and a STRUCTURE designed as a center for these activities within which food and drink may be served to members of said club and their guests. The term "COUNTRY CLUB" shall not be so construed as to include within its meaning any operation conducted with a profit-making intent.

COVERAGE means the percentage of area of a LOT which is occupied by the physical limits of a BUILDING or BUILDINGs. Roofed area to the extent of the drip line shall constitute the physical limits of a BUILDING.

COVER CROP means vegetation designed to prevent erosion of the soil.

CUSTOMARY HOME OCCUPATION means an occupation carried on as a secondary use in a DWELLING UNIT or accessory BUILDING by the occupant of such unit.

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.

DEVELOPMENT RIGHTS means the legal claim to construct or develop specified land uses within specified densities and/or dimensional limits as granted by the City of Dover Zoning Ordinance.

DIMENSION STONE means rock that is cut, shaped or selected for use in BLOCKs, slabs, sheets, or other construction units of specified shapes or sizes and is used for external or interior parts of BUILDINGs, foundations, curbing, paving, flagging, bridges, revetments, or for other architectural or engineering purposes. DIMENSION STONE includes quarry BLOCKs from which sections of DIMENSION STONE are to be produced. DIMENSION STONE does not include EARTH as defined below.

DIRECT ILLUNIMATION means that the material of which a SIGN is made is itself illuminated (e.g. neon light).

DRIVE-IN SERVICE means service whereby the customer need not leave his vehicle in order to obtain the product offered for sale.

DWELLING, MULTI-FAMILY means a BUILDING containing more than four (4) DWELLING UNITs.

DWELLING, SINGLE-FAMILY means a detached BUILDING containing one (1) DWELLING UNIT only.

DWELLING UNIT means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the DWELLING UNIT for exclusive use of a single family maintaining a household.

EARTH means sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally-occurring unconsolidated materials that normally mask the bedrock.

EDUCATIONAL INSTITUTION, POST SECONDARY means an institute of higher education that provides a curriculum of academic instruction beyond the

high school level, is licensed by the State of New Hampshire, and is accredited by an approved agency.

EDUCATIONAL INSTITUTION, K-12 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.

ELDERLY ASSISTED CARE HOME means a residential facility permanently housing six (6) to twelve (12) elderly residents with common dining facilities and ACCESSORY USES typically needed by elderly persons. The ~~Zoning Board of Appeals~~Zoning Board of Adjustment may increase the number of residents through the granting of a special exception.

EXCAVATION means a land area that is used, or has been used, for the commercial taking of EARTH, including all SLOPES.

EXCAVATION AREA means the area within an EXCAVATION SITE where EXCAVATION has occurred or is eligible to occur under the provisions of RSA 155-E. This is also known as the pit area.

EXCAVATION SITE means any area of CONTIGUOUS land in common ownership upon which EXCAVATION takes place.

EXISTING EXCAVATION means any EXCAVATION that lawfully existed as of August 24, 1979, from which EARTH material of sufficient weight or volume to be commercially useful had been removed during the two (2) year period before August 24, 1979.

EXISTING TOWERS AND ANTENNAS means any TOWER or ANTENNA lawfully constructed or permitted prior to the adoption of this ordinance. Additionally, any TOWER or ANTENNA lawfully constructed in accordance with this ordinance that predates an application currently before the PLANNING BOARD.

EXPANSION (pertaining to EXCAVATIONs) means

(1) of EXISTING EXCAVATIONs means EXCAVATION beyond the limits of the City and the area which on 8/24/79 had been CONTIGUOUS to and in common ownership with the EXCAVATION SITE and has been appraised and inventoried for tax purposes as part of the same tract as the EXCAVATION SITE.

(2) of STATIONARY MANUFACTURING PLANTS means to any CONTIGUOUS lands which were in common ownership with the site of the plant on 8/4/89.

EXTENSION, BUILDING means any action which shall cause the FLOOR AREA or volume of a STRUCTURE to be increased.

EXTENSION, USE means the enlargement of a business, industrial or residential activity beyond the limits in use at the time this Chapter was passed.

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

FAA means an acronym meaning Federal Aviation Administration.

FAMILY - [Repealed on 08-01-90 by Ord. No. 8-90]

FARM - See RSA 21:34-a.I. See also definition of AGRICULTURE

FARM ANIMALS means animals that are commonly raised or kept in an agricultural setting, including, but not limited to, chickens, roosters, turkeys, ducks, pigs, sheep, goats, horses, cows, cattle, llamas, emus, ostriches, donkeys, mules, buffalo, bison, alpacas, elk, deer and reindeer; provided, however, that chickens, sheep or goats, totaling six (6) or fewer, shall not be considered to be included.

FARM ANIMALS FOR FAMILY USE means animals commonly raised or kept by a family for non-commercial purposes on a LOT containing a one or two family dwelling. Includes chickens, sheep or goats totaling six (6) or fewer, but does not include roosters.

FCC means an acronym meaning Federal Communications Commission.

FENCE means a freestanding STRUCTURE of metal, masonry, composition of wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

FLASHING SIGN means any directly or indirectly illuminated SIGN which changes the intensity of illumination so as to result in changes in light, color, director or animation. Included in this definition shall be electronic changeable message boards or SIGNS of similar technologies, excluding those deemed necessary for the public safety and welfare by Federal, State or municipal authorities.

FLOOR AREA means the sum of the gross horizontal areas of all floors of any BUILDING or BUILDINGs on a LOT measured from the exterior walls. In particular, the "FLOOR AREA" shall include:

(1) In dwellings, any basement space designed to be used for residential purpose.

(2) In other than dwellings, any basement or cellar space used for any purpose.

(3) In all BUILDINGs, interior balconies, mezzanines, roofed porches or terraces and all spaces other than basement or cellar spaces with structural head ROOM of at least seven (7) feet.

FLOOR RATIO - [Repealed 08-01-90 by Ord. No. 8-90]

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. 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.

FRONTAGE means the linear distance measured along the front LOT LINE between the points of intersection with the side LOT LINEs. "FRONTAGE" along cul-de-sacs shall be the linear distance at the appropriate FRONT YARD BUILDING set back depth from the front LOT LINE between the points of intersection with the side LOT LINEs. For the purpose of measurement, LOT "FRONTAGE" shall be continuous and measured along the joining boundary of the front LOT LINE and a public right-of-way.

FRONTAGE, in the CBD means the area between a BUILDING facade and the public STREET, inclusive of its built and planted components.

GALLERY means a private FRONTAGE conventional for retail use wherein the facade is aligned close to the front property line with an attached cantilevered shed or lightweight colonnade overlapping the SIDEWALK.

GROUND FLOOR means the STREET level floor of a STRUCTURE.

GROUP HOME FOR MINORS means a group boarding home for minor children and others attending Grades K - 12 which is issued a general or intermediate license by and operated in accordance with standards promulgated by the State of New Hampshire ~~Department of Health and Welfare~~Department of Health and Human Services. Such use may include ACCESSORY USEs such as educational and counseling programs which are directly related to the primary purpose of the home.

HAZARDOUS WASTE/MATERIAL means a material, waste or combination of materials or wastes which, because of the quantity, concentration or infectious characteristics, may cause or significantly contribute to illness or present a substantial hazard to health, safety or welfare or to the environment.

HEIGHT when referring to a telecommunications TOWER or other STRUCTURE means the distance measured from ground level to the highest point on the TOWER or other STRUCTURE or appurtenance, even if said highest point is an ANTENNAs or other appurtenance.

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.

HEIGHT RATIO - [Repealed 08-01-90 by Ord. No. 8-90]

HIGH INTENSITY SOIL MAP (HIS) means a map prepared using the methods prescribed by the Society of Soil Scientists of Northern New England, in the publication HIGH INTENSITY SOIL MAPs for New Hampshire, January 1987, as amended.

HOME BASED AGRICULTRUAL ACTIVITIES means the sale of products associated with raising poultry/bees/or like animals, or harvesting of herbs, flowers or vegetables/fruit. Products must be grown on-site and may be sold in either in raw or value added forms.

HOTEL means a BUILDING consisting of ten (10) or more ROOMs accessed by a common hallway and designed for, or used commercially as temporary living quarters for persons who are lodged with or without meals.

IMPACT FEE means a fee or ASSESSMENT imposed upon development, including subdivision, BUILDING construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the City of Dover or the Dover School District, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and RIGHTS OF WAY; municipal OFFICE facilities; public school facilities; public safety facilities; solid waste COLLECTION, transfer, recycling, processing and disposal facilities; public library facilities; and PUBLIC RECREATIONAL FACILTIES not including PUBLIC OPEN SPACE.

INTERMITTENT STREAM means a stream that flows for sufficient times of the year to develop and maintain defined channels but which may not flow during dry portions of the year.

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

JUNKYARD means an open area where waste, used or secondhand materials are brought, sold, exchanged, stored, baled, packed, dissembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term "JUNKYARD" shall not include uses established entirely within enclosed BUILDINGs.

JUNKYARD, MOTOR VEHICLE means includes any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer operable or in condition for legal use on the public highways or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part or intended to be a part of any motor vehicles, the sum of which parts or materials shall be equal in BULK to two (2) or more motor vehicles. "MOTOR VEHICLE JUNKYARD" shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn materials which are parts of a motor vehicle or cut up the parts thereof.

KENNEL means any BUILDING(s) or land operated as a business for the boarding, breeding, training, or selling of five (5) or more dogs, cats or other household pets.

LANDSCAPE AREA means the area unoccupied by pavement or STRUCTUREs and open to the sky in either a landscaped or grassed condition. May include recreational fields, lawns, and public parks that do not possess significant conservation features.

LIGHT INDUSTRY means all manufacturing and assembly processes carried on completely within a STRUCTURE, and involving no permanent outside storage of equipment or materials (except as a customary ACCESSORY USE in connection with the permitted activities with the STRUCTUREs), unless such storage is approved by the Dover PLANNING BOARD. This term shall not be interpreted to include any industry, the operations of which shall result in significant objectionable noise, glare, vibration or odor which would constitute a

NUISANCE in an industrial district and which exceed the maximum levels of adjacent activities.

LOADING BERTH means a berth designed for the on-loading and off-loading of trucks and other commercial vehicles.

LOT means a parcel of land which fronts on and has ingress and egress by means of a public vehicular right-of way and is occupied by, or is intended to be occupied by one (1) PRINCIPAL BUILDING and its accessory BUILDINGs or uses customarily incidental to it, together with such OPEN SPACEs and yards as are required by this Chapter. More than one (1) PRINCIPAL BUILDING may be placed on a LOT located in the Central Business District. More than one (1) PRINCIPAL BUILDING may also be placed on a LOT in all other districts with PLANNING BOARD approval for non-residential developments, MULTI-FAMILY DWELLING developments, and OPEN SPACE subdivisions.

LOT, CORNER means a LOT abutting upon two (2) or more STREETs at their intersection. The side of the CORNER LOT that fronts on the STREET that provides the address for the property shall be considered the front, and the side(s) of the CORNER LOT that front on any other STREETs shall be considered the abut-a-street.

LOT LINE means a line of record bounding a LOT which divides one LOT from another LOT or from a public or private STREET or any other PUBLIC SPACE.

LOT WIDTH means the width of a LOT along a straight line parallel to the front STREET line and lying at a distance from said STREET line equal to the required minimum FRONT YARD SETBACK for said LOT.

MANUFACTURED HOUSING means any STRUCTURE, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, is three hundred and twenty (320) square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. MANUFACTURED HOUSING shall not include presite built housing as defined in RSA 674:31-a.

MANUFACTURED HOUSING PARK or **MOBILE HOME PARK** means any plot of ground upon which two (2) or more MANUFACTURED ~~HOUSING~~HOMES, occupied for dwelling or sleeping purposes, are located.

MANUFACTURED HOUSING SUBDIVISION **[Repealed on 11-28-2012 by Ord. No. 2012.11.14-24.]**

MARINA means a facility for storing, servicing, fueling, berthing, securing and launching of private pleasure marine craft that may include the sale of fuel and incidental supplies for boat owners, crews and guests.

METEOROLOGICAL TOWER (MET TOWER) means the TOWER, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, MET TOWERs shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a SMALL WIND ENERGY SYSTEM.

MODIFICATION in relation to a SMALL WIND ENERGY SYSTEM means any change to the system that materially ALTERS the size, type or location of the SMALL WIND ENERGY SYSTEM. Like-kind replacements shall not be construed to be a MODIFICATION.

MOTEL means a BUILDING consisting of ten (10) or more ROOMs having direct outside access and designed for, or used commercially as temporary living quarters for persons who are lodged with or without meals.

NEIGHBORHOOD means a grouping of STRUCTUREs with more clearly evident relationship to one another than to other STRUCTUREs in the community.

NET METERING means the difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's SMALL WIND ENERGY SYSTEM that is fed back into the electric distribution system over a billing period.

NEW DEVELOPMENT means an activity that results in:

(1) The creation of a new DWELLING UNIT or units; or

(2) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of DWELLING UNITs; or

(3) Construction resulting in a new non-residential BUILDING or a net increase in the FLOOR AREA of any non-residential BUILDING; or

(4) The conversion of an existing use to another use if such change creates a net increase in the demand on public capital facilities that are the subject of IMPACT FEE ASSESSMENTs.

NEW DEVELOPMENT shall not include the replacement of an existing ~~MANUFACTURED HOUSE~~MANUFACTURED HOME or the reconstruction of a STRUCTURE that has been destroyed by fire or natural disaster where there is no change in its size, density or type of use, and where there is no net increase in demand on public capital facilities.

NONCONFORMING USE means a lawful use that does not conform to the prescribed use regulations of the district in which it is located.

NUISANCE means a factor generally recognized to be undesirable, such as odor, noise, glare or vibration.

NURSING HOME means a residential facility for elderly persons that is licensed by the State, containing a common dining facility and ACCESSORY USEs typically needed by elderly residents.

OFFICE means a place of business which may fall under the following categories:

Accessory. An OFFICE facility that is incidental and accessory to another business or sales activity that is the primary use of the STRUCTURE or site.

Administrative Business Professional. An establishment providing direct, "over-the-counter" services to consumers (e.g., insurance agencies, real estate OFFICEs, travel agencies, utility company OFFICEs, etc.) and OFFICE-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property. This use includes: accounting, auditing and bookkeeping services, advertising agencies, airline, lodging, chain, and rental car company reservation centers, architectural, engineering, planning and surveying services, attorneys, legal services, commercial art and design services, computer software and hardware design, counseling services, court reporting services, data processing services, detective agencies and similar services, educational, scientific and research organizations, employment, stenographic, secretarial and word processing services, insurance claim processing, literary and talent agencies, mail order and e-commerce transaction processing, management and public relations services, media postproduction services, photography and commercial art studios, police facility used as an OFFICE where there are no jail detention facilities or

storage of vehicles except the parking of police cars, psychologist, TELECOMMUNICATIONS FACILITY design and management, telemarketing, writers and artists OFFICEs;

Government. An administrative, clerical, or public contact OFFICE of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.

Medical. An OFFICE or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these OFFICEs, but exclude inpatient services and overnight accommodation.

OFF-SITE IMPROVEMENTS means those public facility improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision PLAT or site plan approval by the PLANNING BOARD. Such OFF-SITE IMPROVEMENTS shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development.

OFF-STREET PARKING means parking facilities located in city or privately owned LOTs and STRUCTUREs.

OPEN SPACE means land that is not built upon or substantially ALTERED by human activity including open fields, such as meadows and farmland, and forest as well as undeveloped shorelands and waterbodies.

ORDINARY HIGH WATER MARK means the line on shore, running parallel to the main stem of the river, established by the fluctuations of the water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristic of the surrounding areas.

OUTBUILDING – see ACCESSORY STRUCTURE

PARAPET means a low protective wall or railing along the edge of a raised STRUCTURE such as a roof or balcony.

PARKING SPACE means an off-Street area available with paved surface, accessible and suitable for parking one (1) motor vehicle.

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

PLANNING BOARD means the PLANNING BOARD of the City of Dover.

PLAT means a map or plan of a subdivision or a site plan, prepared by a registered surveyor or engineer in compliance with all applicable provisions of the Zoning Ordinance (Ch. 170), the Site Review Regulations (Ch. 149), and the Subdivision Regulations (Ch.155) of the City of Dover.

PORCH means a private FRONTAGE set back from the front property line with an attached porch permitted to encroach beyond the BUILD TO LINEs.

POWER GRID means the transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

PRINCIPAL BUILDING means the main BUILDING on a LOT, usually located toward the FRONTAGE.

PROJECTING SIGN means a SIGN attached to a BUILDING with the plane of the SIGN at an angle to the plane of the wall of the BUILDING.

PUBLIC ART means works of art in any media that has been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all.

PUBLIC OPEN SPACE means a parcel of land essentially unimproved and principally intended for OPEN SPACE preservation, natural resource conservation, or similar uses. For the purposes of this Article, City parks that do not include “PUBLIC RECREATION FACILITIES” constitute PUBLIC OPEN SPACE.

PUBLIC RECREATION means leisure time activities open to the public, subject to reasonable limitations as to participation, and conducted at prescribed places, sites or fields by non-profit corporations or charitable organizations. The non-profit organization or charitable organization may either rent or own the site. Food concessions will be allowed by permit.

PUBLIC RECREATION FACILITIES means the land and facilities owned or operated by the City of Dover, other than PUBLIC OPEN SPACE, that are used

or designed for the conduct of recreational sports or recreation programs, and which include equipment or substantial improvements to the land to provide indoor or outdoor PUBLIC RECREATION opportunities. PUBLIC RECREATION FACILITIES may also include those portions of PUBLIC OPEN SPACE parcels that are improved with developed trail systems for uses such as hiking or cross country skiing.

PUBLIC SPACE means open to public view or access.

PUBLISHING FACILITY means a STRUCTURE or part of a STRUCTURE, with OFFICE space and production facilities, which is used for producing newspapers, magazines, books and/or other related published materials. For the purpose of this definition, production facilities shall include a printing press and/or similar equipment.

REAR means the private back portion of a property.

RECEIVING AREA means a defined area within a TDR DISTRICT to which DEVELOPMENT RIGHTS are transferred resulting in more efficient and intense use of suitable development sites.

RECLAMATION means the restoring of an EXCAVATION SITE to a standard at least equal to those outlined in Section 170-29.8.

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

REVOCATION means the revoking of the approved extraction permit by the PLANNING BOARD. The REVOCATION requires ceasing operations until such time as the owner or operator can bring the operation into compliance, and subsequently reapply for permitted status with the PLANNING BOARD at a regular meeting using standard application steps as outlined in this article.

RIGHTS OF WAY means a public or private area that allows for the passage of people, goods, and/or utilities. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

RIGHT-OF-WAY LINES means the lines that form the boundaries of the RIGHT-OF-WAY.

ROOM means an unsubdivided portion of the interior of a DWELLING UNIT, excluding bathrooms, closets, hallways and service porches.

ROADSIDE FARM STAND means an ACCESSORY USE where permitted AGRICULTURE products grown on site are sold.

ROOMING HOUSE means any BUILDING in which ROOMs are rented, leased or otherwise made available for compensation to not more than ten (10) persons, for longer than one night, but not requiring a long term lease. Said ROOMs being for a sleeping purpose and containing communal bathroom facilities and cooking facilities.

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.

SENDING AREA means a defined area within a TDR DISTRICT from which DEVELOPMENT RIGHTS are transferred, resulting in the permanent preservation of lands possessing significant conservation features.

SERVICE CLUB means an establishment to be used as a gathering place for a group of citizens organized for a non-profit purpose.

SETBACK means the area of a LOT measured from the LOT LINE to a BUILDING facade or elevation that is maintained clear of permanent STRUCTUREs, with the exception of allowed encroachments for stairs or porches.

SHADOW FLICKER means the visible flicker effect when rotating blades of the WIND GENERATOR cast shadows on the ground and nearby STRUCTUREs causing a repeating pattern of light and shadow.

SHOPFRONT means a private FRONTAGE conventional for retail use, with substantial glazing and an awning, wherein the facade is aligned close to the front property line with the BUILDING entrance at SIDEWALK grade.

SHOPPING CENTER means any BUILDING containing five (5) or more tenants and containing more than fifty thousand (50,000) Square feet of gross FLOOR AREA.

SIDEWALK means the paved section of the public FRONTAGE dedicated to pedestrian activity, café seating, and other STREET FURNITURE.

SIGN means any name, identification, description, display, illustration which is affixed to or painted or represented directly or indirectly upon a BUILDING, STRUCTURE or piece of land, in view of the general public, and which directs attention to an object, product, place, activity, person, institution, organization or business.

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.

SITE DEVELOPMENT PLAN means professionally rendered drawings which delineate a proposed non-residential, multi-family or ~~MANUFACTURED HOUSE~~MANUFACTURED HOME development. Said plan shall include: property lines, location of BUILDINGs, means of ingress and egress, access to off-site parking and all provisions as outlined in this Chapter and Chapter 149, entitled Site Review, of the Code of the City of Dover.

SLOPE means the ratio of vertical distance to horizontal distance (rise divided by run), usually expressed in percent or degrees. SLOPE is measured over horizontal distances of twenty (20) feet or more, utilizing elevations at two-foot contours.

SQUARE means a CIVIC SPACE designed for unstructured recreation and civic purposes, spatially defined by BUILDING FRONTAGEs and consisting of paths, lawns and trees.

SMALL WIND ENERGY SYSTEM means a wind energy conversion system consisting of a WIND GENERATOR, a TOWER, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.

STATIONARY MANUFACTURING AND/OR PROCESSING PLANTS means facilities that are placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying or processing excavated EARTH materials.

STOOP means a private FRONTAGE wherein the facade is aligned close to the front property line with the first story elevated from the SIDEWALK for privacy, with an exterior stair and landing at the entrance.

STREET means a city thoroughfare for vehicle access.

* See Figures 8 and 9 of the SIGN Diagrams, Part II, included at the end of this Chapter.

STREET FURNITURE means benches and other STRUCTUREs incorporated into the STREETSCAPE for use by pedestrians.

STREET LIGHTS means pedestrian scale lighting incorporated into the STREETSCAPE and in parking facilities to promote safe travel during evening hours.

STREET TREES means canopy trees used to reinforce the area along vehicular STREETs where pedestrian activities are encouraged.

STREET WALLS means a freestanding wall built along the front property line. It may mask a parking LOT from the STREET, provide privacy to a SIDE YARD, and/or strengthen the spatial definition of the public realm.

STREETSCAPE means the physical elements along a STREET including trees, benches, waste bins, and bike racks.

STRUCTURE means a framework of support.

SUSPENSION means the ordered cessation of that portion of an extraction operation that is in violation of this Article until such time as the owner or operator can demonstrate compliance to the Zoning Administrator.

SYSTEM HEIGHT means the vertical distance from ground level to the tip of the WIND GENERATOR blade when it is at its highest point.

TELECOMMUNICATIONS FACILITIES means any STRUCTURE, ANTENNA, TOWER, or other device which provides licensed commercial mobile wireless services, cellular telephone services, specialized mobile radio communications (SMR), enhanced specialized mobile radio communications (ESMR), personal communications service (PCS), paging, and similar services marketed to the general public.

TEMPORARY SIGN means a SIGN(s) customarily located on a trailer or similar wheeled apparatus, whether self-propelled or pulled by another vehicle, 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 SIGNs".

TERRACE/LIGHTWELL means a private FRONTAGE set back from the front property line by an elevated terrace or sunken lightwell which is permitted to encroach beyond the BUILD TO LINEs.

TOURIST HOME - **[Repealed on 08-01-90 by Ord. No. 8-90.]**

TOWER means any STRUCTURE that is designed and constructed primarily for the purpose of supporting one or more ANTENNAs, including self-supporting lattice TOWERs, guy TOWERs, or monopole TOWERs. The terms also includes commercial radio and television transmission TOWERs, microwave TOWERs, common carriers TOWERs, cellular telephone TOWERs, ALTERNATIVE TOWER STRUCTUREs, and similar STRUCTUREs.

TOWER means the monopole, guyed monopole or lattice STRUCTURE that supports a WIND GENERATOR.

TOWER HEIGHT means the HEIGHT above grade of the fixed portion of the TOWER, excluding the WIND GENERATOR.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) means the conveyance of the DEVELOPMENT RIGHTS of a parcel of land by deed or other legal instrument approved by the PLANNING BOARD to the developer of another parcel. Said legal instrument shall be recorded at the Strafford County Registry of Deeds.

TDR DISTRCT means an area defined as a zoning overlay district, which includes a SENDING AREA and a RECEIVING AREA for the purpose of transferring DEVELOPMENT RIGHTS from a parcel within the SENDING AREA to a parcel within the RECEIVING AREA.

USED CAR LOT means an unenclosed space on which three (3) or more used cars are stored or offered for sale.

VEHICLE REFUELING /RECHARGING STATION means an establishment, the principle use of which is to provide for the sale of gasoline fuel (including but not limited to gasoline, diesel, natural gas, electricity or hydrogen) and oil to individual vehicles and retail sale of products required for motor vehicle maintenance such as oil, transmission fluid, brake fluid, polish, wax, fuel additives and treatments, wipers, tires, batteries, windshield wiper fluid, cleaning fluids and similar items. The retail sale of propane and kerosene is also allowed. The retail sale of over-the-counter retail consumer merchandise and DRIVE-THRU SERVICE may also be allowed.

WALL SIGN means a SIGN attached to or erected against the wall of a BUILDING, with the face in a parallel plane to the plane of the BUILDING wall, and projecting no more than fourteen (14) inches from the BUILDING wall.[†]

WAREHOUSING means only includes the activity of storing wares or goods by the occupant in his own behalf or for the benefit of others.

WATER DEPENDENT means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore, cannot be located inland.

WATER RELATED EDUCATIONAL/RESOURCE CENTER means a facility devoted to the provision of educational resources and materials and/or displays. Such a facility may include but not be limited to a museum, aquarium, and aquaculture facility.

WATERBORNE PASSENGER TRANSPORTATION FACILITY means a facility designed for storing, servicing, fueling, berthing, securing and launching of excursion boats and water shuttles for the purpose of transporting passengers.

WETLAND EVALUATION HANDBOOK FOR DOVER means the manual used to conduct a functional evaluation of the wetland in order to obtain a conditional use permit as required by the Wetland Protection District Ordinance.[‡] This handbook shall be adopted and amended, as required, by the PLANNING BOARD after a public hearing. Notice for said public hearing shall be published in a newspaper of general circulation and posted in three (3) places at least fifteen (15) days prior to the hearing.

WHOLESALING means only includes the activity of storage, repacking, sale and/or distribution of commodities in BULK quantities to jobbers, retailers, processors and manufacturers and shall not allow the sale and/or distribution of commodities to consumers on a retail basis.

WIND GENERATOR means the blades and associated mechanical and electrical conversion components mounted on top of the TOWER whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

YARD, FRONT means an open unoccupied space on a LOT between the STREET line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said LOT is located.

[†] See Figure 10 of the SIGN Diagrams, Part II, included at the end of this Chapter.
[‡] See 170-27.1, Wetland Protection District, of this Chapter.

YARD, REAR means an open unoccupied space on a LOT between the REAR LOT LINE and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said LOT is located.

YARD, SIDE means an open unoccupied space on a LOT between the side LOT LINE and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said LOT is located.

ZONING BOARD OF ADJUSTMENT means the ZONING BOARD OF ADJUSTMENT of the City of Dover, as provided in the RSA 673:3.

ARTICLE III

DISTRICTS AND DISTRICT BOUNDARIES

170-7. Establishment of Districts. [Amended on 3-30-83 by Ord. No. 5-83; Amended on 4-27-83 by Ord. No. 12-83; Amended on 10-26-88 by Ord. No. 18-88; Amended on 04-03-91 by Ord. No. 01-91; Amended on 09-16-92 by Ord. No. 23-92; Amended on 11-22-95 by Ord. No. 19-95; Amended on 10-18-2006 by Ord. 03-2006; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 10-10.27-13; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]

A. Districts:

The City of Dover is hereby divided into the following districts:

(1) Residential

HR	Heritage Residential District
R-40	Rural Residential District
R-20	Low-Density Residential District
R-12	Medium-Density Residential District
RM-SU	Suburban Density Multi-residential District
RM-U	Urban Density Multi-residential District

(2) Nonresidential

B-1	NEIGHBORHOOD Business District
B-3	Thoroughfare Business District

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B-4	HOTEL/Retail District
B-5	Highway Business District
I-1	Restricted Industrial District
I-2	Rural Restricted Industrial District
I-4	Assembly and OFFICE
ETP	Executive and Technology Park

(3) Mixed -Use

H	Hospital
LBW	Little Bay Waterfront District
O	OFFICE District
CBD	Central Business District
CWD	Cochecho Waterfront District

(4) Overriding

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

B. District Purpose Statements:

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(1) RESIDENTIAL DISTRICTS

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

(a) Rural Residential District (R-40)

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

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

The purpose of this residential district is to provide for conventional single-family NEIGHBORHOODs on LOTs not less than twenty thousand (20,000) square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on-site septic systems and wells. These districts are located near major roadways. The development of parcels with at least fifteen (15) acres can be done as OPEN SPACE subdivisions. AGRICULTURE and farming are promoted in this district. Some non-residential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools and CHILD CARE FACILITIES.

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

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

including churches, elementary schools, high schools, colleges and CHILD CARE FACILITIES.

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

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

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

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

(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 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.

(2) NONRESIDENTIAL DISTRICTS

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

(a) NEIGHBORHOOD Business District (B-1)

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

(b) Thoroughfare Business District (B-3)

The purpose of this business district is to provide an environment that encourages efficient and attractive automobile oriented commercial development along major highways outside of the downtown. The twenty thousand (20,000) square foot minimum LOT size encourages moderately sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, automobile sales, HOTELS, OFFICEs, banks, and theaters. Other commercial uses and MULTI-FAMILY DWELLINGs are allowed by special exception.

(c) HOTEL/Retail District (B-4)

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

(d) Highway Business District (B-5)

The purpose of this business district is to provide an environment that encourages efficient and attractive commercial development along major highways that are gateways to the city. The minimum LOT size of twenty thousand (20,000) square feet encourages a mix of various sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, VEHICLE

REFUELING/RECHARGING STATION, automobile sales, HOTELs, OFFICEs, banks, and theaters.

(e) Restricted Industrial District (I-1)

The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, WAREHOUSING, WHOLESALING and shipping activities that expand the economic base of the city and provide employment opportunities. These areas tend to be smaller sites closer to the downtown area containing older BUILDINGs that have historically been used for industrial and business uses. The smaller minimum LOT size of forty thousand (40,000) square feet also encourages business uses such as PUBLISHING, HOTELs, VEHICLE REFUELING/RECHARGING STATION, car sales, OFFICEs, and personal services. The close proximity of these areas to older residential NEIGHBORHOODs requires careful consideration of impacts on adjacent uses in other districts.

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

(f) Rural Restricted Industrial District (I-2)

The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, WAREHOUSING, WHOLESALING and shipping activities that expand the economic base of the city and provide employment opportunities. This area is the location of one of the first industrial parks in the city, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller minimum LOT size of twenty thousand (20,000) square feet also encourages business uses such as PUBLISHING, HOTELs, VEHICLE REFUELING/RECHARGING STATION, restaurants, car sales, OFFICEs, and personal services.

(g) Assembly and OFFICE (I-4)

The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, WAREHOUSING, WHOLESALING, PUBLISHING and shipping activities that expand the economic base of the city and provide employment opportunities. These areas are located along major collector

roads away from the downtown area. The newest industrial park developed by the city is located in this district. The minimum LOT size in this district is five acres, which encourages larger industrial users.

(h) Executive and Technology Park (ETP)

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

(3) MIXED –USE DISTRICTS

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

(a) OFFICE District (O)

The purpose of this OFFICE district is to provide appropriate locations for a mixture of residential and OFFICEs uses along higher volume STREETs. The remaining large historic homes are no longer suitable for single family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential areas on the side STREETs. Residential uses up to four DWELLING UNITS per STRUCTURE are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, NURSING HOMES and CONGREGATE CARE FACILITIES. The density for residential uses is about eight units per acre and in new BUILDINGs residential is only allowed on the second floor or higher.

(b) Central Business District (CBD)

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

(c) Cochecho Waterfront District (CWD)

The purpose of this mixed use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cochecho River. This district has very flexible dimensional requirements, with no minimum LOT size, FRONTAGE or SETBACK requirements and a density of forty three (43) DWELLING UNITS per acre. Several water related land uses are permitted in the district, including MARINAS, WATERBORNE PASSENGER TRANSPORTATION FACILITIES and WATER RELATED EDUCATION AND RESOURCE CENTERS. The architecture of the waterfront areas should encourage the development of marine, history or tourism related land uses and activities, which take advantage of the unique characteristics of the waterfront as well as its central location and proximity to historic areas.

(d) Hospital (H)

The purpose of the hospital district is to provide appropriate locations for hospitals and medical OFFICEs associated with a hospital. This district also encourages other health care services and various housing facilities providing levels of service for older persons. Single and two family residential uses are permitted along with commercial uses such as OFFICEs, banks, funeral parlors, ASSEMBLY HALLs, and schools.

(e) Little Bay Waterfront (LBW)

The purpose of this mixed use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum LOT size encourages a mix of various sized commercial uses, with water related uses, such as MARINAS, specifically permitted. Single and two family homes are allowed in recognition of the historically residential use of the area. Three or four family dwellings are allowed only as part of a mixed use BUILDING. Businesses that take advantage of the unique location along Little Bay are encouraged.

(4) OVERRIDING DISTRICTS

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

170-8. Zoning Map. **[Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-26-2014 by Ord. No. 2016.10.12-014]**

A. The location and boundaries of the Zoning Districts are hereby established as shown on a map entitled "Zoning Map of the City of Dover, New Hampshire"[§], dated September 11, 2019, which accompanies and is hereby declared to be part of this Chapter.

B. For the purposes of the delineation of the Central Business District (CBD) the location and boundaries of sub districts are hereby established as shown on a map entitled "REGULATING PLAN[**] for the CBD Zone" dated December 9, 2009, accompanies and is hereby declared to be part of this Chapter.

170-9. Amendments to Zoning Map.

Any change in the location of boundaries of a zoning district hereafter made through the amendment of this Chapter shall be noted on the Zoning Map.

170-10. Interpretation of District Boundaries.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as a STREET, railroad, watercourse or other body of water shall be construed to be the center or middle thereof.

B. Boundaries indicated as following approximately or parallel to a STREET, railroad, watercourse or other body of water, it shall be construed to be parallel thereto and at such distance there from as shown on the Zoning Map.

[§] Said Zoning Map is on file in the office of the ~~Planning Department~~Planning and Community Development Department, where it may be examined during regular business hours.

[**] Editor's Note: Said REGULATING PLAN is on file in the office of the ~~Planning Department~~Planning and Community Development Department, where it may be examined during regular business hours.

C. Where a dimensioned boundary coincides within ten (10) feet or less with a LOT LINE, the boundary shall be construed to be the LOT LINE.

D. Where a boundary is indicated as intersecting the centerline of a STREET, railroad, watercourse or other body of water, it shall be construed to intersect at right angles to said center line or, in the case of a curved center line, at right angles to the tangent of the curve at the point of intersection.

E. Where a district boundary divides one (1) LOT and more than fifty percent (50%) of the area of such LOT lies in the less restricted district, the regulations prescribed by this Chapter for the less restricted district may apply to the remainder of said LOT up to a distance of not more than fifty (50) feet from the district boundary. In no case, however, shall such extension of the less restricted district be permitted closer than one hundred (100) feet to any STREET line in the more restricted district.

ARTICLE IV

USES; TABLES

170-11. Use Regulations. **[Amended on 08-01-90 by Ord. No. 8-90; Amended on 12-09-2009 by Ord. No. 8-90; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]**

Except as herein provided, no BUILDING or land shall be used except for the purposes permitted in the district as described in this Article.

A. Uses Permitted by Right. A use listed in the Tables of Use and Dimensional Regulations by District is permitted as a matter of right in the district in which it is listed, subject to the rules set forth in this Chapter and other sections of the Code of the City of Dover.

B. Uses Permitted by Right, With Conditions Imposed. A use listed in the Tables of Use and Dimensional Regulations by District and denoted with a numerical reference number (footnote) indicates a use that is permitted by right only when in compliance with certain imposed conditions.

C. Uses Permitted by Special Exception. A use listed in the Uses Permitted by Special Exception Section of the Tables of Use and Dimensional Regulations by District may be permitted as a Special Exception granted by the ZONING BOARD OF ADJUSTMENT in accordance with the conditions of 170-52 herein and in conformance with such other rules and regulations as may apply.

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The Special Exception designation in a given district does not constitute an authorization of an assurance that such use will be permitted.

~~C.~~D. Uses not permitted. A use not listed in the Tables of Use and Dimensional Regulations by District shall not be permitted in the district.

~~D.~~E. PLANNING BOARD Site Review Approval. Any development/redevelopment meeting the criteria laid out in the Applicability section of the Site Review Regulations, of the City of Dover shall be subject to the rules and regulations contained said chapter.

~~E.~~F. Overriding district regulations. All uses are subject to the regulations of the overriding districts as listed and defined in this Chapter. (Refer to Article VII.)

170-12. Applicability of Tables of Use and Dimensional Regulations by District. **[Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]**[††]

A. Uses permitted in those zoning districts identified in 170-7 shall be as set forth in the Tables of Use and Dimensional Regulations by District.

B. The minimum regulations for LOT size, LOT FRONTAGE, BUILDING SETBACK standards for front, side and REAR YARDs, BUILDING HEIGHTs, and LOT COVERAGE shall be as specified in the Tables of Use and Dimensional Regulations by District.

ARTICLE V

DIMENSIONAL REGULATIONS

170-13. Availability of Utilities and Services. **[Amended on 6- 10-87 by Ord. No. 13-87.]**

In instances where municipal sewer and water facilities are not provided, no residential STRUCTURE shall be built on a LOT with less than thirty thousand (30,000) square feet in area. Where municipal water is available and sewer is not, the minimum LOT size shall be twenty thousand (20,000) square feet in area. In no instance, however, shall the above requirements be more permissive than those required by the New Hampshire ~~Water Supply and Pollution Control Commission~~Department of Environmental Services, Water Division or required elsewhere in this Chapter. Furthermore, the above requirement shall not be substituted for mandatory hookups required by other chapters of the Code of the City of Dover.

170-14. Nonconforming LOTs. **[Amended on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No. 8-90; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]**

[††] See district sheets for individual amendment dates.

The erection of a BUILDING or STRUCTURE shall be permitted on any LOT which has been duly recorded at the Strafford County Registry of Deeds on or before the effective date of adoption of this Chapter, provided that:

A. The LOT shall support a land area of at least five thousand (5,000) square feet and a minimum width of fifty (50) feet. In such cases, the following SIDE YARD restrictions shall apply:

(1) A LOT with a width of one hundred ten (110) feet or less and greater than seventy-five (75) feet, shall have a minimum SIDE YARD of ten (10) feet.

(2) A LOT with a width of seventy-five (75) feet or less and fifty (50) feet or more shall have a minimum SIDE YARD of six (6) feet.

B. Refer to Article XI of this Chapter for provisions regulating nonconforming LOTs that are adjacent or of continuous FRONTAGE and NONCONFORMING USEs and STRUCTUREs.

170-15. Recreation Space and Separation between Use Requirements. **[Amended on 08-01-90 by Ord. No. 8-90, Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]**

A. For each bedroom of a multifamily [greater than four (4) DWELLING UNITs] residential STRUCTURE, there shall be provided at least one hundred (100) square feet of usable recreation space. Half of this required recreation space shall be provided in such a manner so as to afford active recreational opportunities for children, to include such facilities as swings, sandboxes, slides, play areas, etc. The remainder of the required recreation space shall be provided in such a manner so as to afford passive recreational opportunities for adults, such as sitting areas, outdoor cooking facilities, walkways, etc. The active and passive recreational facilities may be combined or separated as appropriate to the site and to the anticipated occupancy needs of the development.

1. Efficiency apartments shall be counted on the basis of fifty (50) square feet per unit.

2. A payment in lieu of providing recreation space on site, for an identified recreation area, may be agreed to by the Planning Board.

B. The minimum distance between any main BUILDING and any accessory BUILDING not structurally attached to such main BUILDING shall be not less than the HEIGHT of the REAR wall of the accessory BUILDING.

C. No part of a yard or other recreation space required for any BUILDING for the purpose of complying with the provisions of this Chapter shall be included as part of a yard or other recreation space similarly required for another BUILDING.

D. Non-Residential uses requiring site plan review shall be at least one hundred fifty (150) feet from all existing residential STRUCTUREs, located within residential zones.

E. A continuous and year round visual buffer of either vegetation or fencing shall separate non-residential STRUCTURES ~~and~~ or parking areas from existing residential STRUCTUREs located to the rear and side of any proposal.

F. All screening and setback requirements pursuant to this section shall not be binding in the ETP or any Mixed Use Zoning District.

G. All recreation space requirements pursuant to this section shall not be binding in the CBD – General, TOD and CWD districts.

170-16. ~~Dimensional Regulations for Swimming Pools~~Swimming Pools.

[Amended 12-09-2009 by Ord. No. 2009.09.09-15.]

In Districts allowing one (1) Family Dwellings, two (2) Family Dwellings, and three to four (3 – 4) Family Dwellings, pools for swimming or bathing shall be in conformity with the following regulations:

A. Every outdoor swimming pool shall be completely surrounded by a FENCE or wall not less than four (4) feet in HEIGHT, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension, except for doors and gates, and if a FENCE is erected or maintained, the horizontal dimension shall not exceed four (4) inches. A primary dwelling or accessory BUILDING or STRUCTURE may be used as part of the enclosure.

B. Gates. All gates or door openings through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gates or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

C. Applicability. The requirements of this Chapter shall be applicable to all new swimming pools hereafter constructed, other than indoor pools, and shall apply to all existing pools which have a minimum depth of eighteen (18) inches of water. No person in possession of land within the City, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a swimming pool having a minimum depth of (18) inches shall fail to provide and maintain such FENCE or wall as herein provided.

D. Appeals and hearings. The Board of Adjustment after public hearing, may make modifications in individual cases, upon a showing of good cause with respect to the HEIGHT, nature or location of the FENCE, wall, gates or latches or the necessity therefore, provided that the protection as sought hereunder is not reduced thereby. The Board of Adjustment may permit other protective devices or STRUCTUREs to be used so long as the degree of protection afforded by the substitute devices or STRUCTUREs is not less than the protection afforded by the wall, FENCE, gate and latch described herein.

E. State requirements. Swimming pools shall conform to all requirements of the New Hampshire ~~Department of Health and Welfare~~Department of Health and Human Services.

F. Option to FENCE regulation. When not in attendance, access ladders or slide ladders to pool shall be removed or raised and locked or otherwise made inaccessible from the outside to small children.

170-17. ~~Dimensional Regulations for Handicapped Accessible Additions~~ Removal of Barriers to Access. **[Amended on 08-14-93 by Ord. No. 17-93; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]**

Upon the discretion of the Building Inspector, with consultation of the Zoning Administrator, in all zoning districts a STRUCTURE constructed for the express purpose of improving and/or providing accessibility to an existing BUILDING for physically and/or mentally disabled individuals may be erected within the BUILDING SETBACKs (front, side and/or REAR) as specified in the Table of Dimension Regulations provided:

A. The STRUCTURE cannot feasibly and practicably be constructed on the LOT in compliance with the Table of Dimensional Regulations;

B. The STRUCTURE must not create a hazard or detrimental impact to surrounding properties.

ARTICLE VI

ADDITIONAL REGULATIONS

170-18. CUSTOMARY HOME OCCUPATIONs. **[Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]**

A CUSTOMARY HOME OCCUPATION is a permitted use in all Residential Districts. The following conditions apply:

A. "Home occupation" shall include not more than one (1) of the following uses, provided that such uses are clearly incidental and secondary residential purposes;

dressmaker, artist, arts and crafts, writer, teacher, provided that not more than eight (8) pupils simultaneously occupy the BUILDING, musician, antique dealer, hairdresser, HOME BASED AGRICULTRUAL ACTIVITIES, lawyer, doctor, photographer, dentist, architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.

B. No more than one (1) nonresident shall be employed therein.

C. The use is carried on strictly by the occupant of the PRINCIPAL BUILDING.

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

E. There shall be no display of goods or wares visible from the STREET.

F. No advertising on the premises other than a small no-illuminated SIGN not to exceed two (2) square feet in area and carrying only the occupant's name and his occupation.

G. The BUILDINGs or premises occupied shall not be rendered objectionable or detrimental to the residential character of the NEIGHBORHOOD because of the exterior appearance, traffic emission of odor, gas, smoke, dust, noise, electrical disturbance, light emissions, or in any other way. In a MULTIFAMILY DWELLING, the use shall in no way become objectionable or detrimental to any residential use within the multifamily STRUCTURE.

H. Any such BUILDING shall include no feature of design not customary in BUILDINGs for residential use. The following uses, by nature of the investment or operation, have a potential to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, uses such as Retail, Clinic, Landscaping, Freight, Trucking or Shipping, Painting of Vehicles, Trailers and Boats, Restaurants, Caterers or Bakeries, Taxi Service, Tool or Equipment Rental, Veterinary hospital or KENNEL and others of a similar nature shall not be considered as home occupations.

I. A minimum of two (2) OFF-STREET PARKING SPACEs shall be provided. All driveways to be used in connection with such occupations shall conform to Chapter ~~92. Driveways~~153 Site Plan Review or Chapter 157 Land Subdivision Regulations, as appropriate.

J. Not more than one (1) commercial vehicle in connection with such home occupation shall be stored on the premises.

K. A certificate of use for the proposed home occupation is issued by the Zoning Administrator verifying 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 CUSTOMARY HOME OCCUPATION continues. Fees shall be levied as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for CUSTOMARY HOME OCCUPATION certificates of use and renewals.

L. The use of a ROOM in a dwelling or accessory BUILDING as a home office by a resident/occupant is a permitted use and does not require a certificate of use, provided that the use does not generate any traffic such as (i) deliveries or pickup of supplies or materials in excess of normal residential use, or (ii) clients coming to the property.

170-19. Flexible Uses in the I-1 District. **[Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]**

A. Purpose and Intent

The Restricted Industrial District was created in 1949 as a zone around property that had industrial uses on it prior to the inception of Zoning in Dover. These areas of the City are surrounded by residential uses and are located in the urban core of the City. The properties have continued to be utilized in an industrial capacity, however this use may not be compliant with the surrounding uses, and a more context sensitive reuse may be more appropriate.

The purpose of this section is to allow property owners to redevelop their industrial property in a more flexible and context sensitive method. Additionally, these non-residential nodes are located in areas that could accept commercial uses that are on a NEIGHBORHOOD scale and the property could offer surrounding residents opportunities that do not exist today.

The district includes options which enable and encourage greater flexibility in the design of residential housing with commercial projects that adaptively reuse the industrial property in a more context sensitive mode. The district encourages mixed residential and commercial uses are intended to be complementary of one another and to create a sense of community between the mixed uses.

B. Permitted Uses

The following uses are permitted:

(1) Principal Uses

(a) Two-family dwelling

(b) Three to Four family dwelling

(c) MULTI-FAMILY DWELLING (if part of a STRUCTURE that includes non-residential uses, must be on the second floor or above)

(d) Public and private utilities

(e) Non-Residential uses as allowed as follows:

(i) Barber or Beauty Shop

(ii) Bank

(iii) Eating/Drinking Establishments (no Drive thru Service)

(iv) BED AND BREAKFAST

(v) OFFICE (excluding medical, dental or veterinary)

(vi) PERSONAL SERVICE ESTABLISHMENT

(vii) Retail store

(viii) Theater

(2) ACCESSORY USES

(a) ACCESSORY USES typically associated with the above principal uses shall be allowed with the approval of the PLANNING BOARD at the time of site plan review.

(3) Conditional Uses

The uses listed in this section shall be considered conditional uses, subject to approval by the PLANNING BOARD per the provisions of RSA 674:21, "Innovative Land Use Controls." In order for the conditional uses to be permitted, the PLANNING BOARD must determine that the proposed use complies with the statement of purpose of this section and meets all of the provisions of the district.

(a) Medical, dental and veterinary OFFICEs.

(b) COMMERCIAL RECREATION, including but not limited to health club, fitness center and recreation facilities, limited to no more than three (3) coin-operated amusement devices.

(c) Funeral homes

(d) Greenhouses

(e) Existing industrial uses allowed at the time the ordinance is approved.

C. Procedural Concepts

The developer shall prepare a Development Plan, which locates the proposed types of non-residential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership, but shall be treated as one development and shall be bound by the approval granted for the entire Development Plan. If approval is granted, individual LOTs must be developed as part of the larger Development Plan and phasing outlined below, and not separately. The Development Plan must identify the percentage of the non-residential uses, residential uses and OPEN SPACE. Non-residential uses must exceed forty-nine percent (49%) of the original tract(s). Existing uses may contribute to the overall percentages.

Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in Chapter 155-60) applied to the Development LOT and not individually to the Internal Dwelling LOTs.

For residential development of two (2) family, three to four (3 to 4) family and MULTI-FAMILY DWELLINGs, that are to be constructed in new STRUCTUREs, density shall be based upon calculating the average density of all residential LOTs located in the City of Dover within 600 feet of the external LOT LINE of the property. For MULTI-FAMILY DWELLINGs that are to be constructed within or added onto existing STRUCTUREs the density shall be based upon calculating one unit per four thousand (4,000) square feet of existing BUILDING space.

The Development Plan may be phased for a term of five (5) years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Section 170-19 A. For the purposes of this section, development shall include:

(1) construction of STRUCTUREs;

(2) environmental remediation;

(3) site preparation or demolition;

(4) roadway utility or recreation and common area design and construction; and bonding or other security for site development.

The phasing plan shall provide that no more than fifty percent (50%) of the residential development may be occupied prior to completion of between twenty-five percent

(25%) and fifty percent (50%) of the non-residential STRUCTUREs as negotiated between the PLANNING BOARD and the Developer.

Provided that the developer is making reasonable efforts to develop the site, the PLANNING BOARD may extend the initial five (5) year phasing period provided a request for extension is submitted before the expiration of the initial five (5) year phasing term.

(1) Residential Development Plan Guidelines

The developer shall be permitted to allocate permitted density among Internal Dwelling LOTs in a flexible and creative manner. Dwellings shall be sited with a variety of SETBACKs to prevent the row house effect. The sum total of the permitted density shall not exceed the permitted density of the Development LOT or Legal LOT. Layouts may include individual LOTs or a cluster of units without LOT LINEs.

Dwelling layouts shall be so designed that parking is screened from external roadways by garages, BUILDING locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external STREETs shall be preserved as much as possible.

Residential layout shall reflect surrounding NEIGHBORHOOD design and should embrace traditional NEIGHBORHOOD features and philosophies. These include, but are not limited to tree lined STREETs, architectural details that encourage the feeling that the development is an extension of existing NEIGHBORHOODs and not built separately. In addition to tree lined STREETs, developments shall incorporate natural materials in the BUILDING construction such as brick, wood and a composite material, such as fiber cement siding, as approved by the PLANNING BOARD.

All residential development must adhere to architectural design guidelines. Development shall embrace the aesthetics of the existing NEIGHBORHOOD, within five hundred (500) feet of the external boundary line of the property. Embraced elements should include roof style, non-decorative porches, front STOOP, and other architectural details. Chapter 149 -14.L, Site Review Regulations, may offer guidance in developing designs.

(2) Nonresidential Development Plan Guidelines

The general character of the nonresidential STRUCTUREs within the Development LOT is intended to be a pedestrian friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of

character and cohesiveness through landscaping, façade treatment, and SIGNAGE. Materials used for new construction should be natural materials such as brick, wood and a composite material, such as fiber cement siding, as approved by the PLANNING BOARD.

Care should be taken to allow for transitional uses between the existing neighboring uses and any proposed uses. All commercial and other enterprises shall be limited to the following hours of operation: 6:00 a.m. - 12:00 a.m. The PLANNING BOARD may further restrict the hours of operation of individual businesses, based upon anticipated usage, at the time of site plan approval.

Non-residential uses proposed to be contained within new STRUCTUREs shall be two or more stories and shall have residential units on the second floor or above to create a mixed use environment.

There may be only one (1) retail establishment selling general merchandise with a gross FLOOR AREA of up to ten thousand (10,000) square feet. All other establishments shall have no more than five thousand (5,000) square feet of gross FLOOR AREA, unless existing at the time of enacting of the ordinance.

The guidelines for this development are included in Chapter 149-14.2, Site Review Regulations.

D. Standards and Regulations

(1) Internal Roads

As part of the approval of the site plan review, the PLANNING BOARD shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below roadways shall conform to the STREET design criteria laid out in the City of Dover Code:

(a) Minimum Internal R.O.W.

(i) Maximum residential:	35 feet
(ii) Maximum Mixed use:	50 feet

(b) Minimum Pavement Width

(i) Minimum residential:	20 feet
(ii) Minimum non- residential:	28 feet

(iii) Minimum SIDEWALK pavement width: 5 feet

(iv) Minimum bike/Segway/golfcart path width: 5 feet

(c) Minimum Tangent Length at Intersections = 75 feet

(d) Maximum STREET angle at Intersections = 60 degrees

(e) Minimum centerline radius = 100 feet

(f) Minimum Tangent Length between reverse curves = 50 feet

(2) Dimensional Requirements

(a) SETBACKs

(i) Minimum SETBACKs from the edge of pavement and between STRUCTUREs shall be calculated by determining the average SETBACK front, REAR and side SETBACKs of those STRUCTUREs within five hundred (500) feet of the external property boundary.

(b) BUILDING HEIGHT

(i) To determine the residential BUILDING HEIGHT, the APPLICANT shall calculate the modal HEIGHT of all residential STRUCTUREs, on the STREET side, within five hundred (500) feet of the external property boundary.

(ii) The highest modal HEIGHT shall be the maximum HEIGHT and the lowest modal HEIGHT shall be the minimum HEIGHT.

(iii) For mixed use BUILDINGs, the HEIGHT shall be a maximum of forty-five (45) feet.

(3) Parking

(a) All DWELLING UNITs shall require two (2) independently accessible PARKING SPACEs per unit, except where multimodal transportation resources are provided. Non-residential uses shall comply with parking requirements defined by the zoning ordinance.

(b) Visitor parking shall be provided for each residential unit. The total residential spaces shall be calculated and an additional five percent (5%) of spaces shall be provided for visitors.

(c) Where mixed uses will be contained within a STRUCTURE, parking shall be shared between the residential and non-residential uses.

170-20 Central Business District Regulations. [Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 10-10.27-13; Amended on 06-22-2016 by Ord. No. 2016.06.08-010; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]

A. Purpose and Intent

(1) The City of Dover Central Business District (CBD) follows the premises of context sensitive zoning. This context sensitive zoning is intended to foster a vital downtown both for itself and for its adjacent NEIGHBORHOODs and major roadways leading into the downtown through a lively mix of uses—with SHOPFRONTs, SIDEWALK cafes, and other commercial uses at STREET level, overlooked by canopy shade trees, upper story residences and OFFICEs.

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(2) Redevelopment within the CBD shall be regulated by these context sensitive zoning regulations, in order to achieve the City's vision set forth in the 2007 update to the Land Use Chapter of the Master Plan, adopted by the PLANNING BOARD on November 13, 2007.

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(3) These context sensitive zoning regulations were originally developed through a citizen-based discussion process regarding the design for the improvement of all properties in the CBD. To allow further refinement consistent with individual areas, the district has been divided into sub-districts, with special requirements for each sub-district to allow for context sensitive development along roadways and NEIGHBORHOODs alike. In 2012-2013, using a similar citizen-based process, these context sensitive zoning regulations were extended to the major roadways that lead into downtown, identified as the Downtown Gateway Sub-district.

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(4) All of the areas within the CBD share a common goal of increased emphasis on the form and placement of STRUCTUREs, and a decreased emphasis on the function(s) contained within them. As such this Article sets careful and clear controls on BUILDING form—with broader parameters on BUILDING use—so as to shape clear, attractive PUBLIC SPACEs (good STREETs, NEIGHBORHOODs and parks) with a healthy mix of uses. With proper urban form, a greater integration of BUILDING uses is natural and comfortable.

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(5) Wherever there appears to be a conflict between the form based code and other sections of the Zoning Ordinance (as applied to a particular development), the requirements specifically set forth in this section shall prevail. For development standards not covered herein, the other applicable sections in the City of Dover Code shall be used as the requirement.

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B. Conditional Use Permit

(1) Conditional use approval for relief from the standards herein may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

(a) That both public and private BUILDINGs and landscaping shall contribute to the physical definition of RIGHTs OF WAY as CIVIC SPACEs.

(b) That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.

(c) That the design of STREETs and BUILDINGs shall reinforce safe environments, but not at the expense of accessibility.

(d) That architecture and landscape design shall grow from local climate, topography, history, and BUILDING practice.

(e) That BUILDINGs shall provide their inhabitants with a clear sense of geography and climate through energy efficient methods.

(f) That CIVIC BUILDINGs and public gathering places shall be provided as locations that reinforce community identity and activity.

(g) That CIVIC BUILDINGs shall be distinctive and appropriate to a role more important than the other BUILDINGs that constitute the fabric of the city.

(h) That the preservation and renewal of historic BUILDINGs shall be facilitated.

(i) That the harmonious and orderly evolution of urban areas shall be advanced by the proposed BUILDING and/or use.

(2) Conditional use approval for relief from the use standards herein may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

(a) The requested use shall be compatible with abutting uses and the surrounding NEIGHBORHOOD.

(b) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

(c) The requested use will not result in objectionable noise or odor which would constitute a NUISANCE.

(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.

C. Sub-districts

(1) The REGULATING PLAN for the CBD shall locate the boundaries for the following sub-districts:

(a) General

(b) Mixed Use

(c) Residential

(d) Transit Oriented Development (TOD)

(e) Downtown Gateway

D. Standards and regulations

(1) The standards for use and dimensions to be utilized within the CBD are shown on the tables at the end of the section. Included in each table are the following areas:

(a) District Purpose

(b) LOT Occupation Regulations

(c) Diagram of BUILDING HEIGHT

(d) Diagram of BUILD TO LINEs

(e) Special Regulations

(f) Permitted Uses

(2) Through the issuance of a conditional use permit, BUILDING HEIGHT may be increased by one (1) story, which shall be setback from the allowed height to create a terrace, for either:

(a) Each subgrade story of parking provided on the site; or.

(b) Additional units resulting from this CUP are restricted so that the rent of said units conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority.

(3) General Guiding Principles for BUILDING Placement

(a) The goal of the BUILDING HEIGHT and BUILD TO LINE standards is the creation of a healthy and vital public realm through good STREET space.

(b) BUILDINGs are aligned and close to the STREET.

(c) The STREET is a coherent space, with consistent BUILDING forms on both sides of the STREET, creating a clear PUBLIC SPACE and community identity.

(d) BUILDINGs oversee the STREET (and SQUARE) with active fronts contributing to a vital and safe PUBLIC SPACE.

(e) Property lines are physically defined by BUILDINGs or STREET WALLs.

(f) BUILDINGs are designed for an urban feel and situation. Views are directed to the STREET and the garden/courtyard, not toward the neighbors. However within the STREET wall alcoves or small courtyards are permitted to allow for seating and public access

(g) Vehicle storage, garbage and mechanical equipment are kept away from the STREET.

(h) Within the General, Mixed Use, and TOD sub-districts, new retail and commercial activities are located on the GROUND FLOOR. Residential activity is not permitted, except as follows:

1. Where a BUILDING does not front directly onto a STREET or municipal parking lot, residential activity may be located on the GROUND FLOOR.

2. If retail and commercial activities are located on the GROUND FLOOR of BUILDINGs not fronting directly onto a STREET or municipal parking lot, the HEIGHT of the BUILDING may be increased by one (1) story.

    i. Any additional stories shall be setback to create a terrace, and approved via a Conditional Use Permit.

(i) In the Downtown Gateway residential may be located on the GROUND FLOOR, however new retail and commercial activities are encouraged to be developed.

(j) Parking (not including on-street parking) should be away from the STREETs and shared by multiple owners/users.

(k) Historic character should be preserved and enhanced by context sensitive construction.

E. STREETSCAPE

(1) Sites within the CBD shall be developed so that BUILDINGs are placed at or near the RIGHT OF WAY, along the outer edge of their sites and so as to ensure the unity of those RIGHT OF WAYs. Furthermore, these standards establish an environment that encourages and facilitates pedestrian activity. The *Dover Streetscape Standards* will serve as a reference document for many of the elements below.

(2) General Principles and Intent

(a) The STREETSCAPE

(i) The STREET and BUILDING façade receives more attention than the rest of the BUILDING.

(ii) STREETSCAPE elements, such as pavers, benches and waste-bins must be consistent within a project and adjacent properties where these elements are present.

(iii) PUBLIC ART is encouraged.

a. PUBLIC ART shall be reviewed and endorsed by the Dover Arts Commission

b. PUBLIC ART is a part of our public history and heritage, part of our evolving culture, reflects and reveals our society and adds

meaning to our cities. PUBLIC ART should create a chronicle of our public experiences through a variety of genres and media.

(b) FRONTS AND REARS

(i) BUILDING facades are the public "face" of every BUILDING. Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their BUILDINGs.

(ii) The private, REAR portions of the LOTs allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-private (for apartment and condominium BUILDINGs) OPEN SPACE.

(c) OFF STREET PARKING

(i) Parking provided for a project shall be screened from the STREET. The design of the screen shall be subject to PLANNING BOARD approval and shall use materials that are compatible with the surrounding character of the NEIGHBORHOOD and contribute to an attractive STREETSCAPE.

(ii) Parking shall be considered accessory and shall not be the principal use of a LOT.

(3) Minimum Standards

In addition to any regulations set forth in the CBD sub-district tables and the *Dover Streetscape Standards*, development shall follow the regulations outlined below.

Subsections (a), (b), and (c) shall only apply to new construction and/or renovations that will result in a 50% or more increase in the value of the property, as determined by a licensed New Hampshire appraiser.

(a) STREET TREES/Landscaping

(i) Each STREET shall have canopy shade trees (STREET TREES). STREET TREES shall be planted at an average spacing not greater than twenty-five (25) to thirty (30) feet on center (measured per BLOCK FACE). The planting area’s minimum dimension shall be not less than five (5) feet. At planting, trees shall be two and a half

(2.5) to three (3) inches in diameter (four (4) feet above grade) and shall meet the *American Nursery Standards* for HEIGHT. The tree species used shall be selected from the City of Dover's approved list of STREET TREES.

(ii) Unpaved ground area along the frontage shall be planted with appropriate groundcover or shrubs, no bare ground or mulch-only areas permitted. Low Impact Development techniques such as rain gardens, bioretention areas, tree boxes and other green infrastructure techniques shall be incorporated into these landscaped areas and maintained to ensure five foot (5') wide walkway.

(b) SIDEWALKs

(i) SIDEWALKs shall be made of brick or concrete and shall be a minimum of five (5) feet wide, but ideally eight (8) feet wide.

(ii) Existing surrounding sidewalk materials shall be reviewed in determining material used.

(c) STREET FURNITURE

(i) Benches - Benches will have backs and arm rests and accessible. See sub-district tables for spacing requirements. Benches shall be oriented to encourage social interaction, and be designed to enhance the site, not detract from it.

a. Benches may be exchanged for street furniture (eg chess/checker tables) where space allows.

(ii) Waste Bins - At a minimum, one (1) waste bin will be provided at each BLOCK CORNER.

(iii) Bike Racks – At a minimum, one (1) bike rack shall be required per non-residential project or residential projects with five (5) or more units.

(iv) PUBLIC ART should be integrated into the design and placement of STREET FURNITURE

(d) Lighting

(i) Materials and equipment chosen for lighting fixtures should be durable, energy efficient, and weather well. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration.

However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution.

(iii) At the front of the BUILDING, exterior lights shall be mounted between six (6) feet and fourteen (14) feet above the adjacent grade.

(iii) Floodlights or directional lights may be used to illuminate parking garages and working (maintenance) areas but must be shielded or aimed in such a way that they do not shine into other LOTs, or the STREET. Floodlighting shall not be used to illuminate BUILDING walls (i.e. no up-lighting), except in the TOD sub-district.

(v) Site lighting shall be of a design and HEIGHT so as to illuminate only the LOT.

(v) No flashing, traveling, animated, or intermittent lighting shall be visible from the STREET on the exterior of any BUILDING, whether such lighting is of temporary or long-term duration.

(e) Mechanical Equipment

(i) The following shall not be stored or located within any STREET, and be screened from view from the STREET: Air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and the like may not be stored or located within any area considered a FRONT YARD under this Code.

(ii) Roof mounted equipment shall be screened from view from the STREET.

F. Architectural Standards

The following standards including those noted on sub-district sheets and may be utilized by the APPLICANT.

(1) General Principles and Intent

(a) Tradition

(i) These standards favor BUILDINGs that are traditional in design in a broad sense. They specify an architectural language of load-bearing walls and regional materials that help define BUILDING base and cornice. These standards encourage details, such as

column and pier spacing, window proportions, entry level, roof or cornice configurations, storefronts, and overhangs.

(ii) The intent behind these standards is to reinforce the existing character and historic nature of Dover's central business district. However, modern BUILDINGs that are sensitive to that character and their adjacent context may be permitted as well

(iii) All BUILDING materials to be used shall express their specific properties. For example, stronger and heavier materials (masonry) support lighter materials (wood).

(b) Energy Efficiency and Environmental Conservation

~~(i)~~ LEED (Leadership in Energy and Environmental Design) standards, or an equivalent standard (or such others as may succeed them), are encouraged to be incorporated into the BUILDING design.

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(c) PUBLIC SPACE

~~(i)~~ Many of these standards apply only in conditions that enhance and define the PUBLIC SPACE. These controls concentrate on the PUBLIC SPACE/views from the PUBLIC SPACE and minimize interference in the private realm.

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(2) BUILDING Walls (Exterior)

(a) BUILDING walls should reflect and complement the traditional materials and techniques of Dover's architecture. They should express the construction techniques and structural constraints of traditional, long-lasting, BUILDING materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in BUILDING form and the articulation of details. All BUILDING materials to be used shall express their specific properties. For example, heavier more permanent materials (masonry) support lighter materials (wood) yet architectural detail shall be present throughout the building face horizontally and/or vertically rather than just on the first twenty feet (20') from the ground.

(b) BUILDING materials shall be context sensitive and shall reflect a consistency to be found within the sub-district.

(i) Brick, stone or masonry BUILDING materials are expected for exterior walls.

(3) Roofs and PARAPETs

(a) Roofs and PARAPETs should demonstrate a commonsense recognition of the climate by utilizing appropriate pitch, drainage, and materials.

(b) BUILDINGs without visible roof surfaces and overhanging eaves may have a cornice projecting horizontally between six (6) and twelve (12) inches beyond the BUILDING walls. For BUILDINGs three stories or taller, the cornice projection shall increase an additional six (6) and twelve (12) inches per STORY.

(c) Skylights and roof vents are permitted only on the roof plane opposite the primary STREET or when shielded from the STREET view by the BUILDING's PARAPET wall. If a glass roof form is a primary design feature of a building it shall be considered in regard to the architectural design guidelines as part of the building elevations rather than a skylight.

(d) Overly elaborate, "postmodern" and/or "high-tech" designs are discouraged, where in conflict with existing architecture. However, ornamentation which contributes to the character of the BUILIDNG is encouraged. BUILDING designs need to reflect the adjacent massing. Ornamentation should be consistent with that used in the NEIGHBORHOOD of BUILDINGs to reinforce the fabric and richness of the community.

(e) Green roof technologies are encouraged in all districts. Use of this technology to cover thirty percent (30%) of the roof is required on commercial and mixed-use structures over 25,000 square feet in the CBD. Vegetative cover should be considered for flat roofed STRUCTUREs. Roofs that contain gardens or plants must be maintained per the approved maintenance agreement.

(f) Solar panels are desirable citywide.

i. In the CBD all buildings must be solar ready.

ii. Commercial and mixed-use buildings that are 25,000 sq ft or more must incorporate solar panels.

iii. Solar panels must be presented in an aesthetically pleasing pattern.

(g)

(4) STREET WALLS

(a) STREET WALLS establish a clear edge to the STREET in locations where the BUILDINGs do not. The CBD requirements include masonry walls that define outdoor spaces and separate the STREET from the private realm (parking LOTs, trash cans, gardens, and equipment). All STREET WALL façades shall be as carefully designed as the BUILDING façade, with the finished side out, i.e. the "better" side facing the STREET.

(5) Windows and Doors

(a) Windows should be divided by multiple, vertical panes of glass. This helps the window "hold" the surface of the façade, rather than appearing like a "hole" in the wall (an effect produced by a large single, horizontal sheet of glass).

(b) PRINCIPAL BUILDING entrances shall be clearly visible from the primary front STREET and create a safe and inviting space.

G. Incentives for Architectural Standards

(1) Any plan that demonstrates reasonable use of the optional architectural standards defined in Section F, may apply for the following incentive:

(a) Fast track review

The ~~Planning Director~~Director of Planning and Community Development shall give preference to projects in setting the PLANNING BOARD agendas and in other review processes.

(2) Reasonable use shall be considered demonstration of at least six (6) of the criteria or items mentioned under Section F. These criteria/items will be listed on a waiver application form.

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 two thousand 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.

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

170-21. SMALL WIND ENERGY SYSTEM. [Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]

A. Authority/Purpose:

This SMALL WIND ENERGY SYSTEMs ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate SMALL WIND ENERGY SYSTEMs in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for SMALL WIND ENERGY SYSTEMs to ensure compliance with the provisions of the requirements and standards established herein.

B. Procedure for Review:

(1) Building Permit: SMALL WIND ENERGY SYSTEMs and met TOWERs are an ACCESSORY USE permitted in all zoning districts where STRUCTUREs of any sort are allowed. No SMALL WIND ENERGY SYSTEM shall be erected, constructed, or installed without first receiving a BUILDING permit from the Building Inspector. A BUILDING permit shall be required for any physical MODIFICATION to an existing SMALL WIND ENERGY SYSTEM. Met TOWERs that receive a BUILDING permit shall be permitted on a temporary basis not to exceed three (3) years from the date the BUILDING permit was issued.

(2) Application: Applications submitted to the Building Inspector shall contain a site plan with the following information:

(a) Property lines and physical dimensions of the APPLICANT's property.

(b) Location, dimensions, and types of existing major STRUCTUREs on the property.

(c) Location of the proposed SMALL WIND ENERGY SYSTEM, foundations, guy anchors and associated equipment.

(d) TOWER foundation blueprints or drawings.

(e) TOWER blueprints or drawings.

(f) SETBACK requirements as outlined in this ordinance.

(g) The RIGHT-OF-WAY of any public road that is CONTIGUOUS with the property.

(h) Any overhead utility lines.

(i) SMALL WIND ENERGY SYSTEM specifications, including manufacturer, model, rotor diameter, TOWER HEIGHT, TOWER type, nameplate generation capacity.

(j) SMALL WIND ENERGY SYSTEMs that will be connected to the POWER GRID shall include a copy of the application for interconnection with their electric utility provider.

(k) Sound level analysis prepared by the WIND GENERATOR manufacturer or qualified engineer.

(l) Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.

(m) Evidence of compliance or non-applicability with Federal Aviation Administration requirements.

(n) List of ABUTTERs to the APPLICANT's property.

(3) ABUTTER and Regional Notification: In accordance with RSA 674:66, the Building Inspector shall notify all ABUTTERs and the local governing body by ~~certified mail~~Verified Mail upon application for a BUILDING permit to construct a SMALL WIND ENERGY SYSTEM. The public will be afforded 30 days to submit comments to the Building Inspector prior to the issuance of the BUILDING permit. The Building Inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Building Inspector shall follow the procedures set forth in RSA 36:57, IV.

C. Standards:

(1) The Building Inspector shall evaluate the application for compliance with the following standards;

(a) SETBACK: The SETBACK shall be calculated by multiplying the minimum SETBACK requirement number by the SYSTEM HEIGHT and measured from the center of the TOWER base to property line, public roads, or nearest point on the foundation of an occupied BUILDING.

Minimum SETBACK Requirements			
Occupied BUILDINGs on Participating Landowner Property	Occupied BUILDINGs on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

(i) SMALL WIND ENERGY SYSTEMs must meet all SETBACKs for principal STRUCTUREs for the zoning district in which the system is located.

(ii) Guy wires used to support the TOWER are exempt from the SMALL WIND ENERGY SYSTEM SETBACK requirements.

(b) TOWER: The maximum TOWER HEIGHT shall be restricted to thirty five (35) feet above the tree canopy within three hundred (300) feet of the SMALL WIND ENERGY SYSTEM. In no situation shall the TOWER HEIGHT exceed one hundred fifty (150) feet.

(c) Sound Level: The SMALL WIND ENERGY SYSTEM shall not exceed sixty (60) decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

(d) SHADOW FLICKER: SMALL WIND ENERGY SYSTEMs shall be sited in a manner that does not result in significant SHADOW FLICKER impacts. Significant SHADOW FLICKER is defined as more than thirty (30) hours per year on abutting occupied BUILDINGs. The APPLICANT has the burden of proving that the SHADOW FLICKER will not have significant adverse

impact on neighboring or adjacent uses. Potential SHADOW FLICKER will be addressed either through siting or mitigation measures.

(e) SIGNs: All SIGNs including flags streamers and decorative items, both temporary and permanent, are prohibited on the SMALL WIND ENERGY SYSTEM, except for manufacturer identification or appropriate warning SIGNs.

(f) Code Compliance: The SMALL WIND ENERGY SYSTEM shall comply with all applicable sections of the New Hampshire State BUILDING Code.

(g) Aviation: The SMALL WIND ENERGY SYSTEM shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.

(h) Visual Impacts: It is inherent that SMALL WIND ENERGY SYSTEMs may pose some visual impacts due to the TOWER HEIGHT needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.

(i) The APPLICANT shall demonstrate through project site planning and proposed mitigation that the SMALL WIND ENERGY SYSTEM's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, WIND GENERATOR design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.

(ii) The color of the SMALL WIND ENERGY SYSTEM shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

(iii) A SMALL WIND ENERGY SYSTEM shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the APPLICANT shall provide a copy of the FAA determination to establish the required markings and/or lights for the SMALL WIND ENERGY SYSTEM.

(i) Approved WIND GENERATORS: The manufacturer and model of the WIND GENERATOR to be used in the proposed SMALL WIND ENERGY

SYSTEM must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.

(j) Utility Connection: If the proposed SMALL WIND ENERGY SYSTEM is to be connected to the POWER GRID through NET METERING, it shall adhere to RSA 362-A:9.

(k) Access: The TOWER shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum HEIGHT of eight (8) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(l) Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the SMALL WIND ENERGY SYSTEM and as otherwise prescribed by applicable laws, regulations, and ordinances.

D. Abandonment:

(1) At such time that a MALL WIND ENERGY SYSTEM is scheduled to be abandoned or discontinued, the APPLICANT will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

(2) Upon abandonment or discontinuation of use, the owner shall physically remove the SMALL WIND ENERGY SYSTEM within ninety (90) days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Inspector. "Physically remove" shall include, but not be limited to:

(a) Removal of the WIND GENERATOR and TOWER and related above-grade STRUCTUREs.

(b) Restoration of the location of the SMALL WIND ENERGY SYSTEM to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

(3) In the event that an APPLICANT fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous twelve (12) month period. After the twelve (12) months of inoperability, the Building Inspector may issue a Notice of Abandonment to the owner of the SMALL WIND ENERGY SYSTEM. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from

Notice receipt date. After review of the information provided by the owner, the Building Inspector shall determine if the SMALL WIND ENERGY SYSTEM has been abandoned. If it is determined that the SMALL WIND ENERGY SYSTEM has not been abandoned, the Building Inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

(4) If the owner fails to respond to the Notice of Abandonment or if, after review by the Building Inspector, it is determined that the SMALL WIND ENERGY SYSTEM has been abandoned or discontinued, the owner of the SMALL WIND ENERGY SYSTEM shall remove the WIND GENERATOR and TOWER at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the SMALL WIND ENERGY SYSTEM after the Notice of Abandonment procedure, the Building Inspector may pursue legal action to have the SMALL WIND ENERGY SYSTEM removed at the owner's expense.

E. Violation:

It is unlawful for any person to construct, install, or operate a SMALL WIND ENERGY SYSTEM that is not in compliance with this ordinance. SMALL WIND ENERGY SYSTEMs installed prior to the adoption of this ordinance are exempt from this ordinance except when MODIFICATIONs are proposed to the SMALL WIND ENERGY SYSTEM.

F. Penalties:

Any person who fails to comply with any provision of this ordinance or a BUILDING permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by RSA 676:17.

170-22. Telecommunication Facilities. **[Amended on 03-18-98 by Ord. No. 02-98; Amended on 10-20-99 by Ord. No. 13-99; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]**

A. Authority. By the authority granted under RSA 674:16 and 674:21 and procedurally under the guidance of 675:1, II, this section creates an ordinance establishing a telecommunications program and amending the zoning code to add regulations pertaining to wireless communications facilities.

B. Purpose and Intent. This ordinance is enacted in order to establish general guidelines for the siting of telecommunication TOWERs and ANTENNAs and to enhance and fulfill the following goals:

(1) Preserve the authority of the City to regulate and to provide for reasonable opportunities for the siting of TELECOMMUNICATIONS FACILITIES while

ensuring that telecommunications providers service remains effective and efficient.

(2) Reduce or eliminate adverse impacts such facilities may create. Adverse impacts may include, but are not limited to, impacts on aesthetics, impacts on environmentally sensitive areas, impacts to historically significant locations, impacts on flight corridors, reduction in property values, and health and safety concerns.

(3) Provide for co-location and minimal impact siting options through an assessment of technology, current locational options, future location availability, innovative siting techniques, and siting possibilities beyond the geographic boundaries of the City.

(4) Permit the construction of new TOWERs only where all other reasonable alternatives have been exhausted, and to encourage the owners and users of TOWERs and ANTENNAs to configure them in a manner that minimizes visual impacts of said STRUCTUREs.

(5) Require ANTENNA co-location on existing TOWER STRUCTUREs through cooperation and agreements between providers.

(6) Provide for documentation of scheduling of recurring maintenance and safety inspections for all TELECOMMUNICATIONS FACILITIES and appurtenances.

(7) Provide for the demolition and removal of abandoned facilities. Provide a procedure for the City to remove abandoned TOWERs to provide for the health and safety of citizens.

(8) Provide for the removal or upgrade of technologically outmoded facilities.

C. Location. TELECOMMUNICATIONS FACILITIES shall be allowed in accordance with the following:

(1) On parcels situated in the City of Dover known as:

General Location	**Map-LOT Number**
Finch Lane	K-35A
Middle Road	M-57
Blackwater Road	A-29
	A-1
Parsons Lane	A-36
Venture Drive	D-7
	D-5A
Glen Hill Road	C-2012

	C-7
	C-8
	C-20
	C-19
	C-22
Tolend Road	C-27
French Cross Road	F-14

(2) In other areas within the City of Dover only as a co-location on existing TOWERs, ANTENNAs, and ALTERNATIVE TOWER STRUCTUREs.

D. TELECOMMUNICATIONS FACILITIES Procedural Requirements.

(1) Location or replacement of TELECOMMUNICATIONS FACILITIES on existing TOWERs, ANTENNAs or ALTERNATIVE TOWER STRUCTUREs.

(a) The location or replacement of TELECOMMUNICATIONS FACILITIES on existing TOWERs, ANTENNAs or ALTERNATIVE TOWER STRUCTUREs may be approved by the ~~Planning Department~~Planning and Community Development Department provided the following information is submitted in an application:

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~~(a)~~(1) A scaled plan detailing exact size and location of the telecommunication devise including a scaled elevation view.

~~(b)~~(2) Submission of proof that the telecommunication device is needed to service City of Dover residents.

~~(c)~~(3) Proof that the device meets all other technical requirements of this ordinance.

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(b) Any application denied by the ~~Planning Department~~Planning and Community Development Department may be appealed to the PLANNING BOARD.

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(2) Proposed construction of New TELECOMMUNICATIONS FACILITIES.

An application for construction of any new TELECOMMUNICATIONS FACILITIES shall be approved by the PLANNING BOARD. Public hearing requirements as outlined in the Site Review Regulations shall apply. The following application requirements shall be provided:

(a) A scaled plan in accordance with Site Review Regulations shall be submitted including the following additional information; a scaled elevation view, topography, radio frequency coverage, TOWER HEIGHT requirements, SETBACKs, drives, parking, fencing, landscaping, adjacent land uses (up to two hundred (200) feet away), and any other information deemed necessary by the ~~Planning Director~~Director of Planning and Community Development.

(b) Written proof that the proposed use/facility complies with FCC regulations on radio frequency (RFD) exposure guidelines, and FAA regulations on TOWER lighting requirements.

(c) The APPLICANT shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEAP) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an Environmental Impact Statement (IS) is required under the FCC rules and NEAP, submission of the EA or IS to the PLANNING BOARD prior to the beginning of the federal thirty (30) day comment period, and the City's site review process, shall become part of the application requirements.

(d) Each APPLICANT for an ANTENNA and/or TOWER shall provide to the PLANNING BOARD an inventory of its existing TOWERs that are within the jurisdiction of the City and those within two (2) miles of the border thereof, including specific information about the location, HEIGHT, design of each TOWER, as well as economic and technological feasibility for co-location on the inventoried TOWERs. The PLANNING BOARD may share such information with other APPLICANTs applying for approvals or special exception permits under this ordinance or other organizations seeking to locate ANTENNAs within the jurisdiction of the governing authority, provided, however that the PLANNING BOARD is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

The APPLICANT shall submit written evidence demonstrating that no existing STRUCTURE can accommodate the APPLICANT's proposed ANTENNA. This evidence shall consist of one or more of the following:

(i) Adequate evidence that no existing TOWERs or STRUCTUREs are located within the geographic area required to meet the APPLICANT's engineering requirements, provided that a description of the geographic area required is also submitted.

(ii) Adequate evidence that existing TOWERs are not of sufficient HEIGHT to meet the APPLICANT's engineering requirements, and why.

(iii) Adequate evidence that the existing TOWERs or STRUCTUREs do not have sufficient structural strength to support APPLICANT's proposed ANTENNA and related equipment.

(iv) Adequate evidence that APPLICANT's proposed ANTENNA would cause electromagnetic interference with the ANTENNA on the existing TOWERs or STRUCTUREs, or the ANTENNA on the existing TOWERs or STRUCTUREs would cause interference with the APPLICANT's proposed ANTENNA.

(v) Adequate evidence that fees, costs, or contractual provisions required by the owner in order to share the existing TOWER or STRUCTURE are unreasonable. Costs exceeding new TOWER development are presumed to be unreasonable.

(vi) Adequate evidence that the APPLICANT can demonstrate other limiting factors that render existing TOWERs and STRUCTUREs unsuitable.

(e) The APPLICANT proposing to build a new TOWER shall submit an agreement with the City that allows for the maximum allowance of co-location upon the new STRUCTURE. Such statement shall become a Condition to any Approval. This statement shall, at a minimum, require the APPLICANT to supply available co-location for reasonable fees and costs to other telecommunication providers. All agreements shall outline a procedure requiring all disputes on terms and conditions of co-location be submitted to a recognized commercial arbitration board for their review. The arbitration board's decision shall become final and binding. Failure to provide such an agreement is evidence of the APPLICANT's unwillingness to cooperate with the orderly and well-planned development of the (City), and grounds for a Denial.

(f) The APPLICANT shall submit the engineering information detailing the size and coverage required for the facility location. The PLANNING BOARD may have this information reviewed by a consultant for verification of any claims made by the APPLICANT regarding technological limitations and feasibility for Alternative locations. Cost for this review shall be borne by the APPLICANT in accordance with RSA 676:4(g).

(g) Each APPLICANT for a TOWER, monopole, or Alternative STRUCTURE shall submit a design certified by a competent engineer that the STRUCTURE has been engineered to accommodate the maximum number and type of all compatible telecommunication media ANTENNAE, but in no event shall the APPLICANT provide fewer than three additional co-locations from three additional providers. This provision may be modified based on visual or aesthetic impacts.

E. Performance Standards.

The uses listed in this section are deemed to be permitted uses, and at the discretion of the PLANNING BOARD, may require further review under this Chapter in accordance with Chapter 149, Site Review Regulations, and all other applicable ordinances and regulations of the City of Dover.

(1) Principal or Secondary Use.

~~(1)~~(a) Subject to this ordinance, an APPLICANT who obtains site review approval to site under this ordinance as a secondary and permitted use, may construct TELECOMMUNICATIONS FACILITIES in addition to the existing principal use. ANTENNAs and TOWERs may be considered either principal or secondary uses. A different existing use or an existing STRUCTURE shall not preclude the installation of an ANTENNA or TOWER on such LOT.

(b) For purposes of determining whether siting of an ANTENNA or TOWER complies with zoning district development regulations, including, but not limited to area, SETBACK, LOT COVERAGE, FRONTAGE, and other dimensional requirements, the dimensions of the entire LOT shall control, even though the ANTENNAs or TOWERs may be located on leased parcels within such LOTs. TOWERs that are constructed, and ANTENNAs that are installed in accordance with the provisions of this ordinance, shall not be deemed the expansion of a non-conforming use or STRUCTURE. Further, said facilities shall not be considered an ACCESSORY USE.

(2) HEIGHT Requirements.

~~•~~(a) New TOWER Construction – one hundred eighty (180) feet maximum.

~~•~~(b) Co-location on Existing TOWER and ANTENNAs – current HEIGHT plus fifteen percent (15%) (not to exceed two hundred (200) feet)

~~•~~(c) Co-location on ALTERNATIVE TOWER STRUCTUREs – current HEIGHT plus twelve (12) feet

(d) The HEIGHT requirements and limitations outlined above shall preempt all other HEIGHT regulations as required by the City of Dover Zoning Ordinance, and shall apply only to TELECOMMUNICATIONS FACILITIES. A Conditional Use Permit may be granted by the PLANNING BOARD to waive the HEIGHT limitations only if the intent of this Chapter is preserved (e.g. when it can be shown that there would be no increase in adverse impact) and the increased HEIGHT would provide a greater opportunity for co-location provided that:

~~(a)~~(1) The granting of the permit will not be detrimental to the public safety, health or welfare or injurious to other property, and will promote the public interest.

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~~(b)~~(2) A written narrative identifying a particular hardship or special circumstance that warrants granting the permit. Factors to be considered, but not limited to, in determining a hardship or special circumstance shall include:

~~(i)~~(a) topography and other site features

~~(ii)~~(b) availability of Alternative site locations

~~(iii)~~(c) property location as relates to required coverage area

~~(iv)~~(d) size/magnitude of project and availability of co-location

~~(c)~~(3) Necessary federal approvals and/or recommendations have been received.

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(3) SETBACKs and Separation. The following SETBACKs and separation requirements shall apply only to TELECOMMUNICATIONS FACILITIES, and shall supersede all other such standards found elsewhere in this Chapter or other applicable City Ordinances and Regulations.

(a) TOWERs shall be set back a distance equal to one hundred percent (100%) of the HEIGHT of the TOWER from any boundary line, or other principal use STRUCTURE located on the property the TOWER is sited upon. This provision may be waived by the PLANNING BOARD provided the intent of this Chapter remains intact.

(b) TOWER guys, and all other accessory facilities shall conform with the minimum SETBACK requirement of the zoning district in which said facilities and appurtenances are located.

(4) Security Fencing. TOWERs shall be enclosed by appropriate security fencing not less than six (6) feet in HEIGHT, and shall be equipped with an appropriate anti-climbing device.

(5) Landscaping.

(a) TOWERs shall be landscaped with a buffer of suitable vegetation that effectively screens the view of the TOWER compound from abutting residential property. The minimum standard buffer shall consist of a landscaped strip ten (10) feet wide outside the perimeter of the TOWER compound. Existing (natural) vegetation is preferred.

(b) The requirement for landscaped screening may be reduced or waived entirely by the PLANNING BOARD in locations where the visual impact of the TOWER compound to abutting residential uses is deemed to be minimal.

(c) Existing mature tree growth and natural land forms present on the site shall be preserved to the maximum extent possible. Natural growth on the site may be deemed a sufficient buffer on large, remote, wooded LOTs.

(6) Aesthetics and Lighting. The guidelines in this subsection shall govern the location of all TOWERs, and the installation of all ANTENNAs. However, the PLANNING BOARD may waive those requirements, via Conditional Use Permit, only if it determines that the goals of this Chapter are served thereby.

(a) TOWERs shall either maintain a galvanized steel finisher, subject to any applicable standards of the FAA, or be painted a neutral color, so as to reduce visual obtrusiveness.

(b) At a TOWER site, the design of BUILDINGs and related STRUCTUREs shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the TOWER facilities with the natural setting and previously developed environment. These BUILDINGs and facilities shall also be subject to all other Chapter 149 Site Review Regulations requirements.

(c) If an ANTENNA is installed on a STRUCTURE other than a TOWER, the ANTENNA and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting STRUCTURE so as to make the ANTENNA and related equipment as visually unobtrusive as possible.

(d) TOWERs shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

(e) TOWERs shall not contain any permanent or temporary SIGNS, writing, symbols, or any graphic representation of any kind.

(7) Federal Requirements. All TOWERs must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate TOWERs and ANTENNAs. If such standards and regulations are changed, then the owners of the TOWERs and ANTENNAs governed by this Chapter shall bring such TOWERs and ANTENNAs into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring TOWERs and ANTENNAs into compliance with such revised standards

and regulations shall constitute grounds for the removal, in accordance with this Chapter 170-22.I of the TOWER or ANTENNA, as abandoned, at the owner's expense through the execution of the posted security.

(8) BUILDING Codes – Safety Standards. To ensure the structural integrity of TOWERs and ANTENNAs, the owner of a TOWER shall ensure that it is maintained in compliance with standards contained in applicable local BUILDING codes and the applicable standards for TOWERs that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a TOWER fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the TOWER, the owner shall have thirty (30) days to bring such TOWER into compliance with such standards. If the owner fails to bring such TOWER into compliance within thirty (30) days, such action shall constitute an abandonment and grounds for the removal, in accordance with this Chapter 170-22.I of the TOWER or ANTENNA, as abandoned, at the owners expense through execution of the posted security.

(9) Certification of safety standards and continued need. The owner of a TOWER or ANTENNA shall provide an annual certification to the ~~Planning Department~~Planning and Community Development Department verifying compliance with BUILDING codes and safety standards. The certification shall also verify that the STRUCTURE is still needed for the operation of the owners' network. Said certification shall be submitted to the ~~Planning Department~~Planning and Community Development Department prior to December 31st of each year. Any owner who has failed to submit an annual certification shall be notified of the violation. A thirty (30) day extension for submission of a certification may be approved at the discretion of the ~~Planning Department~~Planning and Community Development Department. After notification of a violation by the ~~Planning Department~~Planning and Community Development Department subsequent failure to submit an annual certification shall constitute abandonment and be grounds for removal in accordance with 170-22.I).

F. Exemptions.

(1) City Use. ANTENNAS or TOWERs owned, performing City functions, or otherwise controlled by the City shall be exempt from the requirements of this TELECOMMUNICATIONS FACILITY Ordinance. This exemption shall only be available if a license or lease authorizing such ANTENNA or TOWER has been approved by the City Council, and the City Council elects, subject to RSA's, to seek said exemption.

(2) Amateur Radio. This section shall not govern any TOWER, or the installation of any ANTENNA that is owned and operated by a federally-licensed amateur radio station operator and the TOWER or ANTENNA is used for the exclusive purpose of amateur radio operations. This application adopts the provisions and limitations as referenced in RSA 674:16,IV.

(3) Citizen Band Radios. This section shall not govern the installation of any ANTENNA that is used for the exclusive purpose of facilitating the use of a Citizen Band Radio, except any TOWERs in this section shall be limited to seventy (70) feet in HEIGHT.

(4) Receive-Only ANTENNAs. This section shall not govern any TOWER, or the installation of any ANTENNA that is used exclusively for receive-only ANTENNAs, except any TOWERs in this section shall be limited to seventy (70) feet in HEIGHT.

(5) Essential Services and Public Utilities. Henceforth, from the date of adoption of this ordinance, TELECOMMUNICATIONS FACILITIES shall not be considered as infrastructure, essential services, or public utilities, as defined or used elsewhere in the City's ordinances and regulations.

Siting for TELECOMMUNICATIONS FACILITIES shall be considered a use of land, and is addressed by this ordinance.

G. Restrictions for Siting on Garrison Hill

Notwithstanding the provisions outlined in Subsection C, the siting of additional TOWERs, monopoles, or use of Alternative STRUCTUREs shall be prohibited on Garrison Hill in the City of Dover. Placement of new ANTENNAE media on the existing TOWERs on Garrison Hill shall be allowed only after obtaining a Conditional Use Permit from the PLANNING BOARD. However, the replacement and/or repair of existing ANTENNAE media on TOWERs on Garrison Hill is allowed by the Building Inspector, provided that there is no increase in the size or visual impact of the ANTENNAE. Performance standards to ensure that vistas, view sheds and view corridors are protected shall include the following elements:

(1) The APPLICANT has demonstrated that the appearance, form or shape, color, and size of any ANTENNA media to be attached to preexisting TOWERs or monopole STRUCTUREs is concealed or camouflaged or otherwise is harmonious with the immediately surrounding environment at Garrison Hill;

(2) Any equipment shelters supporting such additional ANTENNA shall be designed consistent with one of the following design standards:

(a) Equipment shelter shall be located in underground vaults; or

(b) Equipment shelter shall be designed consistent with Northern New England architectural styles and materials, with a roof pitch of at least ten and a half (10 1/2) and wood clapboard, red brick or shingle siding; or

(c) Equipment shelters shall be camouflaged behind an effective year round landscaped buffer, equal to the HEIGHT of the proposed BUILDING and/or wooden FENCE. PLANNING BOARD shall determine the style of fencing and/or landscaped buffer that is compatible with the NEIGHBORHOOD.

(3) Any ANTENNA located on an existing STRUCTURE shall be concealed, to the extent technologically and commercially practicable, behind existing architectural features to limit the visibility of the ANTENNA from public ways.

H. Bonding and Security and Insurance.

(1) Recognizing the extremely hazardous situation presented by abandoned and unmonitored TOWERs, the PLANNING BOARD shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the TOWER is abandoned and the TOWER owner is incapable and unwilling to remove the TOWER in accordance with Subsection I) below.

(2) Bonding and surety shall be consistent with the provisions in the Chapter 155, Subdivision of Land. Furthermore, the PLANNING BOARD shall require the submission of proof of adequate insurance covering accident or damage.

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I. Removal of Abandoned ANTENNAS and Towers.

Any ANTENNA or TOWER that is not operated for a continuous period of twelve (12) months, or is no longer needed for the operation of the network, shall be considered abandoned and hazardous to the public health and safety. The owner shall remove the abandoned STRUCTURE within ninety (90) days of receipt of a declaration of abandonment from Zoning Administrator notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing notice per City regulations, with notice to ABUTTERS and the last known owner/operator of the TOWER. If the abandoned TOWER is not removed within ninety (90) days, the City may execute the security and have the TOWER removed. If there are two or more users of a single TOWER, this provision shall not become effective until all users cease using the TOWER.

170-23. IMPACT FEE Ordinance. [Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 06-22-2016 by Ord. No. 2016.06.08-010; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]

A. Purpose: This ordinance is enacted pursuant to RSA 674:16 and 674:21, and in order to:

(1) Assist in the implementation of the Master Plan and Capital Improvements Program;

(2) Provide adequate public capital facilities necessitated by NEW DEVELOPMENT;

(3) Assess an equitable share of the cost of public capital facilities to NEW DEVELOPMENT.

B. Authority

(1) IMPACT FEEs may be assessed to NEW DEVELOPMENT to compensate the City of Dover and the School District for the proportional share of capital facilities generated by NEW DEVELOPMENT in the City of Dover. Any person who seeks approval for NEW DEVELOPMENT may be required to pay an IMPACT FEE in the manner set forth herein.

(2) The PLANNING BOARD may, as a condition of approval of any subdivision, site plan, or change of use, and when consistent with applicable Board regulations, require an APPLICANT to pay exaction for off-site improvements necessitated by the development.

(3) Nothing in this section shall be construed to limit the existing authority of the PLANNING BOARD to disapprove proposed development which is scattered or premature, or which would require an excessive expenditure of public funds, or which would otherwise violate applicable ordinances and regulations. Nothing in this section shall be construed to limit the PLANNING BOARD's authority to require off-site work to be performed by the APPLICANT, in lieu of paying an exaction for OFF-SITE IMPROVEMENTS, or the board's authority to impose other types of conditions of approval. Nothing in this section shall be construed to affect types of fees governed by other statutes, ordinances or regulations.

C. ASSESSMENT Methodology

(1) Proportionality: The amount of the IMPACT FEE shall be calculated by the PLANNING BOARD to be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. The PLANNING BOARD may prepare, adopt, or amend studies or reports that are consistent with the above standards, and which define a methodology for IMPACT FEE ASSESSMENT for public capital facilities and IMPACT FEE ASSESSMENT schedules therefore.

(2) Existing Deficiencies: Upgrading of existing facilities and STRUCTUREs, the need for which is not created by NEW DEVELOPMENT, shall not be paid for by IMPACT FEEs.

(3) In the case of NEW DEVELOPMENT created by conversion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee assessed for the new use as compared to the highest impact fee that was or would have been assessed for the previous use in existence on or after the effective date of this Ordinance.

D. Administration

(1) Accounting: In accord with RSA 673:16, II and RSA 674:21, V(c), IMPACT FEEs shall be accounted for separately, shall be segregated from the City's general fund, may be spent upon order of the City Council, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fee was collected to meet. In the event that bonds or similar debt instruments have been or will be issued by the City of Dover or the Dover School District for the funding of capital improvements that are the subject of IMPACT FEE ASSESSMENT, IMPACT FEEs from the appropriate related capital facility IMPACT FEE accounts may be applied to pay debt service on such bonds or similar debt instruments.

(2) ASSESSMENT and COLLECTION:

(a) Where subdivision or site plan approval is required for NEW DEVELOPMENT, IMPACT FEEs shall be assessed at the time of PLANNING BOARD approval of a subdivision PLAT or site plan. The amount of such ASSESSMENT shall be applicable to subsequent BUILDING construction within the approved subdivision or site plan for a period of four (4) years from the date of PLANNING BOARD approval. Once this four (4) year period has expired, remaining construction for which no BUILDING permit has been obtained shall be subject to the adopted fee schedule in force at the time the BUILDING permit application is made.

(b) With the exception of those PLATS and site plans meeting the conditions in A) above, and when no other PLANNING BOARD approval is required, or has been made prior to the adoption or amendment of the IMPACT FEE ordinance, IMPACT FEEs shall be assessed upon the issuance of a BUILDING permit. In such cases, the IMPACT FEE schedule in force at the time of the BUILDING permit application shall apply.

(c) IMPACT FEEs will be collected prior to or at the time of issuance of a Certificate of Occupancy, unless the PLANNING BOARD establishes an

alternate , mutually acceptable schedule of payment of IMPACT FEEs imposed on an ASSESSED PROPERTY. If an alternate schedule of payment is established, the PLANNING BOARD may require security, in the form of a cash bond, letter of credit, or performance bond so as to guarantee future payment of IMPACT FEEs. In no case will an IMPACT FEE payment be allowed to be made after the issuance of a CERTIFICATE OF OCCUPANCY.

(3) Security: In the interim between ASSESSMENT and COLLECTION, the Building Inspector may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed IMPACT FEEs.

(4) Refund of Fees Paid: The current owner of record of property for which an IMPACT FEE has been paid shall be entitled to a refund of that fee, plus accrued interest under the following circumstances:

(a) When either the full or partial portion of the IMPACT FEE, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six (6) years from the date of the full and final payment of the fee; or

(b) When the City of Dover, or in the case of school IMPACT FEEs, the Dover School District, has failed, within the period of six (6) years from the date of the full and final payment of such fee, to appropriate their proportionate non-IMPACT FEE share of related capital improvement costs.

E. Appeals

(1) A party aggrieved by a decision made by the Building Inspector regarding the ASSESSMENT or COLLECTION of IMPACT FEEs authorized by this Section may appeal such decision to the PLANNING BOARD.

(2) In accord with RSA 676:5, III, appeals of the decision of the PLANNING BOARD in administering this ordinance may be made to Superior Court, as provided in RSA 676:5, III and RSA 677:15.

F. Waivers

~~(1)~~ The PLANNING BOARD may grant full or partial waivers of IMPACT FEEs where the PLANNING BOARD finds that one (1) or more of the following criteria are met with respect to the particular public capital facilities for which IMPACT FEEs are normally assessed:

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~~(a)~~(1) The PLANNING BOARD may agree to waive all or part of an IMPACT FEE ASSESSMENT and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of IMPACT FEEs under this provision that would involve a contribution of real property or the construction of capital facilities; the PLANNING BOARD shall submit a copy of the waiver request to the City Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of IMPACT FEE ASSESSMENT. The APPLICANT shall pay all costs incurred by the City for the review of such proposal, including consultant and counsel fees.

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170-24. ACCESSORY DWELLING UNITS. [Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 06-22-2016 by Ord. No. 2016.06.08-010.]

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 three hundred (300) square feet and no greater than eight hundred (800) square feet. 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 STRUCURE, 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 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~~Department of Environmental Services, Water 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, as amended annually, for ACCESSORY DWELLING UNIT certificates of use and renewals.

ARTICLE V

FLOODPLAIN DEVELOPMENT

170-25. ~~FLOODPLAIN DEVELOPMENT~~General Provisions. **[Added on 08-12-2015 by Ord. No. 2015.07.22-017].**

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]**

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 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 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 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.

(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 K(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.

(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 PLANNING 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 Department~~Community Services Departments have historic or other data that confirms the property is prone to FLOODING, the Department of Planning and Community Development may request a Letter of Map Amendment (LOMA) from FEMA.

J. General Standards.

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

(1) Anchoring

(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)~~(1) 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;

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~~(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.

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~~(iii)~~(2) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

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~~(iv)~~(3) Any additions to the MANUFACTURED HOME shall be similarly anchored.

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(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 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.

(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;

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

(iii) Meet all standards of Subsection E.(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 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:

(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.

ARTICLE VIII

OVERRIDING DISTRICTS

170-26. Additional Regulations.

All overriding districts shall be superimposed upon other zoning districts established in this Chapter. The regulations stipulated by the overriding districts shall be in addition to the regulations of the underlying zoning districts and other applicable city ordinances.

170-27. Conservation District. **[Amended on 5-13-87 by Ord. No. 11-87; Amended on 9-14-88 by Ord. No. 15-88; Amended on 08-01-90 by Ord. No. 8-90; Amended on 02-17-99 by Ord. No. 25-98; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 06-22-2016 by Ord. No. 2016.06.08-010; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]**

A. Purpose. In the interest of environmental quality, public health, resource conservation and the general welfare of the public, the regulations of this district are designed to guide development activities in areas with extended periods of high water table, with susceptibility to flooding and with unique or fragile geologic, ecological or nature features as follows:

(1) To prevent the development of STRUCTUREs and land uses on naturally occurring wetlands and flood- prone areas which would contribute to pollution of surface and ground water by sewage or other contaminants.

(2) To prevent the destruction of natural wetlands or aquifer areas which provide flood protection, recharge of groundwater supply and augmentation of stream flow during dry periods.

(3) To prevent unnecessary or excessive expenses to the city to provide and maintain essential services and utilities which arise because of inharmonious use of wetlands and other environmentally sensitive areas.

(4) To encourage those uses that can be most appropriately and safely located in wetland and other environmentally sensitive areas.

(5) To preserve existing natural drainage systems and the vegetation and wildlife habitats therein.

(6) To preserve wetlands and other environmentally sensitive areas for other ecological reasons inter alia, those cited in RSA 483-B.

(7) To preserve and enhance those aesthetic values associated with waterways and the natural shoreline.

(8) To protect public health and safety by minimizing hazards, including soil erosion, storm water runoff, SLOPE instability risks, and environmental degradation associated with development on steep and/or unstable SLOPEs.

B. Location. The Conservation District is hereby determined to consist of the following:

(1) Those areas within a minimum of one hundred (100) feet of the reference line (as defined in RSA 483-B:4, XVII) of any water body, river, stream, swamp or marsh subject to tidal action and those areas within a minimum of one hundred (100) feet of the reference line (as defined in RSA 483-B:4, XVII) of any freshwater river or natural pond.

(2) Those areas within a minimum of fifty (50) feet of the reference line (as defined in RSA 483-B:4, XVII) of any stream, brook or other freshwater body.

(3) Those areas owned by and situated in the City of Dover and known as LOTs:

Map 28, LOT 32; Map D, LOT 1; Map C, LOTS 5, 7 and 12; Map H, LOTS 58 and 63; Map 40, LOTS 10A, 13, and 17; Map F, LOTS 14 and 42; Map A, LOT 29A-1; and Map 37, LOT 40.

(4) Those areas with SLOPEs in excess of twenty percent (20%), (e.g. four (4) feet vertical in twenty (20) foot horizontal distance) and totaling more than two thousand (2,000) square feet of CONTIGUOUS area.

C. Conditional Use Permits. Conditional Use Permits may be granted by the PLANNING BOARD for the following uses within the Conservation District:

(1) STREETs, roads and other access ways and utility rights-of-way, communications equipment, easements, including power lines and pipe lines, if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands or other environmentally sensitive areas, where it is physically impossible to locate such ways over land not so zoned. Economic advantage alone shall not be deemed a sufficient reason for such a routing.

(2) The undertaking of a use not otherwise permitted in the Conservation District, which may include the erection of a STRUCTURE, dredging, filling, draining or otherwise ALTERING the surface configuration of the land, provided that:

(a) The APPLICANT shall demonstrate that the proposed use is essential to the productive use of land not in the district; is located and constructed to minimize any detrimental impact of such use upon the surface waters or other environmentally sensitive areas, where it is physically impossible to locate

such use on land not in the district; and economic advantage alone shall not be deemed a sufficient reason for such proposed use.

(b) A soil erosion and sedimentation control plan is submitted and followed to verify the planned avoidance of sediment pollutant runoff to bodies of water. This plan will address the following (if applicable), but should not be limited to:

(i) stabilization of exposed soils and soil stockpiles;

(ii) protection of steep SLOPEs from erosion;

(iii) construction site waste management;

(iv) inspection and maintenance of runoff control measures (BMPs);

(v) minimization of land clearing;

(vi) stabilization of drainage ways;

(vii) installation of perimeter controls;

(viii) installation of sediment trapping devices; and

(ix) storm drain inlet protection.

(c) Necessary state and federal approvals have been applied for. Said permits shall be received prior to the issuance of the Conditional Use Permit by the ~~Planning Department~~Planning and Community Development Department.

(d) A written review by the Conservation Commission of the environmental effects of the proposed use upon the area in question has been submitted. The Commission's review shall address the following, but is not limited to:

(i) attempted avoidance of the impact;

(ii) minimization of the impact;

(iii) planned mitigation of the effects of the impact; and

(iv) efficacy of the soil erosion and sedimentation control plan.

D. Procedures for subdivision. No subdivision of land shall be permitted which would create a LOT or parcel or leave as a remainder a LOT or parcel which does not have, outside the Conservation District, an area equal to the minimum LOT size required for the underlying zoning district if unless such a LOT or parcel is to be permanently dedicated to OPEN SPACE or natural uses and is to be dedicated to a public or

private agency having as a purpose the holding of such land in a natural state in perpetuity. The lot area outside of the Conservation District may be non-contiguous.

E. Other provisions.

(1) Reference is hereby made to RSA 483-B, the Comprehensive Shoreland Protection Act which evidences a state concern over preservation of such lands. It is intended that the provisions of that statute shall apply and that in all cases the more restrictive law should apply.

(2) In all cases where the Conservation District is superimposed over another zoning district in the city, that district whose regulations are the more restrictive shall apply.

(3) The Conservation District adopted herein is hereby designated as OPEN SPACE under RSA 79-A, and all relevant provisions of RSA 79-A relating to current use ASSESSMENT of such property shall apply.

(4) The provisions of RSA 483-B:9,V(a) shall apply to the portions of the "Conservation District" as described in Subsections B (1) and B (2), that are within fifty (50) feet of the reference line (as defined in RSA 483-B:4, XVII) Limitations include restrictions on chemical and fertilizer use, preservation of rocks and stumps and their root systems, and restrictions on removal of ground cover, trees and saplings.

(5) The provisions of RSA 483-B:9,V(b) shall apply to the portion of the "Conservation District" as described in Subsection B (1), that is between fifty (50) and one hundred (100) feet of the reference line (as defined in RSA 483-B:4, XVII). Limitations include restrictions on the amount of vegetation that can be removed within the area.

(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), provided that:

(a) The LOT existed within the Conservation District, as recorded in the Strafford County Registry of Deeds, prior to the effective date of this subsection.

(b) The STRUCTURE cannot feasibly be constructed on a portion or portions of the LOT which are outside the one-hundred-foot (100) SETBACK of the Conservation District.

(7) Customary ACCESSORY STRUCTUREs shall be allowed within the Conservation District as described in Subsection B(1) but in no case closer than seventy- five (75) feet to the reference line (as defined in RSA 483-B:4, XVII).

(8) Projects which have been officially accepted by the PLANNING BOARD prior to the October 10, 1986, amendment posting date shall be exempt of all revisions herein.

(9) The PLANNING BOARD may assess the APPLICANT reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.

(10) The city shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

F. The provisions of the Conservation District adopted herein shall not be binding on Cochecho waterfront LOTs located in Urban Exemption Area, as approved by the NH Department of Environmental Services Commissioner on August 4, 2008, per File # 2008-2000372. (See map on file in the ~~Planning Department~~Planning and Community Development Department)

G. Boat Docks.

(1) A boat dock may be allowed on a residential LOT, provided that the following provisions are met:

~~(a)~~(1) The dock is for recreational and ACCESSORY USE only.
~~(b)~~(2) One (1) dock is allowed per LOT.
~~(c)~~(3) The beneficiary of an easement or right-of-way, recorded at the Strafford County Registry of Deeds prior to the October 10, 1986 amendment posting date for the purpose of providing water access to non-waterfront LOTs, shall be entitled to one (1) boat dock within the prescribed easement or right-of-way.
~~(d)~~(4) All applicable state and federal approvals have been received.
~~(e)~~(5) A dock may be provided a maximum space for two (2) slips. Joint use or private docks by adjoining waterfront residents, not to exceed two (2) slips per LOT, shall be encouraged when appropriate.

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170-27.1. Wetland Protection District. [Amended on 9-14-88 by Ord. No. 15-88; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15]

A. Authority. By the authority granted under RSA 674:16 and 17, this section is designed to protect the wetland areas and surface waters within the City of Dover

from certain activities, the impact of which results in the ALTERATIONS or destruction of wetland areas.

B. Purpose and intent. It is intended that this section shall:

(1) Prevent the development of STRUCTUREs and land uses on wetlands, which will contribute to pollution of surface and ground water by sewerage, toxic substances or sedimentation.

(2) Prevent the destruction of, or Significant changes to, wetlands which provide flood protection, recharge the groundwater supply and augment stream flow during dry periods and filtration of water flowing into ponds and streams.

(3) Protect unique and unusual natural areas and rare, threatened, and endangered species.

(4) Protect wildlife habitats, maintain ecological balances and enhance ecological values such as those cited in RSA 482-A:1.

(5) Protect potential water supplies and existing aquifers (water-bearing stratum) and aquifer recharge areas.

(6) Prevent unnecessary or excessive expense to the city for the purpose of providing and/or maintaining essential services and utilities, which might be required as a result of misuse or abuse of wetlands.

(7) Encourage those low-intensity uses that can be harmoniously, appropriately and safely located in wetlands.

(8) Preserve and enhance the aesthetic values associated with wetlands in the City of Dover.

(9) Avoid the high costs of constructing heavy STRUCTUREs and prevent damage to STRUCTUREs and abutting properties caused by inappropriate development in wetland areas.

C. District boundaries

(1) The Wetlands Protection District is hereby determined to be all areas of wetlands as defined by RSA 482-A:2, X and New Hampshire Administrative Rule ~~Wt 101.103~~Env-Wt 101.113, which states a "'Wetland' means an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence

of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and similar areas.

For the purpose of this section, the delineation of wetland protection district boundaries shall be consistent with NHDES Wetlands Bureau Rules Env-Wt. 301.01 or successor regulations

(2) "Hydrophytic (water-loving) vegetation" is defined as those plants identified in the "1986 Wetland Plant List Northeast Region" of the United States Fish and Wildlife Service. The more common names associated with these vegetative communities are "bogs," "swamps," "marshes," (saltwater and freshwater) and "tidal wetlands."

D. Procedural requirements.

(1) Presence of Wetland Protection District on site.

(a) Where field investigation indicate that a Wetland Protection District is present on a proposed development site, those wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, (January, 1987) or successor document. The hydric soils component of wetlands delineations shall be determined in accordance with the manual Field Indicators for Identifying Hydric Soils in New England (Version 2, July 1998, published by the New England Interstate Water Pollution Control Commission) or successor document. Pursuant to RSA 310-A:75 through 310-A: 87, a Certified Wetland Scientist shall conduct this delineation.

~~(i)~~ A Certified Wetland Scientist is defined as: "a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and prepare wetland maps; to classify wetlands; to prepare wetland function and value assessments; to design wetland mitigation; to implement wetland mitigation; to monitor wetlands functions and values; and to prepare associated reports, all in accordance with standards for identification of wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified by the board." (RSA 310-A:76) If necessary, a botanist shall be used in conjunction with the wetlands scientist to identify wetland vegetation where required. The botanist shall have equivalent and practical experience to that of the wetlands scientist.

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(b) Applications for a BUILDING permit, subdivision and site plan approval shall locate and depict on the survey/subdivision PLAT/site plan all Wetland Protection Districts on the subject parcel. Any APPLICANT seeking said approval(s) will be responsible for providing this information before the appropriate approval or permit can be granted.

(c) The entire length of the upland limit of the wetland shall be marked at regular intervals with pink and black striped construction tape prior to, and maintained for the full duration of, any construction-related activities. The APPLICANT may also be required to place and maintain wooden stakes and/or construction tape at appropriate intervals along the wetlands buffer boundary to provide sufficient visual evidence of the buffer boundary during construction, if development is proposed within twenty feet of the wetlands buffer. The APPLICANT may be required to affix some form of marker or tag acceptable to the City to permanently delineate the wetlands buffer boundary at appropriate intervals, as determined by the Conservation Commission and PLANNING BOARD, for the purpose of notifying future landowners of the presence of the wetlands buffer. The presence of wetlands on residential properties created as part of a major subdivision shall be documented in the parcel's deed.

(2) The ~~Planning Department~~Planning and Community Development Department shall notify the Conservation Commission of all projects and construction proposed in wetland districts for the purpose of allowing the Commission to make recommendations prior to approval. Consistent with RSA 482-A: 3I(d) and RSA 482-A:11 III, the Conservation Commission shall have up to 40 days to make recommendations relative to the wetlands impact application. The Conservation Commission, in acting on an application for a conditional use permit in the Wetlands Protection District, may attach conditions to its recommendations including but not limited to recommendations for more extensive buffers, additional plantings in areas to be re-vegetated, performance guarantees, impact mitigation measures, and a reduction in proposed impervious surfaces.

(3) In the event that the accuracy of the boundaries submitted by the APPLICANT is suspect, the PLANNING BOARD may call upon the services of a certified wetland scientist and/or botanist to reexamine said area and report the findings to the PLANNING BOARD for a boundary determination. The APPLICANT shall pay the cost of said services.

(4) The Building Inspector shall not issue a BUILDING permit for construction and the PLANNING BOARD shall not approve a site plan or subdivision PLAT

unless such construction activity or proposal conforms to the provisions of this Chapter.

(5) Standards established herein shall constitute the rules of overlay zones and shall be superimposed over other zoning districts or portions thereof. The provisions herein shall apply in addition to all other applicable ordinances and regulations. In the event of a conflict between any provision herein and any other regulation, the more-restrictive requirement shall control.

(6) The city shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

E. Permitted uses.

~~(1) Any use otherwise permitted by this Chapter, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under Section E (1) must first receive conditional use approval as provided for in Section F before any BUILDING permit or subdivision/site plan can be approved.~~

~~(a) Crossing of a Wetland Protection District as provided for in Section F(1).~~

~~(b) The construction or reconstruction of FENCES, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:~~

~~(i) Said STRUCTUREs are constructed on posts or pilings so as to permit unobstructed flow of water and are designed in compliance with the New Hampshire Wetlands Board Code of Administrative Rules (WT 400 and 600).~~

~~(ii) The natural contour of the wetland is preserved.~~

~~(iii) All other applicable provisions of the city's Zoning Ordinance have been met.~~

E.Permitted Uses. Any use otherwise permitted by this Chapter, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under Section E (1) must first receive conditional use approval as provided for in Section F before any BUILDING permit or subdivision/site plan can be approved.

(1) Crossing of a Wetland Protection District as provided for in Section F(1).

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(2) The construction or reconstruction of FENCES, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:

a. Said STRUCTUREs are constructed on posts or pilings so as to permit unobstructed flow of water and are designed in compliance with the New Hampshire Wetlands Board Code of Administrative Rules (WT 400 and 600).

b. The natural contour of the wetland is preserved.

c. All other applicable provisions of the city's Zoning Ordinance have been met.

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F. Conditional use approval.

(1) Conditional use approval may be granted by the PLANNING BOARD (RSA 674:21II) after proper public notice and public hearing, for construction within the Wetland Protection District or buffer. Said construction may include, but is not limited to a road or other accessway, utility right-of-way, communication lines, power lines and pipelines, STRUCTUREs, and parking LOTs provided that the proposed construction complies with the following standards:

(a) *Demonstration of Need:* The proposed construction is essential to the productive use of land or water outside the Wetlands Protection District.

(b) *Avoidance:* The potential impacts have been avoided to the maximum extent practicable. The APPLICANT will demonstrate by plan and example that the proposed construction represents the least impacting alternative.

(c) *Minimization:* Any unavoidable impacts have been minimized. No reasonable Alternative to the proposed construction exists which does not impact a wetland or which has less detrimental impact on a wetland. Design, construction and maintenance methods will be prepared by a registered engineer to minimize detrimental impacts to the wetlands and will include restoration of the site as nearly as possible to its original grade.

(d) *Mitigation:* If the APPLICANT is required by State rules to prepare a compensatory mitigation plan, the APPLICANT shall provide the Conservation Commission and PLANNING BOARD with one copy each of said plan for their review.

(e) Approval for the wetlands impact has been received from the NHDES Wetlands Bureau pursuant to Section G (3), below.

(2) The burden of proof that the conditions specified in Subsection F (1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the conditional use approval, except as herein provided.

(3) The conditional use approval shall apply only to the project specified at the time of approval and shall not be transferable to a different project.

(4) If deemed necessary by the PLANNING BOARD, prior to the granting of a conditional use approval, the APPLICANT shall agree to submit a performance security to ensure that all operations are carried out in accordance with an approved design. This security shall be submitted in an amount sufficient to complete all specified work and repair damage to any wetland area in which no work has been authorized. The security shall be submitted in an amount, with surety and conditions satisfactory to the PLANNING BOARD. The security shall be submitted and approved prior to issuance of any permit authorizing construction.

(5) The PLANNING BOARD may assess the APPLICANT reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.

G. Specific provisions.

(1) Wetland Buffers.

(a) *Buffers Established.* Buffers are hereby established around and encircling all wetlands other than those that were created as legally permitted sedimentation/detention basins or roadside drainage ditches. The minimum width of the wetland buffers shall be fifty (50) feet horizontal distance as measured outward from the perimeter edge of the wetland. Wherever a permit to fill a wetland has been issued by either the New Hampshire Department of Environmental Services (NHDES) or the U.S. Army Corps of Engineers (USACOE), the perimeter of the wetland shall be deemed to be the new edge between the fill as placed in accordance with the permit and the remaining wetland. If there is no remaining wetland, there is no buffer. All other wetland edges shall be determined in accordance with Section D (1) above

(b) *Natural Conditions to be Maintained within Buffers*. Where wetland buffer disturbance is allowed pursuant to a state or federal permit, or a conditional use permit, restoration of the disturbed area is required. Restoration is defined as filling of ruts or excavated area with similar soils while maintaining original grade. Applications for a City of Dover BUILDING permit that includes a temporary disturbance of wetlands buffers, pursuant to Section G (1) (e) (iv) below, shall include a “Wetlands Buffer Encroachment and

Restoration Plan." Said plan shall be submitted, reviewed and approved by Building Inspector, in consultation with City staff, prior to the disturbance. Replanting to restore buffers shall be with native non-invasive species specified in the "Wetlands Buffer Encroachment and Restoration Plan". Implementation of the plan shall include the clear delineation of the boundaries of wetland buffers in the field using construction tape or other clear marking devise. Mowing to maintain an existing lawn or field within a wetland buffer area is allowed without a permit, as specified in Section G (1)(e), below, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.

(c) *Certain Uses Prohibited in Buffers.* The following uses and activities are prohibited within a wetland buffer:

(i) The establishment or expansion of salt storage, JUNKYARDs, resource recovery facilities, transfer stations, landfills, or solid or hazardous waste facilities;

(ii) The BULK storage of chemicals, petroleum products, or toxic and hazardous materials;

(iii) The dumping or disposal of snow and ice collected from roadways and parking LOTs;

(d) *Uses Allowed Only With a Conditional Use Permit.* The following uses and activities are allowed within a wetland buffer only if a conditional use permit is obtained in accordance with Section F above:

(i) All uses not specifically prohibited in Section G (1) (c) above, or specifically exempted in Section G (1) (e) below.

(ii) The erection or construction of a BUILDING or STRUCTURE, excluding FENCEs that meet the requirements of 170-33, or the construction of parking LOTs or loading areas.

(iii) Timber harvesting, except as conducted in accordance with the terms and provisions of RSA 227-J, Timber Harvesting.

(iv) The removal of stumps and roots (grubbing), the recontouring or grading of the land, or the placement of impervious surfaces or creation of storm water detention ponds.

(v) The installation of water, sewer, or buried electrical or telecommunications cables.

(vi) The installation of water-supply wells.

(e) *Uses Allowed Without a Conditional Use Permit.* The following uses and activities are allowed within a wetland buffer with the noted conditions:

(i) Activities within wetlands jurisdictional areas that are allowed without a State of New Hampshire Dredge and Fill Permit, in accordance with NHDES Rules Env-Wt 303.05(a) – repair of an existing legal STRUCTURE; or successor rules.

(ii) The removal of vegetation in accordance with NHDES Rules Env-Wt 303.05(b), or successor rules, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.

(iii) The installation of monitoring or test wells completed in accordance with NHDES Rules Env-Wt 303.05(p) or successor rules.

(iv) Temporary disturbance of the wetland buffer to facilitate construction activities completed under a valid City of Dover BUILDING permit, provided the temporary disturbance is restored in accordance with Section G (1) (b) above.

(2) No septic tank or leach field may be constructed or enlarged closer than seventy-five (75) feet to any Wetland Protection District. In new subdivisions approved subsequent to adoption of this section, there must be sufficient LOT size to place a house, a state-approved septic system, where applicable, and a state-approved well, where applicable, without locating them in a wetland. This provision can be waived if a conditional use approval is obtained from the PLANNING BOARD.

(3) A state dredge and fill application shall be submitted for any proposed change to a wetland (RSA 482-A).

H. Filled lands and preexisting uses.

(1) Lands which may have been wetlands but were filled under properly issued federal, state and local permits granted prior to the adoption of this section will be judged according to the soils and flora existing at the time the application for BUILDING permit or subdivision is made.

(2) STRUCTUREs and uses existing at the time of the adoption of this section that do not comply with the rules stated herein shall be regulated in accordance with 170-40 and 170-41 of this Chapter.

I. Exemption for one- and two-family residential STRUCTUREs, existing LOTs, impoundments and maintenance dredging.

(1) Notwithstanding other provisions of this Chapter, the construction of additions and/or extensions to one- and two-family dwellings shall be permitted within the Wetlands Protection District or buffer, provided that:

(a) The dwelling(s) lawfully existed prior to the effective date of this section;

(b) The proposed construction conforms to all other applicable ordinances and regulations of the City of Dover; and any required State of New Hampshire Dredge and Fill Permit is obtained.

(c) The design and construction of the proposed use will be done in a manner which minimizes the impacts on the affected wetland, including storage of EXCAVATION and construction material outside the wetland and installation of siltation FENCE and/or hay bales to contain erosion of the construction site.

(2) Notwithstanding other provisions of the ordinance, a new one- or two-family dwelling shall be permitted in the Wetlands Protection District or buffer, on an existing LOT, provided that all of the following conditions are found to exist:

(a) The LOT for which an approval/permit is sought was an official LOT of record, as recorded in the Strafford County Registry of Deeds, prior to the date on which this amendment was posted and published in the city.

(b) The STRUCTURE for which the approval/permit is sought cannot be feasibly built on a portion or portions of the LOT, which are outside the Wetlands Protection District.

(c) Due to the provisions of the Wetlands Protection District, no reasonable and economically viable use of the LOT can be made without the exemption.

(d) The design and construction of the proposed STRUCTURE will, to the extent practical, be consistent with the purpose and intent of this ordinance.

(e) The proposed STRUCTURE will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater or other reason.

(f) The design and construction of the proposed STRUCTURE will be done in a manner which minimizes the impacts on the affected wetland, including storage of EXCAVATION and construction material outside the wetland and

installation of siltation FENCE and/or hay bales to contain erosion of the construction site.

(3) Maintenance dredging for navigational purposes (where a dredge spoil site has been approved by the PLANNING BOARD) are exempt from the regulations stated herein. Notwithstanding, copies of permits where required by the New Hampshire Department of Environmental Services and the United States Army Corp. of Engineers shall be submitted to the PLANNING BOARD prior to construction.

(4) The burden of proof that the conditions specified in Subsection I (1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the approval/permit.

J. Separability. Should any provision of this section be declared invalid by a final court decision, the same shall not affect the validity of this section as a whole or part thereof, other than the part declared to be invalid.

170-27.2. TRANSFER OF DEVELOPMENT RIGHTS. **[Amended on 10-31-90 by Ord. No. 16-90; Amended on 01-22-2003 by Ord.35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]**

A. Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring DEVELOPMENT RIGHTS (TDR) within said districts.

B. Purpose and Intent. Within the City of Dover there are certain lands that possess significant conservation features, including but not limited to wetlands, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic viewsheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition.

Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission who are active in protecting and preserving OPEN SPACE.

C. Applicability. Upon request by an APPLICANT for development approval and at the discretion of the PLANNING BOARD, the provisions of this subsection may apply to the district(s) defined in this subsection E below.

D. Districts Defined.

(1) The Industrial TDR DISTRICT is hereby determined to be any I-4 or B-4 zoning district as shown on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be OPEN SPACE and related SETBACKs as defined by the City of Dover Wetland Protection District, Chapter 170-27.1, which are located in any I-4 or B-4 zoning district. The RECEIVING AREA is defined to be all remaining land in be any I-4 or B-4 zoning district.

(2) The Residential TDR DISTRICT is hereby determined to be Residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R-20 residential zoning districts. The RECEIVING AREA is defined to be all non-R-40 or R-20 zoning districts east of the Spaulding Turnpike which allow residential development.

a. If the units created are purchased, the receiving area may be any zoning district that allows residential development.

E. Procedural Requirements.

(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 Subsection 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 Subsection G below.

(2) A certified boundary survey of the associated land in the SENDING AREA shall be submitted as a supplement to the site plan or subdivision plan for development within the RECEIVING AREA.

(3) The owner of the subject OPEN SPACE within the SENDING AREA of the TDR DISTRICT shall SIGN all application materials as a co- APPLICANT of the development application. For residential application, proof of an agreement to sell DEVELOPMENT RIGHTS must be provided by the Conservation Commission.

(4) A sketch plan estimating layout of the development site and identifying the OPEN SPACE associated with the plan shall be submitted to the PLANNING BOARD for review at a regularly scheduled meeting. The PLANNING BOARD, within thirty (30) days of its review of the sketch plan, shall determine if waivers will be

granted as allowed in Subsections G and H below. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section.

(5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated OPEN SPACE within the SENDING AREA. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and access crossings in accordance with subsection I below. The designation of the land protection agency to hold the easement shall be approved by the PLANNING BOARD.

F. Industrial Performance Standards.

(1) Land within a SENDING AREA, when surveyed, approved by the PLANNING BOARD and preserved by easement or covenant as specified in Subsection 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.

(2) The minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.

(3) The minimum FRONTAGE requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.

(4) SETBACKs for parking, paved areas, and BUILDINGs may be waived by the PLANNING BOARD, and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, BUILDINGs shall be at least one hundred fifty (150) feet from residential STRUCTUREs that exist on the date of enactment of the I-4 and B-4 Zoning districts, and seventy five (75) feet from the LOT LINE of a disagreeing residential ABUTTER.

(5) The developer shall record covenants that address architectural considerations for STRUCTUREs, SIGNAGE and lighting that are designed to promote the highest possible aesthetic quality of the development site.

(6) A landscaping plan shall be submitted with a development application that depicts landscaping or OPEN SPACE around the perimeter of the site, near the proposed BUILDINGs, and within the parking LOT that promotes the highest possible aesthetic quality of the development.

G. Residential Performance Standards.

(1) Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve OPEN SPACE within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission. This cost shall become the value at which DEVELOPMENT RIGHTS may be purchased.

(2) Proceeds from the purchase of DEVELOPMENT RIGHTS, shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.

(3) A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERING DEVELOPMENT RIGHTS.

(a) Single Family Detached method

i. An applicant shall develop a baseline yield for the lot to be developed, through the following formula
   1. The square footage of the parent lot minus environmental constraints (wetlands, conservation areas etc) is the base lot size.
   2. The base lot size is then reduced by fifteen (15) percent to account for roadway, this creates the net area.
   3. The net area is then multiplied by a factor determined by the amount of wetlands over the parent lot. This is the developable area.

Percentage of Parcel that is wetlands	Factor
0<10%	0.85
10<20%	0.8
20<30%	0.75
30%<	.7

4. The developable area is the divided by the minimum lot size, and the whole number value is the base number, with no rounding.

a. This base number is not required to be restricted by the requirements in subsection iii.

ii. The transfer shall equate to one of the following calculations:
   1. For construction of units no larger than one thousand (1,000) square feet, of total living area, two (2) units per DEVELOPMENT RIGHT purchased shall be allowed.
   2. For construction of units no larger than fourteen hundred (1,400) square feet, of total living area, one and a half (1.5) units per DEVELOPMENT RIGHT purchased shall be allowed. The unit count shall be the whole number value and not rounded up.
      a. If the math to devise the base number ends in more than half a unit but less than a whole, and a transfer is purchased, the result would be two (2) dwelling units.

iii. The units created, through the transfer must be:
   1. Sold, and are not for rental purposes
   2. Limited to the square footage originally constructed.

iv. A note shall be placed on the approved plan and any Building Permit shall note the adherence to this section of the Code.

v. A note shall be placed in the property/unit deed citing the restrictions listed above.

(b) Attached Single Family, Two family, three family and 4 or more method

(i) The transfer may be through the purchase of development rights, as described in G) (1) and (2), or through the protection of land via a permanent conservation easement as per section E) (5).

(ii) The transfer shall equate to one (1) unit per acre preserved, or purchased. If the end result is a village themed residential/commercial project, the transfer shall equate to one (1) unit per tenth (10th) of an acre preserved or purchased.

(4) Regardless of the method utilized, the minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.

(5) Regardless of the method utilized, the setbacks shall be:

MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS		**MINIMUM BUILDING SETBACKS FOR SUBDIVISION LOTS**	
STREET Sides of Units	Between Units	Abutting A STREET	Abutting A LOT LINE
20 feet	20 feet	20 feet	10 feet

(6) Regardless of the method utilized, the minimum FRONTAGE requirement may be waived by the PLANNING BOARD, for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.

(a) If lots are proposed, the minimum frontage allowed shall be forty (40) feet per unit

(7) A continuous visual buffer shall be created along the perimeter of the parent parcel.

(8) Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity:

(a) Is consistent with the Master Plan

(b) Is not incompatible with the land uses on neighboring LOTs (eg a multifamily building in a single family neighborhood)

170-28. Urban Renewal District.

The regulatory provisions contained in the so-called "Land Use Provisions and Building Requirements" for the Downtown Dover Urban Renewal Project No.1 shall apply to the project area, as approved by the Dover City Council.

170-28.1. Riverfront Residential Overlay District. **[Amended on 02-17-99 by Ord. No. 25-98.]**

A. Purpose. The purpose of this section is to promote the public health, safety and general welfare by protecting the shorelands which are valuable and fragile natural resources essential to maintain the integrity of public waters. By adopting this section, the City is striving to avoid uncoordinated, unplanned and piecemeal development of shorelands which could significantly impact public waters.

B. Location of District. The Riverfront Residential Overlay District is an overlay district that includes all land located within two hundred and fifty (250) feet of the reference line (as defined by RSA 483-B:4 – XVII) of any tidal water body or tidal river in a Single Family Residential District (R-12, R-20, and R-40).

C. Minimum LOT Size Requirement. The minimum LOT size for a LOT within the Riverfront Residential Overlay District shall be three times the minimum LOT size

required by Section 170-12 – Applicability of Table of Dimensional Regulations for the underlying zoning district, but land classified as wetlands can be included for up to fifty percent (50%) of the minimum LOT area required in this district.

D. Minimum Shoreland FRONTAGE Requirement. Any new LOT created within the district shall provide a minimum of one hundred fifty (150) feet of river shoreland FRONTAGE per DWELLING UNIT for LOTs dependent on septic systems and a minimum of one hundred (100) feet of river shoreland FRONTAGE per DWELLING UNIT for LOTs served by municipal sewer.

E. Existing LOTs. Existing LOTs of record are exempt from the provisions of this Chapter. Only LOTs subdivided after the posting of this Chapter shall be subject to its provisions.

F. Other Provisions. Reference is hereby made to RSA 483-B, the Comprehensive Shoreland Protection Act, the provisions of which apply. It is intended that the more restrictive law shall apply. In all cases where the Riverfront Residential Overlay District is overlain other local zoning districts, the more restrictive regulations shall apply.

170-28.2 Residential-Commercial Mixed Use (RCM) Overlay District. **[Amended on 01-22-2003 by Ord.35-02; Amended on 05-17-2006 by Ord. No. 03-06; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 09-13-2013 by Ord. No. 2013.08.14-12.]**

A. Purpose and Intent

(1) The Residential-Commercial Mixed Use Overlay District is designed as an overlay district that allows a mixture of residential use and commercial uses on one parcel. In order for a developer to utilize these regulations, the PLANNING BOARD shall have granted a Conditional Use permit. The district includes options which enable and encourage greater flexibility in the design of residential housing for older persons with commercial projects. The overlay permits development of large tracts of land on a Development Plan basis which allows flexibility in internal road design, with reduced dwelling LOT sizes and modified dimensional requirements.

(2) The mixed residential and commercial uses are intended to be complementary of one another and to create a sense of community between the mixed uses. Housing and commercial uses can be developed to provide appropriate use of land, facilitate the economical and efficient provision of public services, promote OPEN SPACE conservation, protect the natural and scenic attributes of the land, and expand opportunities for the development of housing for older persons, as defined under RSA 354-A:15, outside the traditional residential developments.

B. Conditional Use Permit

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(1) Conditional use approval may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

(a) The APPLICANT demonstrates that the development complies with the design guidelines that are outlined in Chapter 149 14.2, Site Review Regulations. These guidelines encourage a context sensitive development, which encourages components that act as one project and not as two adjacent projects

(b) The APPLICANT demonstrates that the development poses no detrimental effects on surrounding properties. Potential areas of impact that need to be analyzed include, but are not limited to, vehicular traffic, noise, property value, visual blight, natural resources degradation, light pollution, and offensive emissions such as dust, odor, or smoke.

(c) The APPLICANT shall submit a Fiscal Impact Analysis as defined in Chapter 155.22.C (1) (b) Subdivision of Land. The Analysis shall demonstrate that the project is at least a cost neutral project for the City at present and ten years from the occupation.

(2) 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.

C. Location

The Residential-Commercial Mixed Use Overlay District shall include any parcel located within the B-4, I-4 or ETP zone, which is greater than fifty (50) acres, and within five hundred (500) feet of a road maintained by the State of New Hampshire.

D. Permitted Uses The following uses are permitted:

(1) Principal Uses

(a) Housing for older persons as that term is defined under RSA 354-A:15 and 42 USCA §3607(b)(2) and the regulations adopted there under in the following settings:

~~(i)~~ [1] SINGLE-FAMILY DWELLING

~~a.~~Including the use of MANUFACTURED HOUSING

~~(i)~~ [2] Two-family dwelling

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~~(ii)~~ [3]Three to Four family dwelling

~~(iii)~~ [4]MULTI-FAMILY DWELLING

~~(iv)~~ [5]MANUFACTURED HOUSING PARKs (permitted outright without a special exception)

(b) Public and private utilities

(c) Non-Residential uses as allowed as follows:

~~(i)~~ [1]Any use allowed in the underlying zone that is compatible with housing for older persons

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~~(ii)~~ [2] Barber or Beauty Shop

~~(iii)~~ [3] Bank

~~(iv)~~ [4] Eating/Drinking Establishments (no Drive thru Service)

~~(v)~~ [5] BED AND BREAKFAST

~~(vi)~~ [6] OFFICE

~~(vii)~~ [7] Retail store

~~(viii)~~ [8] Theater

~~(ix)~~ [9] ADULT DAY CARE

~~(x)~~ [10] NURSING HOMEs (In areas not serviced by City water and sewer utilities at a density of one bedroom per ten thousand (10,000) square feet of land; in areas serviced by City water and sewer utilities at a density of one bedroom per seventy-five hundred (7,500) square feet of land)

~~(xi)~~ [11] CONGREGATE CARE FACILITIES (In areas not serviced by City water and sewer utilities at a density of one unit per ten thousand (10,000) square feet of land; in areas serviced by City water and sewer utilities at a density of one unit per seventy-five hundred (7,500) square feet of land)

~~(xii)~~ [12] Other uses compatible with housing for older persons

~~(xiii)~~ [13] Non-residential uses in existence at the adoption of this ordinance on adjacent parcels shall be allowed to expand within the development if conceptually shown on the approved plan.

(2) ACCESSORY USEs

(a) Recreational facilities

(b) Community BUILDING

(i) Defined as "A BUILDING used as a place of meeting, recreation or social activity typically for use by the residents of a particular development".

(c) Maintenance BUILDINGs

(d) Rental and sales OFFICEs

~~D.~~E. Procedural Concepts

(1) The developer shall prepare a Development Plan, which locates the proposed types of non-residential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership, but shall be treated as one development and shall be bound by the approval granted for the entire Development Plan. If approval is granted, individual LOTs must be developed as part of the larger Development Plan and phasing outlined below, and not separately. The Development Plan must identify the percentage of the non-residential uses, residential uses and OPEN SPACE. Non-residential and/or mixed use uses must comprise at least fifty-five percent (55%) of the total proposed FLOOR AREA for the development (outdoor display areas may be counted towards the minimum required FLOOR AREA); residential uses must not exceed forty-five percent (45%) of the total proposed FLOOR AREA for the development. A BUILDING shall be considered "mixed use" provided that at least 50% of the FLOOR AREA of the first floor is reserved as commercial space and provided that such commercial space is located roughly in the front half of the BUILDING and extends the length of the BUILDING façade. Residential ACCESSORY USES (e.g. mechanical, storage, laundry, etc.) are permitted to be located within the back half of the first floor of any mixed use BUILDING.

(2) A minimum of twenty percent (20%) of the area of the original tract shall be reserved as OPEN SPACE and identified as such on the Development Plan. Fifty percent (50%) of the required OPEN SPACE (as defined in Chapter 155-60) must be usable uplands and reasonably accessible to all property owners in the project. Any OPEN SPACE provided above twenty percent (20%) may be mixed wetlands and upland.

(3) Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in Chapter 155-60, Subdivision of Land) applied to the Development LOT and not individually to the Internal Dwelling LOTs.

(4) For residential development that includes two (2) family, three (3) to four (4) family or MULTI-FAMILY DWELLINGs, density shall be based upon calculating one (1) unit per

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forty thousand (40,000) square feet of CONTIGUOUS upland, and using one hundred fifty (150) feet of FRONTAGE on a public roadway.

(5) For single family residential development, density shall be based upon calculating one unit per ten thousand (10,000) square feet of CONTIGUOUS upland, and using one hundred (100) feet of FRONTAGE on public a roadway.

(6) The Development Plan may be phased for a term of five (5) years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Section 170-28.2.A. For the purposes of this section, development shall include:

~~(1)~~(a) construction of STRUCTUREs;

~~(2)~~(b) environmental remediation;

~~(3)~~(c) site preparation or demolition;

~~(4)~~(d) roadway utility or recreation and common area design and construction; and

~~(5)~~(e) bonding or other security for site development.

(7) The phasing plan shall provide that no more than fifty percent (50%) of the residential development may be occupied prior to completion of between twenty-five percent (25%) and fifty percent (50%) of the non-residential STRUCTUREs as negotiated between the PLANNING BOARD and the Developer.

(8) Provided that the developer is making reasonable efforts to develop the site, the PLANNING BOARD may extend the initial five (5) year phasing period provided a request for extension is submitted before the expiration of the initial five (5) year phasing term.

~~(1)~~(9) Residential Development Plan Guidelines

(a) The developer shall be permitted to allocate permitted density among Internal Dwelling LOTs in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the Development LOT or Legal LOT. Layouts may include individual LOTs or a cluster of units without LOT LINEs.

(b) Dwelling layouts shall be so designed that parking is screened from external roadways by garages, BUILDING locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external STREETs shall be preserved as much as possible.

(c) Where possible, it is desirable and encouraged to mix residential and non-residential uses. This may be achieved through situating the BUILDINGs close to each other, or though allowing STRUCTUREs to house residential – preferably on the second or above floor, with non-residential on the first floor. Creativity and flexibility is encouraged and the development plan may offer another option for mixing uses. Units created through the TDR program are not required to be housing for the elderly, that term is defined under RSA 354-A:15 and 42 USCA §3607(b)(2).

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(d) All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include STRUCTUREs with peaked roofs, and architectural shingles. The guidelines for this development are included in Chapter 149, Section 14.2, Site Review Regulations.

(e) All ~~MANUFACTURED HOUSE~~MANUFACTURED HOMEs shall adhere to the standards outlined in Chapter 126, MANUFACTURED HOME PARKS, with the exception of Sections 126-3, 126-4, 126-5, 126-6, and 126-7.H which shall be controlled by the provisions hereof and unless noted below. Where there is a difference in the requirements between this Overlay District and the provisions of Chapter 126, "MANUFACTURED HOME PARKS", the provisions of the Overlay District shall apply.

~~(2)~~(10) Nonresidential Development Plan Guidelines

(a) The general character of the nonresidential STRUCTUREs within the development LOT is intended to be a pedestrian friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, façade treatment, and SIGNAGE.

(b) The guidelines for this development are included in Chapter 149, section 14.2, Site Review Regulations.

~~E.~~F. Standards and Regulations

(1) Internal Roads

As part of the approval of the Conditional Use permit, the PLANNING BOARD shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below roadways shall conform to the STREET design criteria laid out in the Code:

(a) Minimum Internal R.O.W.

~~(i)~~ [1] Maximum residential: 35 feet

~~(ii)~~ [2] Maximum non- residential: 50 feet

(b) Minimum Pavement Width

~~(i)~~ [1] Minimum residential: 20 feet

~~(ii)~~ [2] Minimum non- residential: 28 feet

~~(iii)~~[3] Minimum SIDEWALK pavement width: 5 feet

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~~(iv)~~[4] Minimum bike/Segway/golfcart path width: 5 feet

(c) Minimum Tangent Length at Intersections = 75 feet

(d) Maximum STREET angle at Intersections = 60 degrees

(e) Minimum centerline radius = 100 feet

(f) Minimum Tangent Length between reverse curves = 50 feet

(2) Dimensional Requirements

(a) Non-residential/Mixed-Use BUILDINGs

~~(i)~~ [1] Minimum STRUCTURE SETBACK from external LOT LINE: 50 feet

~~a.~~ Expanding existing non-residential uses are not held to this SETBACK.

~~(i)~~ [2] Minimum STRUCTURE SETBACK from external ROW: 50 feet

~~(ii)~~ [3] Maximum non-residential BUILDING HEIGHT: 55 feet

~~(iii)~~[4] For all other dimensional requirements for non-residential STRUCTUREs and parking SETBACKs refer to the ~~(iv)~~underlying zone.

(b) Residential Dwellings:

~~(i)~~ [1] Minimum STRUCTURE and parking SETBACK from external LOT LINE: 50 feet

~~(ii)~~ [2] Minimum STRUCTURE and parking SETBACK from external ROW: 100 feet

~~(iii)~~[3] Maximum residential BUILDING HEIGHT: 35 feet

~~(iv)~~[4] Minimum FRONTAGE on internal road: 40 feet

~~(v)~~ [5] Minimum SETBACKs:

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a. FRONT YARD SETBACKs: 20 feet

b. Distance between BUILDINGs: 24 feet

(3) Parking

(a) All DWELLING UNITs shall require two independently accessible PARKING SPACEs per unit, except that the CONGREGATE CARE and NURSING HOME requirements shall be as otherwise defined by the Zoning Chapter. Non-residential uses shall comply with parking requirements defined by the Zoning Chapter.

(b) Overnight parking shall not be permitted on internal roadways.

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170-28.3. Groundwater Protection. [Amended on 6-12-85 by Ord. No. 7-85; Amended on 1-30-88 by Ord. No. 24-88; Amended on 02-17-99 by Ord. No. 25-98; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]

A. Purpose. The purpose of this Section is to promote the public health, safety and general welfare by protecting and preserving the quality of existing and future groundwater supplies from adverse or detrimental land use, development or activities.

B. Location. These regulations shall apply to all lands within the Primary and Secondary Groundwater Protection Zones. The boundaries of the Primary and Secondary Groundwater Protection Zones are depicted on maps entitled "Groundwater Protection Zones," dated October 6, 1998. These maps shall be on file at the ~~Planning Department~~Planning and Community Development Department and the City Clerk's Office.

C. Applicability.

(1) All land use activities and development conducted within the Primary or Secondary Groundwater Protection Zones shall be regulated by the standards established herein.

(2) The standards established herein shall constitute the rules of an overlay zone and shall be superimposed over other zoning districts or portions thereof. The provisions herein shall apply in addition to all other applicable ordinances and regulations. In the event of a conflict between any provision herein and any other ordinance or regulation, the more restrictive requirement shall control.

(3) Pursuant to New Hampshire Code of Administration Rules ~~Env-Ws 421~~Part Env-Wq 401, land use activities within a four-hundred-foot radius of a municipal well

the Primary Groundwater Protection Zone, shall be subjected to more restrictive standards than the balance of the Groundwater Protection Zones.

(4) Any NONCONFORMING USE may continue, and may be maintained and repaired, unless such use is determined to be an imminent hazard to public health and safety by the City Council or the Health Officer.

D. Standards and regulations.

(1) The following land uses are allowed in the Primary Groundwater Protection Zones. All other land uses are prohibited:

(a) Construction, operation, and maintenance of wells, dams and water conservation apparatus.

(b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.

(c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not used or stored within said zone.

(d) Maintenance and repair of any existing STRUCTURE, provided that there is no increase in the area of impermeable surfaces.

(2) The following land uses are expressly prohibited from the Secondary Groundwater Protection Zones:

(a) Disposal or storage of solid waste that contains leachable toxic substances, except for temporary storage awaiting removal, provided that it is stored in a manner that avoids leaching and runoff.

(b) Disposal or storage of liquid waste, except for normal sanitary waste disposal from a domestic septic system approved in compliance with New Hampshire Department of Environmental Services (NHDES) Regulations, which may require a groundwater discharge permit under RSA 485-A:13. Land application of wastewater residuals (sewage sludge) subject to regulation under NHDES Rules Env 800-811 is prohibited.

(c) All on-site handling, disposal, storage or recycling of solid or liquid waste and hazardous or toxic materials, as defined in RSA 174A, except for the temporary storage of such materials when they are incidental to or byproducts of a manufacturing process. Such materials are to be stored and removed in accordance with Chapter 149, Site Review Regulations, and other applicable state and federal regulations.

(d) JUNKYARD - or salvage yard.

(e) Motor vehicle service or repair shops, except as a customary ACCESSORY USE designed to provide routine service to the vehicles operated by the principal use.

(f) Storage of petroleum or related products, exempting such products when they are a part of Subsection D.(2) (c) or (e) above and exempting normal heating oil. Notwithstanding, the facilities for storing and handling such products shall be designed to avoid groundwater contamination and shall be proposed for review and approval prior to construction.

(g) Storage of road salt and other deicers, except in a shelter constructed to avoid leaching and runoff for use on-site.

(h) The dumping of snow containing road salt or other deicers brought in from outside the Groundwater Protection Zone.

(i) Industrial uses that discharge contaminated wastewater on-site.

(j) Animal feedlots.

(k) Commercial storage of manure, fertilizers, herbicides, pesticides or other leachables, except for the temporary storage of such material when it is incidental to the principal use and stored in a manner that avoids leaching and runoff.

(l) The use of wood piling treated with creosote or other preservative.

(3) The following land uses are allowed in the Secondary Groundwater Protection Zones only if the PLANNING BOARD approves a Conditional Use Permit for the specific use per Chapter 170-28.E.(4):

(a) General service and repair shops, including but not limited to: furniture stripping, painting, and refinishing; photographic processing; printing; appliance and small engine repair; boat repair, service and refinishing; refrigeration, heating, ventilating and air conditioning shops.

(b) Metalworking shops, including, but not limited to: machine shops; metal plating shops; heat treating shops; smelting shops; and jewelry making shops.

(c) Manufacturing facilities, including but not limited to: electronics and chemical manufacturing, processing, and RECLAMATION; paper, leather, plastic, fiberglass, rubber, silicon and glass making; pharmaceutical production;

pesticide manufacturing; and chemical preservation of wood and wood products.

(d) Laboratories and professional medical OFFICEs, including but not limited to: medical, dental, and veterinary OFFICEs; and research and analytical laboratories

(e) Cleaning services, including but not limited to: dry cleaner; laundromats; beauty salons; and car washes.

(4) The following land uses are allowed in the Secondary Groundwater Protection Zones:

(a) Construction, operation and maintenance of wells, dams, and water conservation apparatus

(b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.

(c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not commercially stored within said zone.

(d) All land use permitted in the applicable underlying zoning district, provided that they are not expressly prohibited in Subsection D.(2) or (3) above.

(5) In soils that are excessively drained, well-drained, moderately well-drained or somewhat poorly drained, as defined by a site specific soil survey completed in accordance with the standards of the Society of Soil Scientists of Northern New England, the development shall not make impervious to water more than twenty percent (20%) of the area of said soils except as provided for below. Any development in the Secondary Groundwater Protection Zone that proposes a total impervious surface greater than twenty percent (20%) shall only be permitted if the PLANNING BOARD grants a Conditional Use Permit, per Chapter 170-28.E (4). In reviewing a Conditional Use Permit application filed under this provision, the PLANNING BOARD shall require that the proposed development plan incorporates a stormwater drainage plan, approved by the PLANNING BOARD and prepared by a professional engineer certified to practice in the State of New Hampshire. The plan shall provide for the retention and percolation within the Secondary

Groundwater Protection Zone of all development-generated stormwater runoff from a ten (10) year storm. Furthermore, the stormwater drainage plan shall provide for the removal of oil and gasoline from parking LOT runoff by use of

treatment swales, oil/gas separators or other device, prior to retention and percolation of the runoff.

(6) In addition to standards and requirements contained in other ordinances and regulations, a proposed site plan and BUILDING permit application shall be accompanied by a report that specifies the amount and composition of industrial or commercial waste that will be generated on-site and details the proposed method for disposal of such waste outside of the Groundwater Protection Zones.

(7) A hydrogeologic study may be required by the PLANNING BOARD to investigate the impacts a proposed development or land use activity will have on an existing or future groundwater supply. A qualified professional hydrologist or geologist shall be chosen from a list of such professionals provided by the City of Dover, and the APPLICANT shall pay any costs incurred.

E. Administration.

(1) Development or land use activities proposed within the Groundwater Protection Zones that require subdivision or site plan approval from the PLANNING BOARD also shall be reviewed by the Dover Conservation Commission. The PLANNING BOARD and Conservation Commission shall verify that the proposed activity will comply with this Chapter before the PLANNING BOARD grants approval.

(2) The Building Inspector shall not issue a BUILDING permit for development or land use activities until such time as he verifies with the Zoning Administrator that the proposed development will comply with the provisions and standards established herein. The Building Inspector may consult with the Conservation Commission or ~~Planning Department~~Planning and Community Development Department as he deems necessary.

(3) Land use activities that do not require PLANNING BOARD approval or BUILDING permits are also subject to the requirements and standards established herein.

(4) Conditional use permits. The PLANNING BOARD, after receiving a recommendation from the Conservation Commission, may vary the provisions herein by granting a conditional use permit in accordance with RSA 674:21. Along with the conditional use permit application, the APPLICANT shall submit expert technical information from a professional engineer, hydrologist or geologist that documents that the requested relief is consistent with the stated purpose and intent of this Chapter. Such technical information shall include an environmental protection plan consistent with the regulated substance

management requirements of the NHDES's, "Best Management Practices for Groundwater Source Protection" (~~Env-Ws 421~~Part Env-Wq 401). Said plan shall also include provisions for routine monitoring and reporting of environmental protection activities to be reported to the City of Dover. Any cost incurred by the city in reviewing the groundwater protection information shall be paid by the APPLICANT for the conditional use application.

F. Performance Standards

(1) Applicability. Within the Primary and Secondary Groundwater Protection Zones, the following performance standards shall apply to

(a) all new non-residential and multi-family development,

(b) Expansion of pre-existing non-residential and multi-family developments that expands the LOT COVERAGE of the existing STRUCTURE(s) by more than twenty percent (20%), and

(c) all subdivisions of four or more new LOTs:

(i) Post-development infiltration volumes shall be no greater than pre-development volumes as determined by use of the Development Review Model described in Section G, below.

(ii) Stormwater shall be treated by use of a stormwater treatment system designed to remove no less than eighty percent (80%) of the annual load of total suspended solids. The removal rate shall be accomplished using best management practices installed in advance of the final infiltration system.

(iii) No stormwater infiltration system shall be located within the two hundred (200) day travel time of an existing or proposed municipal well as depicted on the map referenced in Section 170-28.3.B, above. In absence of a defined two hundred (200) day travel time radius, the APPLICANT shall submit a technical evaluation from a professional engineer, hydrologist or geologist that documents that the proposed discharge is consistent with the stated purpose and intent of this requirement.

(2) Specific Requirements. Within the Primary and Secondary Groundwater Protection Zones, the following performance standards shall apply to specific activities which may impact the groundwater quality:

(a) Sand and gravel extraction operations shall not excavate below an elevation four (4) feet above the seasonal high water table observed when the associated

water supply well has not been operating for at least two (2) weeks prior to the date of measurement. The operator of the sand and gravel extraction operation shall prepare for the City an annual report documenting compliance with the requirements of this section. Pursuant to RSA 155-E:11, II the requirements of this section may be waived if the APPLICANT demonstrates that such EXCAVATION will not adversely affect water quality and that written notice of such exception shall be recorded in the Registry of Deeds, and one copy filed with the NH Department of Environmental Services.

(b) Pursuant to Chapter 109-27, Fire Prevention and Life Safety, ~~and RSA 146-E:4,~~ on-premise use heating oil tank facilities shall comply with the provisions of the National Fire Protection Association Standard NFPA 31, "Installation of Oil-Burning Equipment".

G. Development Review

All developments to which Section F Performance Standards, above, applies shall complete the calculations as specified in the Development Review Model, or a performance equivalent, incorporated herein by reference. A copy of this model shall be on file at the ~~Planning Department~~Planning and Community Development Department and the City Clerk's Office. The Building Inspector shall withhold a BUILDING permit until such time as he/she verifies that the proposed development will comply with the infiltration and nitrogen maximums set forth in Table 1, Sections A and B of said Development Review Model.

170-28.4. Scenic Road Overlay District. [Amended on 01-22-2003 by Ord. No. 35-02.]

A. Purpose. The purpose of this section is to promote the protection of natural woodlands located adjacent to the public right-of-ways of scenic roads as designated by the Dover City Council per the authority granted by Chapter 143, Scenic Roads. By adopting this section, the City is striving to maintain the scenic qualities of scenic roads both within the public right-of-way and in the privately-owned land adjacent to the scenic roads.

B. Location of District. The Scenic Road Overlay District is an overlay district that includes all land located within twenty-five (25) feet of the right-of-way of a scenic road, as designated by the City Council. At present the following roads have been designated as scenic roads: Old Garrison Road, David Tuttle Road and Rochester Neck Road.

C. Buffer Requirements. Within the Scenic Road Overlay District, the natural vegetative buffer, existing at the time of the adoption of this section, shall be maintained and preserved in its natural state, except as provided below:

(1) The removal of damaged, diseased or unsafe vegetation is permitted within the overlay district upon the approval of the City Arborist.

(2) The clearing of vegetation necessary for the construction of a driveway for access to a LOT is permitted. Such driveway shall be designed to minimize the amount of clearing of vegetation necessary.

(3) The clearing of vegetation for agricultural uses, as defined by RSA 21:34 is permitted.

D. Compliance with Other Requirements. Nothing in this section shall relieve the property owner from complying with the provisions of, Chapter 143, Scenic Roads.

170-28.5. Hazardous Waste Landfill District I. [Amended on 5-13-87 by Ord. No. 9-87.]

A. Purpose. In the interest of responsible planning, public safety and concern for the general welfare of the citizens of Dover, the regulations of this district are designed to alert the public and prohibit development activities in areas potentially affected by the storage of hazardous waste until such time as a final cleanup and proper closure of the site can be completed.

B. Location. The Hazardous Waste Landfill District I is hereby to consist of those City owned LOTs shown on the City of Dover's Assessor's Map C, LOT Nos. 16, 18 and 24.

C. Hazardous Waste Landfill District I criteria. All applications for further development, residential or commercial or industrial, in areas heretofore specified must contain a notation on the PLAT, site plan and application stating that the development site is within the Hazardous Waste Landfill District.

ARTICLE VIX

EXCAVATIONS

[Amended on 6-10-87 by Ord. No. 13-87; Amended on 09-17-2003 by Ord. No. 18-03.]

170-29. Authority.

RSA 155-E stipulates that, with some exceptions, all EARTH EXCAVATIONs in the State are subject to regulation from the local municipality in which the operation occurs. Pursuant to the authority vested in the PLANNING BOARD by the Code and RSA 155-E, the City adopts the following regulations to govern the EXCAVATION of EARTH materials in the City of Dover.

170-29.1. Purpose and Intent.

The goals of this regulation are to: provide for reasonable opportunities for EXCAVATION; minimize safety hazards which can be created by open EXCAVATIONs; ensure that the public health and welfare will be safeguarded; protect natural resources and the environment; and maintain the aesthetic features of the City. For the purpose of achieving these goals, no EARTH materials in the City shall be removed except in conformance with these regulations.

170-29.2. Reserved.

170-29.3. Applicability.

A. Projects Requiring a Permit

(1) Those that commenced operations since August 24, 1979 without first obtaining a permit, unless specifically exempted by Section 170-29.3.B below.

(2) Any EXCAVATION proposing to begin operation after the effective date of these regulations.

(3) Those that have lawfully operated prior to August 24, 1979 and wish to expand the EXCAVATION AREA.

(4) Those EXCAVATIONs from an area that on August 4, 1989 was CONTIGUOUS to or was CONTIGUOUS land in common ownership with stationary manufacturing and processing plants that were in operation as of August 24, 1979 and wish to expand.

B. Projects Exempt From a Permit

(1) The following projects do not require a permit, but are nevertheless subject to Sections 170-29.7, 170-29.8, and 170-29.9. In the event of a question regarding compliance, the PLANNING BOARD may require the owner/operator to come before the PLANNING BOARD and submit such information as may be necessary to demonstrate compliance with said standards.

(a) EXISTING EXCAVATIONs that lawfully existed as of August 24, 1979 from which EARTH materials of sufficient weight and volume to be commercially useful has been removed during the two (2) year period before August 24, 1979, provided that:

(i) At the time operation began it was in compliance with any local ordinances that may have been in effect;

(ii) The owner or operator of such an EXCAVATION AREA shall have filed an EXCAVATION report per RSA 155-E: I (d) with the PLANNING BOARD no later than August 4, 1991. Any EXISTING EXCAVATION that failed to file this report shall no longer be considered to be grandfathered and must obtain a permit from the PLANNING BOARD before continuing EXCAVATION of the site.

(2) The following projects do not require a permit, but are nevertheless subject to Sections 170-29.7, 170-29.8, and 170-29.9 of these regulations. Compliance with these standards is mandatory in order to retain the non-permit status. Loss of such non-permit status can occur only after the PLANNING BOARD has given written notice that the EXCAVATION is not in compliance and the owner has failed to bring it into compliance within thirty (30) days of receipt of such notice.

(a) EXCAVATIONs from a site that on August 4, 1989 was CONTIGUOUS to or was CONTIGUOUS land in common ownership with stationary manufacturing and processing plants which were in operation as of August 24, 1979 and which use EARTH obtained from such EXCAVATION SITE.

(b) EXCAVATIONs from a site that on August 4, 1989 was CONTIGUOUS to, or was CONTIGUOUS land in common ownership with stationary manufacturing and processing plants for which local or state permits have been granted since August 24, 1979 and before August 4, 1989, which used EARTH obtained from such site.

(c) An EXCAVATION performed exclusively for the lawful construction, reconstruction, or maintenance of a Class I, II, III, IV, or V highway. A copy of the pit agreement executed between the pit owner, the agent, and the governmental unit shall be filed with the PLANNING BOARD prior to the start of EXCAVATION. In addition, the provisions of Section 170-29.5 of this Chapter and the provisions of RSA 155-E:2, IV, (b) and (c) shall be complied with.

(3) The following projects are exempt from a permit and are not subject to regulation by the PLANNING BOARD:

(a) EXCAVATION that is exclusively incidental to the lawful construction or ALTERATIONs of a BUILDING or STRUCTURE, a parking LOT or way including a driveway on a portion of the premises where removal occurs. This EXCAVATION cannot be started, however, until all required state and local permits have been issued.

(b) EXCAVATION that is incidental to agricultural or silvicultural activities, normal landscaping or minor topographical adjustment. In the event of questions, the Zoning Administrator shall determine what is incidental in accordance with RSA 21:34-a.

(c) EXCAVATION from a granite quarry for the purpose of producing DIMENSION STONE, if such EXCAVATION requires a permit under RSA 12-E (Mining and RECLAMATION).

(4) A person owning land abutting a site that was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile EARTH taken from the construction site and may remove the EARTH at a later date after written notification to the City Engineer and Zoning Administrator.

170-29.4. Abandoned EXCAVATIONs.

A. Any EXCAVATION, except for those associated with STATIONARY MANUFACTURING PLANTS, whether subject to a permit under these regulations or not, for which the affected area has not yet been brought into complete compliance with the RECLAMATION standards of this regulation shall be considered abandoned if:

(1) No material of sufficient weight or volume to be commercially useful has been removed from the site during any two (2) year period either before, on, or after August 4, 1989. The time period may be extended if, prior to the end of the time period, the PLANNING BOARD approves a RECLAMATION timetable, and a bond or other surety is posted in a form and amount prescribed by the City Engineer sufficient to cover the costs of reclaiming the entire site, however, in no case shall the incremental bond amount be less than two thousand five hundred dollars ($2,500.00)/acre.

(2) The EXCAVATION SITE is in use and is not an EXCAVATION associated with STATIONARY MANUFACTURING PLANTS, but either has not been brought into compliance with the incremental RECLAMATION standards of this regulation, or a bond has not been posted and the PLANNING BOARD has not approved a RECLAMATION timetable.

(3) The owner or operator of the EXCAVATION has neither secured a permit pursuant to these regulations nor filed an EXCAVATION report with the PLANNING BOARD within the prescribed period.

B. In the event the Zoning Administrator determines that any abandoned EXCAVATION presents a hazard to the public health, safety or welfare, the owner may be required,

following a public hearing, to comply with the timetable and bonding requirements outlined above, or to complete RECLAMATION within a reasonable period of time. Should RECLAMATION not be completed, the PLANNING BOARD may request the City to authorize RECLAMATION at the City's expense. The City's costs shall constitute an ASSESSMENT against the owner, and shall create a lien against the property on which the EXCAVATION is located. Such ASSESSMENT and lien may be enforced and collected in the same manner as provided for real estate taxes.

C. The provisions of 170-29.4.B above also apply to any EXCAVATION that ceased commercially useful operation prior to August 24, 1977, but for which the affected area has not been brought into compliance with the RECLAMATION standards, if the Zoning Administrator determines in writing that specified RECLAMATION measures are necessary to eliminate or mitigate an identified hazard to public health or safety.

170-29.5. Prohibited Projects.

The PLANNING BOARD shall not grant a permit:

A. Where the project cannot comply with the requirements of Sections 170-29.7, 170-29.8 and 170-29.9.

B. For EXCAVATIONs within fifty (50) feet of the boundary of a disapproving ABUTTER or within ten (10) feet of an approving ABUTTER unless approval is requested by said ABUTTER.

C. Where the EXCAVATION is not permitted by zoning or other applicable ordinances, provided, however, that reasonable opportunities for EXCAVATION exist in the City, as described in RSA 155-E: 4, III.

D. Where the issuance of the permit would be unduly hazardous or injurious to the public welfare. The Board shall give particular consideration to such factors as noise, traffic, dust, fumes, or danger from operation.

E. Where existing visual barriers would be removed, except to provide access to the EXCAVATION.

F. Where the EXCAVATION would substantially damage a known aquifer, as designated by the United States Geological Survey.

G. When the EXCAVATION cannot receive required necessary approvals from state or federal agencies, such as ALTERATIONS of Terrain or Wetlands permits.

170-29.6. Criteria For Non-conforming EXPANSIONs.

~~A.~~ EXPANSION of EXISTING EXCAVATIONs located in an area in which EXCAVATIONs are no longer permitted by zoning that was in effect on August 4, 1989 may be restricted or modified with conditions by the PLANNING BOARD, if after notice to the owner and a public hearing, the PLANNING BOARD finds that the EXPANSION will have a substantially different and adverse impact on the NEIGHBORHOOD. Impacts will vary depending upon the particular NEIGHBORHOOD; nevertheless, the following criteria will be taken into consideration:

~~(1)~~A. The EXCAVATION will not cause a diminution in area property values or unreasonably change the character of the NEIGHBORHOOD.

~~(2)~~B. The EXCAVATION will not create any NUISANCE or create health or safety hazards.

~~(3)~~C. The EXCAVATION will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.

170-29.7. Operational Standards.

~~A.~~ For EXCAVATIONS not requiring a permit, the following standards apply. For those EXCAVATIONs requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the PLANNING BOARD.

~~(1)~~A. No EXCAVATION shall be permitted within fifty (50) feet of the boundary of a disapproving ABUTTER, within one hundred fifty (150) feet of a dwelling that either existed or for which a BUILDING permit has been issued at the time the EXCAVATION is commenced.

~~(2)~~B. No EXCAVATION shall be permitted below road level within fifty (50) feet of the right-of-way of any public highway as defined in RSA 229:1 unless such EXCAVATION is for the purpose of said highway.

~~(3)~~C. Vegetation or suitable BERM or combination of both shall be maintained or provided within the peripheral areas of items (1) and (2) of this section.

~~(4)~~D. No fuels, lubricants or other toxic or polluting chemicals shall be stored on-site unless in compliance with State laws or rules pertaining to the storage of such materials.

~~(5)~~E. Where temporary SLOPEs will exceed a one to one (1:1) grade, a FENCE or other suitable barricade shall be erected to warn of danger and/or to limit access to the site.

~~(6)~~F. Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods.

~~(7)~~G. EXCAVATION practices that result in continued siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited.

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~~(8)~~H. No EXCAVATION shall be permitted within one hundred (100) feet of any great pond, navigable river, or any other standing body of water ten (10) acres or more in area, or within fifty (50) feet of any other stream, river or brook which normally flows throughout the year, or any naturally-occurring standing body of water less than ten (10) acres, prime wetland as designated in accordance with RSA 482-A: 15, I or any other wetland area as defined by the Department of Environmental Services (DES) and, Chapter 170, Zoning, Article VII, 170-27.1.C.

~~(9)~~I. Sand and gravel extraction operations shall not excavate below an elevation four (4) feet above the seasonal high water table observed when the associated water supply well has not been operating for at least two (2) weeks prior to the date of measurement. Refer to section 170-28.3, Groundwater Protection, for monitoring report requirements.

170-29.8. Site RECLAMATION Standards.

A. For EXCAVATIONs not requiring a permit, the following standards apply. For EXCAVATIONs requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the PLANNING BOARD.

B. Within twelve (12) months following the expiration date of a permit issued under these regulations, or the completion of any EXCAVATION with the exception of agricultural activities, whichever occurs first, the excavated area shall be reclaimed in accordance with the following standards:

(1) Except for exposed rock ledge, all disturbed areas shall be spread with topsoil or any other soil capable of maintaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion. Areas visible from a public way, from which trees have been removed, shall be replanted with tree seedlings, set out in accordance with acceptable horticultural practices.

(2) All EARTH and vegetative debris resulting from the EXCAVATION shall be removed or otherwise lawfully disposed of.

(3) All SLOPEs, except for exposed ledge, shall be graded to natural repose for the type of soil of which they are composed so as to control erosion or at a ratio of horizontal to vertical proposed by the owner and approved by the PLANNING BOARD. Changes of SLOPE shall not be abrupt, but shall blend with the surrounding terrain.

(4) Any standing bodies of water created by the EXCAVATION that is judged to constitute a hazard to health and safety shall be eliminated.

(5) The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural proportions of flow. For EXCAVATION projects requiring a permit from the Division of Water Supply and Pollution Control, the provisions of RSA 485-A:17 shall supersede this regulation. Copies of all local, state and federal required permits shall be filed with the ~~Planning Office~~Planning and Community Development Department.

170-29.9. Incremental RECLAMATION.

Except for EXCAVATION SITEs operating STATIONARY MANUFACTURING PLANTS, any excavated area of five (5) CONTIGUOUS acres or more which is depleted of commercial EARTH materials, excluding bedrock, or any EXCAVATION operation from which EARTH materials of sufficient weight or volume to be commercially useful have not been removed for a two (2) year period, shall be reclaimed in accordance with Section 170-29.8. within twelve (12) months following such depletion or non-use, regardless of whether other EXCAVATION is occurring on adjacent land in CONTIGUOUS ownership. A RECLAMATION plan, including a RECLAMATION timetable for the depleted areas within the RECLAMATION site, shall be submitted to the PLANNING BOARD for review and approval by each operator, other than the operators of STATIONARY MANUFACTURING PLANTS that are exempt from permit requirements.

170-30. Performance Guarantee.

A. Prior to the granting of any permit or to the removal of topsoil or other overburden material from a new area within an EXISTING EXCAVATION SITE, the APPLICANT shall submit to the ~~Planning Department~~Planning and Community Development Department a bond with sufficient surety as determined by the City Engineer. In no case shall the incremental bond amount be less than two thousand five hundred dollars ($2500.00)/acre. The purposes of the bond are to guarantee RECLAMATION of the area, compliance with the permit, and to defray costs of any inspections. OFF-SITE IMPROVEMENTS for potential damage of City STREETs or facilities caused by the transportation of EARTH materials shall be discussed at this stage.

B. The surety may be in the form of a performance bond, property escrow, irrevocable letter of credit, or any other form approved by the PLANNING BOARD. The surety may be phased to coincide with the phasing of work, in an amount sufficient to guarantee RECLAMATION of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The surety shall not be released until the City Engineer is satisfied that all conditions of the site RECLAMATION plan have been complied with.

170-30.1. Waivers.

Due to the diverse nature of EXCAVATION operations that vary in scale and scope, and due to the varying conditions of the land to be excavated, the PLANNING BOARD may, upon application and following a duly-noticed hearing, grant any waiver in writing to the standards contained in Sections 170-29.7, 170-29.8, 170-29.9, and 170-30.for good cause shown. The written decision shall state specifically what requirements are being waived and include any reasonable alternatives.

170-30.2. Application Procedures.

Prior to the PLANNING BOARD rendering a decision for an EXCAVATION permit, a public hearing shall be held, with due notification of all ABUTTERS and the public. The procedure for holding these public hearings is as follows:

A. Filing of the Application

(1) Applications for new EXCAVATION permits shall be filed with the ~~Planning Office~~Planning and Community Development Department by April 1st. 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~~Planning and Community Development Department, 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.

B. Board Action on Application

(1) At the PLANNING BOARD's first meeting date in May, the PLANNING BOARD may vote to accept the application, and if accepted, will schedule a public hearing to be held within thirty (30) days.

(2) Within twenty (20) days of the close of the hearing on the application, or any continuation thereof, the PLANNING BOARD shall make a decision. The Board may for good cause with proper notice, accept the application, hold the public

hearing, and make a decision during the same meeting. Notice of this decision shall be recorded in the minutes of the meeting and placed on file in the ~~Planning Office~~Planning and Community Development Department within seventy two (72) hours.

(3) The APPLICANT shall receive a written copy of the minutes along with the decision. In the event the application is disapproved, the reasons for the disapproval shall be given.

C. Notices Required for Public Hearing

(1) All ABUTTERs will be notified by ~~certified mail~~Verified Mail, not less than fourteen (14) days prior to the meeting at which the application will be submitted for acceptance. Names and addresses of ABUTTERs must be taken from City records not more than five (5) days before filing the application.

(2) Public notice will appear in a newspaper of general circulation and in at least three public places not less than fourteen (14) days prior to the meeting.

(3) The notice must include the location and general description of the proposal, as well as the date, time and place of the meeting.

D. Fees

(1) A filing fee as contained within the Fee Schedule plus ABUTTER notification postage shall be paid upon submission of an application, to defray the costs of posting notice for the public hearing. Failure to pay such cost shall constitute grounds for the PLANNING BOARD to not accept the application.

(2) A permit fee as contained within the Fee Schedule shall be paid upon the issuance of a permit, to defray the costs of permit compliance.

(3) A fee payable to the Strafford County Register of Deeds (SCRD) shall be paid upon approval, for the filing of any new plan, if so required by the PLANNING BOARD.

(4) Additional reasonable fees shall be charged should the PLANNING BOARD require the advice of an engineer or other expert to review plans or inspect the site to determine permit compliance.

170-30.3. Application Submission Items. **[Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]**

The APPLICANT shall submit at least fifteen (15) copies of an EXCAVATION and a RECLAMATION Plan; one (1) additional copy shall be sent to the Conservation Commission.

The plans shall be at a scale appropriate for the land area involved. The PLANNING BOARD may, upon good cause shown, waive any of the items in Paragraphs A or B below.

A. EXCAVATION Plan

The EXCAVATION plan shall address specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety of unauthorized persons. The plan shall show or be accompanied by the following items:

(1) Name and address of the owner, the excavator (if different) and all ABUTTERs.

(2) Name, address, and Signature with professional stamp of the person preparing the plan; date, bar scale and north arrow.

(3) Zoning district boundaries of the proposed area and within two hundred (200) feet of the boundary of the project.

(4) Sketch and description of the location and boundaries of the proposed and any EXISTING EXCAVATIONs; including the area in square feet and acre.

(5) The location of existing BUILDINGs, STRUCTUREs, septic systems and wells within two hundred (200) feet of the boundary.

(6) Public STREETs, driveways, intersections, rights-of-way, and all easements within two hundred (200) feet; road network to be affected; intended transportation routes to be used.

(7) Topography at contour intervals of five (5) feet or less.

(8) All surface drainage patterns including wetlands and standing water.

(9) Sketch and description of existing and proposed access roads, including width and surface materials.

(10) The breadth, depth and SLOPE of the proposed EXCAVATION and the estimated duration of the project.

(11) The elevation of the highest annual average ground water table within or next to the proposed EXCAVATION. Refer to Zoning Section 170-28.3., Groundwater Protection, for requirements of the annual report documenting compliance with the four (4) foot buffer rule.

(12) Test pits that extend to either the seasonal high water table, ledge, or a minimum of six (6) feet below the maximum proposed EXCAVATION depth, including location and soils data; boring logs may be submitted separately.

(13) Proposed fencing, buffers or other visual barriers, including HEIGHT and materials.

(14) All measures to control erosion, sedimentation, water pollution, air pollution, and any hazards to human safety.

(15) Plans for storm water management.

(16) Plans for storage, use, and disposal of petroleum products and other regulated materials.

(17) Methods to prevent materials from the site from being tracked onto public roadways.

(18) Copies of all necessary state and federal permits.

(19) All infrastructure and topographic information shall be submitted in an electronic format, as well as on paper.

B. RECLAMATION Plan

The RECLAMATION plan shall address the effects of the proposed EXCAVATION on soil, surface and groundwater, vegetation, overburden, topography, and fill material, and should address future land use consistent with the City's Master Plan. The plan shall show or be accompanied by the following items:

(1) Name, address, and signature with professional stamp of the person preparing the plan; date, bar scale and north arrow.

(2) All boundaries of the area proposed for RECLAMATION and the land within two hundred (200) feet of the boundary of this site.

(3) Final topography of the area proposed for RECLAMATION, at contour intervals of five (5) feet or less.

(4) Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities.

(5) Timetable as to fully depleted sites within the EXCAVATION AREA.

(6) Schedule of final RECLAMATION activities including seeding mixtures, cover vegetation, fertilizer types, and application rates.

C. Other Information

The PLANNING BOARD reserves the right, per RSA 155-E:3,VII to request any other information it deems necessary to make an informed decision, or to have plans reviewed by an outside agency. According to the authority vested in the PLANNING BOARD by RSA 676:4,I (g), any reasonable expenses incurred for such information or reviews shall be charged to the APPLICANT. Failure to pay such costs constitutes valid grounds for the PLANNING BOARD to deny the application. The following items shall accompany the application:

(1) An annual report documenting compliance with the requirements of Section 170-28.3, Groundwater Protection. Pursuant to RSA 155-E:11, the requirements of this section may be waived if the APPLICANT demonstrates that such exception shall be recorded in the Registry of Deeds, and one copy filed with the NH Department of Environmental Services.

(2) A written statement from the Tax Collector that all current property and EXCAVATION taxes levied against all properties in the operation have been paid in full and that there are no unreleased tax liens encumbering said properties

(3) A copy of the Notice of Intent to Excavate filed with the Assessor's Office.

(4) A copy of the surety bond or other form of performance guaranty as approved by the PLANNING BOARD.

170-30.4. Administration and Enforcement.

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 PLANNING 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 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.

(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 once every two (2) years. Inspections by the Zoning Administrator or their designee shall be scheduled in April to coincide with 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.

B. Amendments and Renewals

Permit holders wishing to ALTER the size or location of the EXCAVATION, the rate of removal or the plan for RECLAMATION shall apply for a renewal or amendment; following the same procedures as those required for the original EXCAVATION permit.

C. Inspections

The Zoning Administrator or his designee may make periodic inspections of all EXCAVATION SITEs to determine if the operations are in conformance with these regulations and the approved plans.

D. SUSPENSIONs and REVOCATIONs

The Board may suspend or revoke a permit if the Zoning Administrator determines that any provision of the permit has been violated, a material misstatement made in the application upon which a permit was granted, or any unsafe or hazardous conditions are determined by a site inspection to exist. Such SUSPENSION or REVOCATION shall be subject to a motion for rehearing thereon and appeal in accordance with these regulations to the ZONING BOARD OF ADJUSTMENT.

E. Appeals

Any person affected by the PLANNING BOARD'S decision to approve or disapprove an application or any amendment thereto or any SUSPENSION or REVOCATION of a permit, may appeal to the ZONING BOARD OF ADJUSTMENT for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall be filed within ten (10) days of such decision and shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable. The Zoning Board shall either grant or deny the request for rehearing within (10) days, and if the request is granted, a rehearing shall be scheduled within thirty (30) days. Any person affected by the Zoning Board's decision on a motion or rehearing may appeal in accordance with RSA 677:4-15.

F. Penalties

Fines, penalties and remedies for violations of this regulation shall be the same as for violations of RSA 676:15 and 17. Whoever violates any provision of this regulation, a permit or a valid order issued hereunder shall be guilty of a misdemeanor.

170-31. Reserved.

ARTICLE X

SIGNS AND FENCES

170-32. SIGN Review 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; on 08-19-2015 by Ord. No. 2015.07.22-017; Amended on 12-26-2016 by Ord. No. 2016.10.12-015]

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

A. Permitted SIGNs. 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 SIGNs.

B. Permit required. No SIGN, other than a residential nameplate or a SIGN exempted from the permitting requirements of this Section as described herein shall be erected or placed in the City of Dover without a 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 an application and 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 SIGNs and support STRUCTUREs, where the area, location or materials are being ALTERed, shall require a permit, and such replacement shall conform to the regulations of this Section.

C. General provisions. All SIGNs shall conform to the following regulations:

(1) SIGN Location. SIGNS shall relate only to the premises upon which they are located, excluding TEMPORARY SIGNs as regulated in Subsection Q.

(2) All SIGNs shall be constructed, erected and maintained so as not to present a hazard to persons and property.

(3) All SIGNs 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 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 of a motorist.

(a) FLASHING SIGNs are prohibited.

(b) Illuminance of the SIGN face shall not exceed the following standards:

(i) EXTERNAL ILLUMINATION: fifty (50) foot-candles as measured on the 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'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'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 or beacons, waving pennants or whirling devices are prohibited.

(9) TEMPORARY SIGNs are prohibited, except as otherwise provided in Subsection Q.

(10) All SIGNs 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

(11) The terms of this Section shall not apply to SIGNs being necessary for the public welfare and, as such, are required by the municipal, State, or Federal government.

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

(14) Essential directional SIGNs not exceeding four (4) square feet in area are permitted indicating entrance and exit driveways. Said SIGNs shall not be subject to the permitting requirements of this Section.

(15) SIGNs not exceeding two (2) square feet in area are permitted in parking LOTs indicating aisles or reserved areas or spaces. Said SIGNs shall not be subject to the permitting requirements of this Section.

(16) On a BUILDING or project under construction, or on a property currently for sale or rent, one additional SIGN is permitted and shall conform to the following additional regulations:

(a) One (1) SIGN not exceeding thirty-two (32) square feet is permitted on a BUILDING or project under construction. Such SIGN shall be removed upon the receipt of a CERTIFICATE OF OCCUPANCY or upon the expiration of the BUILDING permit. Said SIGN shall not be subject to the permitting requirements of this Section.

(b) One (1) SIGN not to exceed four (4) square feet may be erected on a property currently for sale or rent. Said SIGN shall not be subject to the permit requirements of this Section.

(17) WALL SIGNs 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.[§§]

[§§]See Figure 2 of the SIGN Diagrams, Part I, included at the end of this Chapter.

(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 upon 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. Said SIGN shall not be subject to the permitting requirements of this Section.

(18) All FREESTANDING SIGNs shall conform to the following regulations:

(a) No FREESTANDING SIGNs 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 SIGNs shall conform to the following additional regulations:

(a) PROJECTING SIGNs shall be attached to the main wall of the BUILDING.

(b) PROJECTING SIGNs 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 upon each FRONTAGE. The SIGN AREA displayed shall not exceed that area permitted by the FRONTAGE on that public STREET or parking lot.

[***] See Figure 3 of the SIGN Diagrams, Part I, included at the end of this Chapter.
[†††] 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.

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

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

(1) CUSTOMARY HOME OCCUPATION SIGNs shall identify only the name of each occupant and the 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 sixteen (16) square feet may be erected in connection with any legally permitted non-residential use, excepting home occupations and BED AND BREAKFASTs.

(3) One (1) SIGN may be erected in connection with a lawfully maintained NONCONFORMING USE.

(4) All nonresidential SIGNs may only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m.

(5) One (1) SIGN not to exceed four (4) square feet may be erected in connection with a BED AND BREAKFAST.

(6) No SIGN shall be located greater than eight (8) feet above the ground, whether freestanding or attached to a BUILDING

E. SIGNs permitted in CBD and CWD Districts. No SIGN in the CBD Downtown Gateway sub-district shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted SIGNs.)

(1) WALL SIGNs[§§§]

(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 O for applicable criteria.

F. SIGNs permitted in B-3 district. (See table for overview of permitted SIGNs.)

(1) FREESTANDING SIGNs

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

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

G. SIGNs permitted in B-1 districts. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted SIGNs.)

(1) PROJECTING SIGNs

(a) All PROJECTING SIGNs shall only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN.

H. SIGNs permitted in O district. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted SIGNs.)

(1) SIGNs shall only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN.

I. SIGNs permitted in I-1, I-2, and I-4 districts. (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 upon each FRONTAGE, provided that the BUILDING complies with applicable SIGNAGE SETBACKs.

(b) Two (2) FREESTANDING DEVELOPMENT IDENTIFICATION SIGNs shall be permitted per approved industrial park, provided that the combined square footage of such SIGNs does not exceed five hundred (500) square feet in area, and that, if on a CORNER LOT, such SIGNs shall be set so as to not materially impede vision.

J. SIGNs permitted in ETP and B-4 districts. (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 upon 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 District. (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 upon each FRONTAGE.

Notwithstanding, no FREESTANDING SIGN shall be allowed on Old Rochester Road.

L. Political advertising SIGNs. Political advertising SIGNs are permitted per the political advertising SIGN provisions of State law.

M. Obsolete SIGNs. Any SIGN which is located on property which becomes vacant and unoccupied for a period of more than six (6) months 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 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. 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 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 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) SIGN location.

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

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.

(3) SIGN composition.

(a) Lettering.

(i) No more than one (1) 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 required.

(iv) Lettering shall be located so as not to obstruct architectural detailing on the BUILDING face.

(v) Product trademarks are not permitted. Generic trade symbols (e.g., a shoe for a cobbler, a mortar and pestle for a druggist) are permitted.

(vi) Letter styles shall be limited to the classic genre, i.e., Copperplate 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, plus black and white. Differences in shade or hue are considered different colors. Lettering 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.

(i) INTERNAL ILLUMINATION and DIRECT IILLUMINATION are prohibited.

(ii) Only shielded EXTERNAL ILLUMINATION 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.

(ii) Wooden SIGNs shall be constructed of dense, clear wood that adapts to engraving/carving and paint or stain. The use of plywood shall be limited to overlay, exterior or marine plywood.

(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.

(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.

(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~~Planning and Community Development Department, except as noted in Subsections (1)(b). The following regulations shall apply:

(1) TEMPORARY SIGNs are prohibited in all residential zoning districts (R-40, R-20, R-12, RM-SU, RM-U, HR, CBD-R) and the NEIGHBORHOOD Business District (B-1). Where permitted TEMPORARY SIGNS are subject to the following regulations:

(a) TEMPORARY SIGNs Allowed With One-Week Permit. A LOT or tenant may obtain a TEMPORARY SIGN permit for one week, provided that all of the following conditions are met:

(i) One-week 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) one-week TEMPORARY SIGNs per year. If the permit is not used in one (1) quarter, it shall not be carried over to the next quarter.

(ii) The TEMPORARY 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. Banner type TEMPORARY SIGNs are permitted only in the B-3 and B-5 Zoning Districts.

(iii) The TEMPORARY SIGN shall be removed within twenty-four (24) hours after the end of the approved display period. If the TEMPORARY SIGN or banner is not removed within twenty-four (24) hours, the TEMPORARY SIGN or banner may be removed by the City of Dover.

(iv) If the TEMPORARY SIGN is located on a City SIDEWALK or within a public right-of-way directly in front of the BUILDING, the requirements in Subsection Q.(1)(d) must be met.

(b) TEMPORARY SIGNS Allowed Without a Permit. One (1) A-frame sandwich board TEMPORARY SIGN is permitted per LOT or tenant and does not require a permit, provided all of the following conditions are met:

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

(ii) The maximum size of the TEMPORARY SIGN is eight (8) square feet.

(iii) The TEMPORARY SIGN must be placed directly in front of the BUILDING 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) TEMPORARY 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 additional one hundred (100) feet of STREET FRONTAGE. See District Tables of Use for additional requirements.

(i) If the TEMPORARY SIGN is located on a City SIDEWALK or within a public right-of-way directly in front of the BUILDING, the requirements in Subsection Q.(1)(d) must be met.

(ii) The following additional regulations shall apply to TEMPORARY 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. TEMPORARY SIGNs with moveable slide-in plastic letters are not permitted.

4. TEMPORARY SIGNs using stencils or spray paint are not permitted.

5. TEMPORARY SIGNs may not be painted traffic yellow or construction-zone orange or use any reflective or fluorescent materials.

(d) TEMPORARY SIGNs Located on a City SIDEWALK or Within a Public Right-of-Way. TEMPORARY SIGNs located on a City SIDEWALK or within a public right-of-way shall meet the following requirements:

(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 ensure 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) TEMPORARY SIGNs shall only be displayed during business hours.

(iv) A five (5) foot, clear passageway must be maintained at all times.

(v) TEMPORARY SIGNs shall be located directly in front of the BUILDING or in front of the space within the BUILDING occupied by the TEMPORARY SIGN owner.

(2) Community SIGNS. With a permit, TEMPORARY SIGNs may be located in the public right of way at Central Square, Weeks Crossing, and the intersections of Durham Road and Back River Road, Sixth Street and Indian Brook Drive, and Knox Marsh Road and Littleworth Road provided that the following requirements are met:

(a) Community SIGNs shall be a-frame/sandwich board type and no larger than six (6) square feet in area and no greater than three (3) feet in height.

(b) No more than three (3) permits shall be issued per location, per display period.

(c) Each week of the year shall constitute one display period. No APPLICANT will be issued a community SIGN permit for more than twelve (12) display periods per calendar year.

(d) Applications for community SIGN permits will be accepted by the Planning and Community Development Department only during the week prior to the display period. Applications will not be accepted in advance unless an entire calendar year's display schedule and payment of fees are submitted by the APPLICANT. Permits will be granted on a first-come, first-served basis.

(e) Applications must be signed by the property owner (APPLICANT or APPLICANT's landlord) and shall include:

(i) A certificate of insurance in the amount of one hundred thousand dollars ($100,000.00) (bodily injury/property damage) to ensure sufficient liability coverage of the APPLICANT.

(ii) A hold-harmless certification letter to relieve the City of Dover from bodily injury and property liability.

(f) A display period sticker will be issued with the community SIGN permit and shall be affixed to the lower right corner of the SIGN face.

170-33. FENCE Review and Regulations. **[Amended on 02-17-99 by Ord. No. 25-98; 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 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 06-22-2016 by Ord. No. 2016.06.08-010.]**

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 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. HEIGHT is measured from ground level.

B. FENCE design.

(1) The finished side of a FENCE shall face outward from the property on which the FENCE is located. The side of a FENCE containing the posts or poles and other bracing appurtenances shall face inward to the property being FENCED in or on which the FENCE is located. When erected on a property or LOT boundary line, all of the FENCE and any of its supporting STRUCTUREs or appurtenances shall be contained within the LOT or property of the person erecting said FENCE.

(2) On a CORNER LOT, no FENCE or vegetal elements shall be erected or placed in such a manner(s) as to materially impede vision between that area bounded by the STREET lines of such CORNER LOT and a straight line joining points along said STREET lines thirty (30) feet from the point to the intersection. For CORNER LOTs that are located on the inside curve of STREETs and at intersections that are not perpendicular, adequate and safe sight distances in both directions, as determined by the Zoning Administrator, shall be provided. Property owners shall maintain vegetation such that it does not grow to limit site distance.

C. Exceptions. The provisions described in Subsection A shall not apply in Industrial (I-2), Restricted Industrial (I-1), Thoroughfare Business (B-3), Central Business (CBD), OFFICE (O), and Cochecho Waterfront (CWD) Zoning Districts, or whenever the ZONING BOARD OF ADJUSTMENT, as a condition attached to the granting of a variance or special exception to this Chapter, requires for screening purposes a FENCE exceeding eight (8) feet.

170-34 through 170-38 (Reserved).

ARTICLE XI

NONCONFORMING LOTS, USES AND STRUCTURES

170-39. Nonconforming LOTs. [Amended on 6-10-87 by Ord. No. 13-87; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]

In any district, STRUCTURES which are allowed by right, but not STRUCTURES that are allowed by special exception, may be erected on any nonconforming LOT of record even though such LOT fails to meet the requirements for area width or FRONTAGE. See 170-14 for exceptions to the dimensional regulations. Further, yard dimensions and requirements other than those applying to area, width and FRONTAGE shall conform to the regulations for the district in which the LOT is located.

170-40. NONCONFORMING USEs of Land. [Amended on 08-01-90 by Ord. No. 8-90; Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]

Where, at the time of passage of this Chapter, lawful use of land exists which would not be permitted by the regulations imposed by this Chapter, the use may be continued so long as it remains otherwise lawful, provided that:

A. No such NONCONFORMING USE shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Chapter with the exception of a single-family STRUCTURE. Said single-family STRUCTURE may be expanded up to twenty percent (20%) of its gross habitable floor space provided the addition conforms with all other applicable regulations and ordinances and no additional units are created.

B. No such NONCONFORMING USE shall be moved, in whole or in part, to any portion of the LOT or parcel other than that occupied by such use at the effective date of adoption or amendment of this Chapter.

C. If any such NONCONFORMING USE of land ceases for any reason for a period of more than twelve (12) consecutive months or for twenty-four (24) months during any three (3) year period, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located.

D. No additional STRUCTURE not conforming to the requirements of this Chapter shall be erected in connection with such NONCONFORMING USE of land with the exception of ACCESSORY STRUCTUREs associated with a single-family house provided they comply with all other applicable City ordinances and regulations.

E. The above notwithstanding, if a LOT meets the requirements of 170-14, any additions or ACCESSORY STRUCTUREs may be allowed to meet the SIDE YARD SETBACKs outlined therein.

170-41. Nonconforming STRUCTUREs. [Amended on 08-01-90 by Ord. No. 8-90; Amended on 02-17-99 by Ord. No. 25-98; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]

Where a lawful STRUCTURE exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, LOT COVERAGE, HEIGHT or yards, its location on the LOT or other requirements concerning the STRUCTURE may be continued so long as it remains otherwise lawful, subject to the following:

A. Except as provided for in 170-40.A and 170-41.D, no such nonconforming STRUCTURE may be enlarged or ALTERed in a way which increases its nonconformity, but any STRUCTURE or portion thereof may be ALTERed to decrease its nonconformity.

B. A BUILDING or STRUCTURE nonconforming either in terms of use or BULK may be restored to its former BULK if destroyed by fire, other hazard or if it is determined by the BUILDING OFFICIAL to be a hazard to persons or BUILDINGS abutting it, provided that restoration of the STRUCTURE is begun within twelve (12) months after the act of destruction. All such STRUCTUREs in use at the time of destruction for agricultural purposes shall be exempt from the provisions of this subsection, provided that such reconstruction, ALTERATIONs or repairs are in compliance with the provisions of subsection A.

C. Should such STRUCTURE be intentionally moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Additions to nonconforming single-family STRUCTUREs, that were made nonconforming by a zoning amendment that changed the front, side or REAR SETBACK requirements, shall be permitted within the front, side or REAR SETBACK areas provided that the addition is no closer to the LOT LINE than the existing nonconforming STRUCTURE, and no closer than ten (10) feet from the LOT LINE.

170-42. Repairs and Maintenance. [Amended on 08-22-2018 by Ord. No. 2018.08.08-009]

On any nonconforming STRUCTURE or portion of a STRUCTURE containing a NONCONFORMING USE, ordinary repairs may be made, subject to the following provisions: if a nonconforming STRUCTURE or portion of a STRUCTURE containing a NONCONFORMING USE becomes physically unsafe or unlawful due to lack of repairs and maintenance and is so declared by the Housing Standards Board to be unsafe or unlawful by reason of physical condition, an owner shall be able to restore, repair or rebuild it within six (6) months of said determination, in its existing location, unless an extension is granted by the Housing Standards Board. Otherwise, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. Any duly authorized

official charged with protecting the public safety may rightfully order a STRUCTURE to be secured to a safe condition.

170-43. Uses Permitted by Special Exception.

Any use which is permitted as a special exception in a district under the terms of this Chapter (other than a change through the ~~PLANNING BOARD of Adjustment~~Zoning Board of Adjustment action from a NONCONFORMING USE to another use not generally permitted in the district) shall not be deemed a NONCONFORMING USE in such district, but shall without further action be considered a conforming use.

ARTICLE XII

OFF-STREET PARKING AND LOADING

170-44. Applicability. **[Amended on 9-24-80 by Ord. No. 15-80; Amended on 3-30-83 by Ord. No. 5-83; Amended on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No. 8-90; Amended on 11-13-96 by Ord. No. 19-96; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]**

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

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

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 shall be provided and maintained.

C. In CBD/CWD municipal parking facilities may be substituted for the requirements of this Section.

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

170-45. Reserved. **[Removed on 12-2009-2009 by Ord. No. 2009.09.09-15.]**

170-46. Reserved. **[Removed on 06-22-2016 by Ord. No. 2016.06.08-010]**

ARTICLE XIII

ADMINISTRATION

170-47. Administrative Officer. **[Amended 12-09-2009 by Ord. No. 2009.09.09-15]**

A. This Chapter shall be enforced by the Zoning Administrator, who shall have the authority to make inspections necessary to carry out his/her duties in the enforcement of this Chapter.

B. The Building Inspector shall not approve an application or issue a BUILDING permit or CERTIFICATE OF OCCUPANCY for any purpose, except in compliance with the provisions of this Chapter.

170-48 – 170-150. Reserved. [Removed on 12-09-2009 by Ord. No. 2009.09.09-15]

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.

170-52. ZONING BOARD OF ADJUSTMENT. [Amended on 9-24-80 by Ord. No. 15-80; Amended on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No.8-90; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]

A. Purpose. The purpose of the ZONING BOARD OF ADJUSTMENT is to hear and decide appeals of any person(s) who are aggrieved by the administration, enforcement and application of this Chapter.

B. Authority. The ZONING BOARD OF ADJUSTMENT shall be duly constituted and shall have such duties and powers as specified under RSA 673:3 and 674:33 and this Chapter as set forth herein.

C. Powers and duties.

(1) Powers. The ZONING BOARD OF ADJUSTMENT shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made ~~by the~~ in the enforcement of this Chapter (interpretation of ordinance).

(b) To hear and decide special exceptions to the terms of this Chapter upon which the ZONING BOARD OF ADJUSTMENT is required to pass under this Chapter (special exception).

(c) To authorize, upon appeal in specific cases, such variance from the terms of this Chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Chapter will

result in unnecessary hardship and so that the spirit of this Chapter shall be observed and substantial justice done (variance).

(d) To hear and decide requests for equitable waivers from the dimensional terms of this Chapter upon where a STRUCTURE has been found to be in violation of said dimensional requirement.

(2) Interpretation of Chapter.

(a) On appeal from an order or decision made by any officer or board of the City, the ZONING BOARD OF ADJUSTMENT shall have the power to decide any of the following questions:

(i) Determination of the meaning of any provision of the text of this Chapter.

(ii) Determination of the exact location of any district boundary shown on the Zoning Map.[****]

(iii) ZONING BOARD OF ADJUSTMENT shall hear and decide appeals de novo and review on appeal any order, requirement, decision or determination made in the enforcement or application of this Chapter. Upon such appeal, the ZONING BOARD OF ADJUSTMENT may, in accordance with the provisions of this Chapter, reverse or affirm, wholly or partly, or may modify any such order, requirement or decision, as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(3) Special exceptions. ZONING BOARD OF ADJUSTMENT shall have the power to hear and decide on application for special exceptions. In applying a special exception, the APPLICANT need not demonstrate hardship, since the basis for the action is of general benefit to the city as a whole. In granting a special exception, the ZONING BOARD OF ADJUSTMENT, with due regard to the nature and condition of all adjacent STRUCTUREs and uses and the district within which the same is located, shall find all of the following general conditions to be fulfilled:

(a) The requested use is essential or desirable to the public convenience or welfare.

(b) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

[****] Said Zoning Map in on file in the office of the City Clerk, where it may be examined during regular business hours.

(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.

(d) Any special exception which has not been acted upon in accordance with the approval of the ZONING BOARD OF ADJUSTMENT within four (4) years of the date of said approval shall be considered null and void.

(4) Variances.

(a) The ZONING BOARD OF ADJUSTMENT may authorize a variance from the terms of this Chapter for:

(i) A particular use.

(ii) A parcel of land.

(iii) An existing/proposed BUILDING.

(b) Said variance shall only be granted where unusual difficulty or special hardship would be imposed by the literal application and rigorous enforcement of this Chapter.

(c) In granting variances, the ZONING BOARD OF ADJUSTMENT, if it deems it proper to the carrying out of the intent and purpose of this Chapter, may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purpose of the Chapter.

(d) Any variance which has not been acted upon in accordance with the approval of the ZONING BOARD OF ADJUSTMENT within four (4) years of the date of said approval shall be considered null and void.

(5) Other requirements. The granting of any appeal by the ZONING BOARD OF ADJUSTMENT shall not exempt the APPLICANT from any provision of this Chapter not specifically ruled upon by the ZONING BOARD OF ADJUSTMENT or specifically set forth as excepted in this particular case from a provision of this Chapter. It shall be unlawful for any owner or person to reconstruct, convert or ALTER a STRUCTURE or change the use, increase the intensity of use or extend or displace the use of any BUILDING, other STRUCTURE or LOT or change any required limitations or special conditions imposed by the ZONING BOARD OF ADJUSTMENT in authorizing a special exception or variance without appealing to the ZONING BOARD OF ADJUSTMENT as a new case, over

which the ZONING BOARD OF ADJUSTMENT shall have complete administrative power to deny, approve or modify.

(6) Public Hearing. The ZONING BOARD OF ADJUSTMENT shall fix a reasonable time for the hearing of an appeal in accordance to its By-Laws; and before any hearing is given either on an appeal or an application for variance or special exception of this Chapter, notice shall be given to all ABUTTERs of any portion of the LOT in question. Notice shall be given to ABUTTERs by ~~certified mail~~Verified Mail, and also placed in a newspaper of general circulation, not less than five (5) days before the date fixed for the hearing of the appeal. The costs of any notice shall be paid by the appellant or APPLICANT to the Department of Planning and Community Development

D. Appeal from the decision of the ZONING BOARD OF ADJUSTMENT.

(1) Rehearing. Within thirty (30) days after any order or decision of the ZONING BOARD OF ADJUSTMENT, any party to the action or proceedings or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding or covered or included in the order, specifying in the motion for rehearing the grounds therefor; and the ZONING BOARD OF ADJUSTMENT may grant such rehearing if, in its opinion, good reason therefor is said in such motion.

(2) Appeal to Superior Court. No appeal from any order or decision of the ZONING BOARD OF ADJUSTMENT shall be taken unless the appellant shall have made application for rehearing as provided above, and when such application shall have been made, no ground set forth herein shall be urged, relied on or given any consideration by the Court, unless the Court for good cause shown shall allow the appellant to specify additional grounds. Within thirty (30) days after the application for a rehearing is denied or, if the application is granted, then within thirty (30) days of the decision on such rehearing, the APPLICANT may appeal by petition to the Superior Court.

170-53. Amendment Procedure. **[Amended on 12-09-2009 by Ord. No. 2009.09.09-15]**

A. Power to Amend. In accordance with RSA 674:16, the City Council may, from time to time, amend the provisions of this Chapter.

B. Initiation of Amendments. Amendments may be initiated by the City Council, the PLANNING BOARD, or by petition from one or more property owners in Dover or citizens of Dover.

C. Procedure for Consideration of a Proposed Amendment.

(1) Amendments Initiated by the PLANNING BOARD. The PLANNING BOARD may, upon its own initiative, from time to time, consider amendments to this Chapter or Zoning Map, and submit recommendations for amendments to the City Council. Such amendments shall be developed pursuant to the public notice and hearing requirements contained in Section D below.

(2) Amendments Initiated by the City Council. The City Council may, upon its own initiative, from time to time, consider amendments to this Chapter or Zoning Map. All such City Council initiated amendments shall be referred to the PLANNING BOARD for its review and study. The referral shall be made in writing by the Mayor. The PLANNING BOARD shall, after following the public notice and hearing requirements contained in Section D below, submit written recommendations regarding the amendments to the City Council within sixty (60) days of their referral.

(3) Amendments Initiated by Dover Citizens or Property Owners. Dover citizens or owners of property in Dover submitting amendments to this Chapter or Zoning Map, shall forward their proposed amendments to the PLANNING BOARD for its consideration and recommendation. Such submission shall contain the information required by Section E below. The PLANNING BOARD shall have the petition placed on the agenda for its next regularly scheduled meeting that proper notice, as required in Section D below, can be met. After the public hearing, the PLANNING BOARD shall make its recommendations concerning the petitioned amendments to the City Council within sixty (60) days of the date of the initial public hearing.

D. Public Notice and Hearing Requirements.

(1) Public Notice. Public notice shall be given for the time and place of the public hearing at least ten (10) days before the hearing, not including the day the notice is posted or published or the day of the public hearing. Notice of the public hearing shall be placed in a newspaper of general circulation in the city and shall be posted in at least three (3) public places, including the City web-site.

(2) Notice to Landowners and ABUTTERs. Except as hereinafter provided, a letter of notification shall be sent to landowners whose property lies within that area affected by the proposed amendment and to landowners whose property lies within one hundred (100) feet of the subject area. All such notices shall be by first class mail and shall be sent at least ten (10) days prior to the scheduled public hearing date.

(3) Text of Notice. All letters of notification and public notices shall state the time and place of the public hearing, the nature of the amendment, a general

description of the property involved, where applicable, and designating a place where the full text of the amendment is on file for public inspection.

E. Submission Requirements for Petitioned Amendments.

A petitioned amendment proposal shall be accompanied by maps, data and narrative information describing the location, nature and purpose of the proposed amendment, as follows:

(1) A properly drafted ordinance containing the amendment in a form meeting the requirements of the City Clerk;

(2) A statement of the purposes and intent of the proposed amendment

(3) A statement of the impact of the proposed amendment on the City's economy, environment, municipal services, municipal facilities and NEIGHBORHOODs;

(4) A map showing the existing zoning districts and the amendments to these districts as proposed in the amendment, if applicable;

(5) The names, addresses, and telephone numbers of those submitting the petition and of any agents or representatives of the same;

(6) A list and address labels including the name, address, and tax map number of each property owner of the area proposed for rezoning and each property owner within one hundred (100) feet of the subject area. The list shall be current within ten (10) days of submittal; and

(7) A non-refundable fee as contained within the Fee Schedule to cover the cost of the newspaper notice, and a non-refundable fee as contained within the Fee Schedule per landowner and ABUTTER required to be notified per Section D (2).

F. Criteria for PLANNING BOARD Review of Proposed Amendments.

The PLANNING BOARD shall provide to the City Council a report on each proposed amendment. The report of the PLANNING BOARD shall include the PLANNING BOARD's findings and recommendations on the following:

(1) The consistency of the proposed amendment with the Master Plan;

(2) The consistency of the proposed amendment with other plans, studies, or technical reports prepared by or for the PLANNING BOARD and the City;

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

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

(5) The effect of the proposed amendment on NEIGHBORHOOD including the extent to which nonconformities will be created or eliminated;

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

(7) 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.

G. City Council Action on Proposed Amendments.

(1) Setting a Hearing Date. Upon receipt of the PLANNING BOARD's report and recommendations on the proposed amendment, or upon the expiration of the sixty (60) day study period, the City Council shall establish a date for a public hearing and shall further publish and post a notice of such hearing as specified in Section D.

(2) Wavier of Notice. In the event that the proposed amendment is comprehensive in nature, the aforementioned provisions requiring notice by first class mail to individual landowners and ABUTTERs may be waived by a majority vote of the full City Council, with respect to the public hearing to be held before it. An amendment shall be deemed to be comprehensive in nature if it affects more than one (1) of the zoning districts established by 170-7 of this Chapter. Under no circumstances may the provisions for publication of notice in a newspaper or posting of public notice contained in Section D.(1) of this section be waived.

(3) Action on the Proposed Amendment. After holding the duly noticed public hearing on a proposed amendment, the City Council shall approve or disapprove the amendment. The City Council shall not have the right to overrule the PLANNING BOARD recommendations unless by a vote of not less than two/thirds (2/3) of its membership present and voting.

(4) Protest Petition. If a valid protest petition, in accordance with RSA 675:5, has been filed against a proposed amendment, a favorable vote of two-thirds (2/3) of the City Council members present shall be required

CITY OF DOVER – ORDINANCE

AGENDA ITEM: 13.C.3.

Ordinance Number: **O – 2020.07.08 – 007**
Ordinance Title: Zoning – Citywide Area Rezoning, and Text Amendments Revising TDR and Alternative Energy Code
Chapter: 170

CITY OF DOVER

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 to zoning, certain textual modifications, updates to provisions concerning transfers of development rights, and adoption of an alternative energy code, all as recommended and adopted by the Planning Board.

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to add a new "Gateway" (G) district to subsection A (3) "Mixed Use".

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to add a new subsection (f) and purpose statement to subsection B (3) to read as follows:

"(f) Gateway (G). The purpose of this district is to mark a transition point where you move from the 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 Gateways (eg 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."

AND

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 September 11, 2019, is amended by changing from "Central Business District" (CBD) "Downtown Gateway sub-district" to "Gateway" (G) District an area of approximately 109 acres located along Broadway from New York Street to Oak Street, Portland Avenue from Chapel Street to Atlantic Avenue and Central Avenue between Stark Avenue and Silver Street, and Ham Street to Abbey Sawyer Memorial Highway, consisting of Map 12 lots 1, 2, 3, 4, 5, 6, 20, 21 and 25, Map 15 lots 67, 68, 69, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101,102,

103, 105, 106, 107, 111, 112, 112A, 113 and 113A Map 19 Lots 31, 32, 48, 49, 50 and 51 Map 20 lots 60, 61, 62, 63 and 64 Map 24 lots 1, 2J, 62, 64, 68, 68C, 69, 70, 71, 72, 73, 74, 75, 76, 77109, 110, 111, 111A, 114, 115, 115A, 115B, 116A, 128, 128-B, 129,129-1, 129-2, 130 and 131 Map 26 lots 6, 7A, 8, 9,10,11, 12 and 28A Map 27 Lots 53, 66, 67, 68, 68A, 69, 70, 71, 72, 73, 74, 75143, 144, 145, 147, 148, 149, 150, 169, 170, 171, 184, 185, 186, 203, 204, 205, 219, 222, 223, 224, 225, 226, 227, 273, 274, 275, 276, 277, 278, 286A, 291A, 291C, 291D and 292 Map 28 lots 7, 9A, 10, 11, 12, 12A, 13, 18, 18B and 19 Map 29 Lots 2, 3, 4, 9, 10, 11, 12, 16, 17, 19, 20 and 100 Map 30 lots 120, 120-1, 126, 127, 128, 129-1, 130, 131, 132, 133, 134, 135, 136, 137, 138 and 139 and the portion of Map 24 lot 115B that is within the Downtown Gateway District"

AND

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 September 11, 2019, is amended by changing from "Office" (0) to "Gateway" (G) District an area of approximately .77 acres located along Reservoir Street and Mount Vernon Street, consisting of Map 29 lots 1, 5, 6 and 7"

AND

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 September 11, 2019, is amended by changing from Urban Density Multi-Residential District (RM-U) to "Gateway" (G) District an area of approximately .38 acres located along Reservoir Street and Mount Vernon Street, consisting of Map 30 lots 141-B"

AND

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 September 11, 2019, is amended by changing from "Restricted Industrial" (I-1) to "Gateway" (G) District an area of approximately 24 acres located along Locust Street and Rutland Street, consisting of Map 15 lots 35, 36, 37, 38, 39, 41, 42, 21, and 62 as well as the portion of Map 15 lots 40, 45 and 51 zoned I-1"

AND

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 September 11, 2019, is amended by changing from "Restricted Industrial" (I-1) to "Gateway" (G) District an area of approximately 9.4 acres located along Oak Street, consisting of the portions of Map 24 lot 2-A and Map 26 lot 3-1 zoned I-1"

AND

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 September 11, 2019, is amended by changing from "Thoroughfare Business" (B-3) to "Gateway" (G) District an area of approximately 21.9 acres located along Portland Avenue and Oak Street, consisting of Map 25 Lots 43, 43-A, 43-C, 43-D, 43-E, 43-F, 43-G, 43-H, 47, and 48 and the portion of Map 25 lots 43-B, 46 zoned B-3."

AND

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 September 11, 2019, is amended by changing from "Office" (O) to "Gateway" (G) District an area of approximately 25 acres located along New Rochester Road, consisting of Map 39 lots 17, 18, 29, 26, 27, 28, 29, 36, 37, 38, 39, 49, 50, 51, 52, 63, 64, 69A, 69E, 69F, 69I, 69J, 69K, 99, 100, 101, and 106 and Map 40 lots 4, 5, 6, 13, 14, 15, 16, 35, 35-A, 36, 37 and 38 and the portions of Map 39 lots 34, 47, 53, 61, 66, 75, 102, 103, 104 and 105 and Map 40 lots 2, 7, 12, 38, 38B, 38F, 47 and 17 zoned O"

AND

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 September 11, 2019, is amended by changing from "Neighborhood Business" (B-1) to "Gateway" (G) District an area of approximately 5.2 acres located along Dover Point Road and Old Dover Point Road, consisting of Map M lots 24, 24-A, 25, 26, 48, and 49."

AND

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 September 11, 2019, is amended by changing from "Highway Business" (B-5) to "Gateway (G) District an area of approximately 30 acres located along Central Avenue, consisting of Map 15 lots 4, 19, 20 and 71 and Map 16 lots 1, 2, 3, 5, 6, 7, 8, 9, 10. 11. 13-A and 38 and Map 17 lots 76 and 76-E-1."

AND

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 September 11, 2019, is amended by changing from "Low Density Residential" (R-20) to "Gateway" (G) District an area of approximately 7.4 acres located along Durham Road, consisting of Map H lot 11, and Map I lot 7"

AND

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 September 11, 2019, is amended by changing from "Medium Density Residential" (R-12) to "Gateway" (G) District an area of approximately 17.2 acres located along Cataract Avenue and Rutland Street, consisting of Map 13 lots 23, 24, 25, 26, 27, and Map 15 lots 14, 15, 16, 17, 18, 58, 59, 60, 61, 63, 65, 66A, 15-1, 66."

AND

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 September 11, 2019, is amended by changing from "Suburban Density Multi-Residential" (RM-SU) to "Gateway" (G) District an area of approximately 7.9 acres located along Cataract Avenue and Rutland Street, consisting of Map 14 lots 14, 16, 17, 17-A, and Map 15 lotS 12, 13, 13-A, 13-B."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-20 "Central Business District Regulations" as a whole by replacing any instance of the term "Downtown Gateway Sub-district " with Gateway District"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the "Downtown Gateway" table and replace it with a "Gateway" table, in the same order as 170-7, to read as attached:

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-6 "Definitions", to amend the definition of "Lot" to read as attached:

> **LOT** means a parcel of land which fronts on and has ingress and egress by means of a public vehicular right-of way and is occupied by, or is intended to be occupied by one (1) PRINCIPAL BUILDING and its accessory BUILDINGs or uses customarily incidental to it, together with such OPEN SPACEs and yards as are required by this Chapter. More than one (1) PRINCIPAL BUILDING may be placed on a LOT located in the Central Business or Gateway District. More than one (1) PRINCIPAL BUILDING may also be placed on a LOT in all other districts with PLANNING BOARD approval for non-residential developments, MULTI-FAMILY DWELLING developments, and OPEN SPACE subdivisions.

3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to remove the "Restricted Industrial" (I-1) district from subsection A (2) "Nonresidential".

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to remove the "Restricted Industrial" (I-1) district from subsection B (2) (e) "Nonresidential", eliminating the purpose statements [1] and [2] and renumbering subsequent items to reflect the elimination.

AND

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 September 11, 2019, is amended by changing from Restricted Industrial (I-1) to Urban Density Multi-Residential District (RM-U) District an area of approximately 4.2 acres located along Maple Street, consisting of Map 30 lots 19, 19-A and 19-B, and the portion of Map 30 lots 4 and 18 zoned I-1"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the "Restricted Industrial" (I-1) table in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by eliminating Section 170-19 "Flexible Uses in the I-1 District" in its entirety and replacing it with a "reserved" notation.

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 September 11, 2019, is amended by changing from "Medium Density Residential" (R-12) to "Hotel/Retail" (B-4) District an area of approximately 20 acres located along Indian Brook Drive, Alder Lane, Wilbroad Ave and Glenwood, consisting of Map D lots 18-3, 18-4, 18-5, 18-6, 18-9, 18-10 and the portion of Map D lots 18-7 and 18-8 from the Centerline of Indian Brook drive into the lot 200' and the portion of Map D lots 19 and 20, the portion of the lot between the Indian Brook Drive centerline and 400; from Glenwood."

AND

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 September 11, 2019, is amended by changing from "Medium Density Residential" (R-12) to "Executive and Technology

Park" (ETP) District an area of approximately 14 acres located along Sixth Street, consisting of Map E lots 20, 20-D, 73, 73-A, and the portion of Map E lot 19 up to 400' from the Sixth Street centerline and Map E lots 19 and 19B."

5. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to remove the "Neighborhood Business" (B-1) district from subsection A (2) "Nonresidential".

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to remove the "Neighborhood Business" (B-1) district from subsection B (2) (a) "Nonresidential", eliminating the purpose statements and renumbering subsequent items to reflect the elimination.

AND

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 September 11, 2019, is amended by changing from "Neighborhood Business" (B-1) to "Thoroughfare Business" (B-3) District an area of approximately .5 acres located along Weeks Lane, consisting of Map 39 lot 4 and Map 38 lot 38."

AND

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 September 11, 2019, is amended by changing from "Medium Density Residential" (R-12) to "Thoroughfare Business" (B-3) District an area of approximately .4 acres located along Pinecrest Lane, consisting of Map 38 lots 38 Lots 41 and 42."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the "Neighborhood Business" (B-1) table in its entirety.

6. 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 September 11, 2019, is amended by changing from "Rural Residential" (R-40) to "Hotel/Retail" (B-4) District an area of approximately 39 acres located along Durham Road and Mast Road, consisting of Map H lots 4-2, 4-B, 4-G, 4-L, 5 and 5A and Map I lot 22A, and the portion of Map I lot 22 that is 225' off the centerline of Mast Road and 194' off Durham Road."

AND

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 September 11, 2019, is amended by changing from "Low Density Residential" (R-20) to "Hotel/Retail" (B-4) District an area of approximately 3.4 acres located along Durham Road and Mast Road, consisting of Map I lots 20-E, 20-F, 20-G, 20-H, 21, and 20-J."

AND

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:

7"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Low Density Residential" (R-20) to "Suburban Density Multi-Residential" (RM-SU) District an area of approximately 2.3 acres located along Surrey Run, consisting of Map I lot 20I"

AND

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 September 11, 2019, is amended by changing from "Rural Residential" (R-40) to "Office and Assembly" (I-4) District an area of approximately 29 acres located off Durham Road and Spruce Lane, consisting of a portion of Map I lot 27."

AND

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 September 11, 2019, is amended by changing from "Hotel/Retail" (B-4) to "Office and Assembly" (I-4) District an area of approximately 45 acres located along Durham Road, consisting of Map I lots 22D, 24, 122, 123, 129, 131 and 132."

7. 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 September 11, 2019, is amended by changing from "Low Density Residential" (R-12) to "Rural Restricted Industrial District" (I-2) District an area of approximately 101 acres located along Littleworth Road and Old Littleworth Road, consisting of Map H lots 25, 26, 26-1, 26A, 27, 28A, 28, 28-1, 29-A, 29-A-1, 29-A-2, 29-A-3, 29-A-4, 29-A-5, 30, 31and 31-A, and Map 11 lots 1 and 2A and the portion of Map G lot 5 zoned R-20"

AND

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 September 11, 2019, is amended by changing from "Hotel/Retail" (B-4) to "Rural Restricted Industrial District" (I-2) District an area of approximately 54 acres located along Knox Marsh Road, consisting of Map H lots 32, 32A-1, 32A-2, 33, 33A, 33B, 33-B, 33-C, 33-E and 34."

8. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to rename the "Rural Restricted Industrial" (I-2) District to "Commercial Manufacturing" (CM) District in subsection A(2) "Nonresidential".

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to rename the "Rural Restricted Industrial" (I-2) District to "Commercial Manufacturing" (CM) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the "Rural Restricted Industrial" (I-2) table and replace it with the "Commercial Manufacturing" (CM) District, in the same order as 170-7, to read as attached:

9. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to rename the "Thoroughfare Business" (B-3) District to "Commercial" (C) District in subsection A (2) "Nonresidential".

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to rename the "Thoroughfare Business" (B-3) District to "Commercial" (C) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the "Thoroughfare Business" (B-3) table and replace it with the "Commercial" (C) District, in the same order as 170-7, to read as attached:

AND

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 September 11, 2019, is amended by changing from "Highway Business" (B-5) to "Commercial" (C) District an area of approximately 30 acres located along •Indian Brook Drive, New Rochester Rd and Willand Pond Ave, consisting of Map 39 lots 9, 11, 11-B, 15, 16, 76, 79, 80, 81, 82, 83, 93, 94, 95, 96, 97 and 113-B."

AND

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 September 11, 2019, is amended by changing from "Hotel/Retail" (B-4) to "Commercial" (C) District an area of approximately 108 acres located along Indian Brook Drive, Heather Lane and Sixth Street, consisting of Map D lots 16-A, 16-F, 16-G, 17, 17-B, 17-C , 17-D, 17-E, 17-F , 18, 18-10, and the portion of Map D lots 16 and 16-B that is within 400' of the centerline of Sixth Street."

AND

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 September 11, 2019, is amended by changing from "Hotel/Retail" (B-4) to "Office and Assembly" (I-4) District an area of approximately 72.3 acres located along Sixth Street, consisting of Map D lots 5A and 15 and the portion of Map D lot 16 and 16-B that is further than 400' from the centerline of Sixth Street."

AND

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 September 11, 2019, is amended by changing from "Hotel/Retail" (B-4) to "Commercial" (C) District an area of approximately 77 acres located along Knox Marsh Road, consisting of Map H lots 37, 37-A, 37-B, 37-C, 38, 38-A, 38-B, 39, 40-B, 40, 40-6, 40-C, 40-C-1, 40-D, 40-E, 40-F, 40-G, and the portion of Map H lot 35-D that is zoned B-4."

AND

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 September 11, 2019, is amended by changing from "Hotel/Retail" (B-4) to "Commercial" (C) District an area of approximately 48 acres located along Durham Road and Mast Road, consisting of Map H lots 1, 1-B, 2, 2B, 3, 4N, 4-1 and 4-3."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to eliminate the "Hotel/Retail" (B-4) and "Highway Business" (B-5) District in subsection A(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to eliminate the "Hotel/Retail" (B-4) and "Highway Business" (B-5) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the "Hotel/Retail" (B-4) table and "Highway Business" (B-5) table.

10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to rename the "Office and Assembly" (I-4) District to "Innovative Technology" (IT) District in subsection A(2) "Nonresidential".

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to rename the "Office and Assembly" (I-4) District to "Innovative Technology" (IT) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the

"Office and Assembly" (I-4) table and replace it with the "Innovative Technology" (IT) District, in the same order as 170-7, to read as attached:

AND

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 September 11, 2019, is amended by changing from "Executive Technology Park" (ETP) to "Innovative Technology" (IT) District an area of approximately 406 acres located along Sixth Street, consisting of Map E lots 24, 24-1, 26-B, 27-1, 27-A, 27-B, 27-C, 17-D, 27-E, 28, 29, 31, 32, 32-1, 32-2, 32-4, 33, 70A and 70B."

AND

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 September 11, 2019, is amended by changing from "Executive Technology Park" (ETP) to "Innovative Technology" (IT) District an area of approximately 102 acres located along Pointe Place, consisting of Map K lots 18A-10, 19, 19-1, 19-2, 19-3, 19-4, 19-5, 19-7 and Map M lots 4, and 4-OPN, and the portion of Map K lots 19-C, 19-B, 22, 23, 24, 25, 25-B zoned ETP."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to eliminate the "Executive Technology Park" (ETP) District in subsection A(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to eliminate the "Executive Technology Park" (ETP) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the "Executive Technology Park" (ETP) District table.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-15 "Recreation Space and Separation between Use Requirements", to amend sub section F as follows:

"F. All screening and setback requirements pursuant to this section shall not be binding in the ~~ETP~~ IT or any Mixed Use Zoning District."

11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-21 "Small Wind Energy Systems" to update and amend as follows:

" 170-21. ~~SMALL WIND~~ Alternative ENERGY SYSTEMS.

A. Authority/Purpose:

This ~~SMALL WIND~~ Alternative ENERGY SYSTEMs ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate ~~SMALL WIND~~ Alternative ENERGY SYSTEMs in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for ~~SMALL WIND~~ Alternative ENERGY SYSTEMs to ensure compliance with the provisions of the requirements and standards established herein.

B. Procedure for Review:

(1) Building Permit: ~~SMALL WIND~~ Alternative ENERGY SYSTEMs and met TOWERs are an ACCESSORY USE permitted in all zoning districts where STRUCTUREs of any sort are allowed. No ~~SMALL WIND~~ Alternative ENERGY SYSTEM shall be erected, constructed, or installed without first receiving a BUILDING permit from the Building Inspector. A BUILDING permit shall be required for any physical MODIFICATION to an existing ~~SMALL WIND~~ Alternative ENERGY SYSTEM. Met TOWERs that receive a BUILDING permit shall be permitted on a temporary basis not to exceed three (3) years from the date the BUILDING permit was issued.

(2) Consumer Use. For the purposes of this Section, Alternative energy systems are intended to be incidental and subordinate to a use on the same parcel and shall supply electrical power principally for on-site consumption.

a. To the extent net metering is allowed, excess power may be contributed to the grid. Should the excess power contributed exceed 125% of the power required on site for one year, the use shall be considered no longer be incidental and subordinate, and shall require Technical Review.

(3) Application: Applications submitted to the Building Inspector shall contain a site plan with the following information where appropriate:

(a) Property lines and physical dimensions of the APPLICANT's property.

(b) Location, dimensions, and types of existing major STRUCTUREs on the property.

(c) Location of the proposed ~~SMALL WIND~~ Alternative ENERGY SYSTEM, including, foundations, guy anchors and associated equipment.

(d) TOWER foundation blueprints or drawings.

(e) TOWER blueprints or drawings.

(f) SETBACK requirements as outlined in this ordinance.

(g) The RIGHT-OF-WAY of any public road that is CONTIGUOUS with the property.

(h) Any overhead utility lines.

(i) SMALL WIND ENERGY SYSTEM:

i. Specifications, including manufacturer, model, rotor diameter, TOWER HEIGHT, TOWER type, nameplate generation capacity.

ii. SMALL WIND ENERGY SYSTEMs that will be connected to the POWER GRID shall include a copy of the application for interconnection with their electric utility provider.

iii. Sound level analysis prepared by the WIND GENERATOR manufacturer or qualified engineer.

iv. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.

v. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.

(j) Solar Panel Systems

i. Specifications, including manufacturer, model, type, nameplate generation capacity.

ii. Solar Panels that will be connected to the POWER GRID shall include a copy of the application for interconnection with their electric utility provider.

iii. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code, as well as applicable Electric Code.

(k) List of ABUTTERs to the APPLICANT's property.

(4) ABUTTER and Regional Notification: In accordance with RSA 674:66, the Building Inspector shall notify all ABUTTERs and the local governing body by certified mail upon application for a BUILDING permit to construct an ~~SMALL WIND~~ Alternative ENERGY SYSTEM. The public will be afforded 30 days to submit comments to the Building Inspector prior to the issuance of the BUILDING permit. The Building Inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Building Inspector shall follow the procedures set forth in RSA 36:57, IV.

C. SMALL WIND ENERGY SYSTEM Standards:

(1) The Building Inspector shall evaluate the application for compliance with the following standards;

(a) SETBACK: The SETBACK shall be calculated by multiplying the minimum SETBACK requirement number by the SYSTEM HEIGHT and measured from the center of the

TOWER base to property line, public roads, or nearest point on the foundation of an occupied BUILDING.

Minimum SETBACK Requirements			
Occupied BUILDINGs on Participating Landowner Property	Occupied BUILDINGs on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

(i) SMALL WIND ENERGY SYSTEMs must meet all SETBACKs for principal STRUCTUREs for the zoning district in which the system is located.

(ii) Guy wires used to support the TOWER are exempt from the SMALL WIND ENERGY SYSTEM SETBACK requirements.

(b) TOWER: The maximum TOWER HEIGHT shall be restricted to thirty five (35) feet above the tree canopy within three hundred (300) feet of the SMALL WIND ENERGY SYSTEM. In no situation shall the TOWER HEIGHT exceed one hundred fifty (150) feet.

(c) Sound Level: The SMALL WIND ENERGY SYSTEM shall not exceed sixty (60) decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

(d) SHADOW FLICKER: SMALL WIND ENERGY SYSTEMs shall be sited in a manner that does not result in significant SHADOW FLICKER impacts. Significant SHADOW FLICKER is defined as more than thirty (30) hours per year on abutting occupied BUILDINGs. The APPLICANT has the burden of proving that the SHADOW FLICKER will not have significant adverse impact on neighboring or adjacent uses. Potential SHADOW FLICKER will be addressed either through siting or mitigation measures.

(e) SIGNs: All SIGNs including flags streamers and decorative items, both temporary and permanent, are prohibited on the SMALL WIND ENERGY SYSTEM, except for manufacturer identification or appropriate warning SIGNs.

(f) Code Compliance: The SMALL WIND ENERGY SYSTEM shall comply with all applicable sections of the New Hampshire State BUILDING Code.

(g) Aviation: The SMALL WIND ENERGY SYSTEM shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.

(h) Visual Impacts: It is inherent that SMALL WIND ENERGY SYSTEMs may pose some visual impacts due to the TOWER HEIGHT needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.

(i) The APPLICANT shall demonstrate through project site planning and proposed mitigation that the SMALL WIND ENERGY SYSTEM's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, WIND GENERATOR design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.

(ii) The color of the SMALL WIND ENERGY SYSTEM shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

(iii) A SMALL WIND ENERGY SYSTEM shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the APPLICANT shall provide a copy of the FAA determination to establish the required markings and/or lights for the SMALL WIND ENERGY SYSTEM.

(i) Approved WIND GENERATORS: The manufacturer and model of the WIND GENERATOR to be used in the proposed SMALL WIND ENERGY SYSTEM must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.

(j) Utility Connection: If the proposed SMALL WIND ENERGY SYSTEM is to be connected to the POWER GRID through NET METERING, it shall adhere to RSA 362-A:9.

(k) Access: The TOWER shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum HEIGHT of eight (8) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(l) Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the SMALL WIND ENERGY SYSTEM and as otherwise prescribed by applicable laws, regulations, and ordinances.

D. Solar Panel Standards

a. Lot Coverage: solar systems do not constitute an increase to lot coverage unless the panel(s)/collector(s) and supporting structures constitute a building.

b. Placement of solar systems:

i. The height of a roof mounted solar panel shall not be counted towards the maximum permitted height of the structure it is affixed to the zoning district.

ii. Ground-mounted solar panels, shall not be located in the front yard and shall meet or exceed required side and rear yard setbacks for accessory buildings.

iii. In no case shall a ground mounted unit exceed 20 feet in height.

iv. When solar storage batteries are included as part of the solar energy system, they must be housed in a secure space or enclosure meeting the requirements of the City's building and electrical codes when in use and, when no longer used, shall be disposed of in accordance with all applicable City, state and federal laws and regulations.

E. ~~D.~~ Abandonment:

(1) At such time that a SMALL WIND ENERGY SYSTEM is scheduled to be abandoned or discontinued, the APPLICANT will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

(2) Upon abandonment or discontinuation of use, the owner shall physically remove the SMALL WIND ENERGY SYSTEM within ninety (90) days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Inspector. "Physically remove" shall include, but not be limited to:

(a) Removal of the WIND GENERATOR and TOWER and related above-grade STRUCTUREs.

(b) Restoration of the location of the SMALL WIND ENERGY SYSTEM to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

(3) In the event that an APPLICANT fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous twelve (12) month period. After the twelve (12) months of inoperability, the Building Inspector may issue a Notice of Abandonment to the owner of the SMALL WIND ENERGY SYSTEM. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. After review of the information provided by the owner, the Building Inspector shall determine if the SMALL WIND ENERGY SYSTEM has been abandoned. If it is determined that the SMALL WIND ENERGY SYSTEM has not been abandoned, the Building Inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

(4) If the owner fails to respond to the Notice of Abandonment or if, after review by the Building Inspector, it is determined that the SMALL WIND ENERGY SYSTEM has been abandoned or discontinued, the owner of the SMALL WIND ENERGY SYSTEM shall remove the WIND GENERATOR and TOWER at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the SMALL WIND ENERGY SYSTEM after the Notice of Abandonment procedure, the Building Inspector may pursue legal action to have the SMALL WIND ENERGY SYSTEM removed at the owner's expense.

F. ~~E.~~ Violation:

It is unlawful for any person to construct, install, or operate a SMALL WIND ENERGY SYSTEM that is not in compliance with this ordinance. SMALL WIND ENERGY SYSTEMs installed prior to the adoption of this ordinance are exempt from this ordinance except when MODIFICATIONs are proposed to the SMALL WIND ENERGY SYSTEM.

G. Penalties:

Any person who fails to comply with any provision of this ordinance or a BUILDING permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by RSA 676:17.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-6 "Definitions" to add the following terms to read as follows:

"Alternative energy System means a system where energy is derived from a renewable natural source, such as the sun, wind, tides, or waves."

"Energy storage is the capture of energy produced at one time for use at a later time. A device that stores energy is generally called an accumulator or battery. Energy comes in multiple forms including radiation, chemical, gravitational potential, electrical potential, electricity, elevated temperature, latent heat and kinetic. Energy storage involves converting energy from forms that are difficult to store to more conveniently or economically storable forms."

"Geothermal energy means a system generating electricity by tapping into steam or hot water reservoirs underground; the heat is used to drive an electrical generator."

"Ground mounted solar means a system installed on the ground rather than on the roof of a building. This allows the solar panels to be placed anywhere on the property and mounted at any height, from a few inches to many feet off the ground. Ground mounted solar may include motorized ground-mounts that track the sun throughout the day, ensuring the panels are facing the sun at all times."

"Rooftop solar mean a photovoltaic system that generates electricity by capturing solar thermal energy and is mounted on the rooftop of a residential or commercial building or structure"

12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-27.2 "Transfer of Development Rights" to update and amend as follows:

"170-27.2. TRANSFER OF DEVELOPMENT RIGHTS.

A. Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring DEVELOPMENT RIGHTS (TDR) within said districts.

B. Purpose and Intent. Within the City of Dover there are certain lands that possess significant conservation features, including but not limited to wetlands, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic viewsheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition.

   Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission who are active in protecting and preserving OPEN SPACE.

C. Applicability. Upon request by an APPLICANT for development approval and at the discretion of the PLANNING BOARD, the provisions of this subsection may apply to the district(s) defined in this subsection E below.

D. Districts Defined.

   (1) The Industrial TDR DISTRICT is hereby determined to be any ~~I-4~~ IT or ~~B-4~~ CM zoning district as shown on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be OPEN SPACE and related SETBACKs as defined by the City of Dover Wetland Protection District, Chapter 170-27.1, which are located in any ~~I-4~~ IT or ~~B-4~~ CM zoning district. The RECEIVING AREA is defined to be all remaining land in be any ~~I-4~~ IT or ~~B-4~~ CM zoning district.

   (2) The Residential TDR DISTRICT is hereby determined to be Residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be any land preserved by the City of Dover

through conservation programs in the R-40 or R-20 residential zoning districts. The RECEIVING AREA is defined to be all non-R-40 or R-20 zoning districts east of the Spaulding Turnpike which allow residential development.

a. If the units created are purchased, the receiving area may be any zoning district that allows residential development.

E. Procedural Requirements.

(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 Subsection 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 Subsection G below.

(2) A certified boundary survey of the associated land in the SENDING AREA shall be submitted as a supplement to the site plan or subdivision plan for development within the RECEIVING AREA.

(3) The owner of the subject OPEN SPACE within the SENDING AREA of the TDR DISTRICT shall SIGN all application materials as a co- APPLICANT of the development application. For residential application, proof of an agreement to sell DEVELOPMENT RIGHTS must be provided by the Conservation Commission.

(4) A sketch plan estimating layout of the development site and identifying the OPEN SPACE associated with the plan ~~shall~~ ~~may~~ be submitted to the PLANNING BOARD for review at a regularly scheduled meeting. The PLANNING BOARD, within thirty (30) days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections G and H below. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section.

a. <u>The determination of whether a proposed TDR project requires a sketch plan review shall be made by the Director of Planning and Community Development based on initial discussions with the applicant. The determination, made in writing, shall be made prior to the submittal of any plans and shall specify the Director's</u>

reasoning, including a review of known conditions, including: traffic, existing layout/topography, environmental. This determination shall be included in the staff report to the Board. If the applicant does not agree with the Director's determination, they may appeal the decision to the Board at its next meeting.

b. If the sketch plan requires an environmental Conditional Use Permit to develop homes, the applicant must appear before the Conservation Commission for review and endorsement prior to the Planning Board's review.

(5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated OPEN SPACE within the SENDING AREA. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and access crossings in accordance with subsection I below. The designation of the land protection agency to hold the easement shall be approved by the PLANNING BOARD.

F. Industrial Performance Standards.

(1) Land within a SENDING AREA, when surveyed, approved by the PLANNING BOARD and preserved by easement or covenant as specified in Subsection 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~~ IT or ~~B-4~~ CM 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.

(2) The minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.

(3) The minimum FRONTAGE requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.

(4) SETBACKs for parking, paved areas, and BUILDINGs may be waived by the PLANNING BOARD, and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, BUILDINGs shall be at least one hundred fifty (150) feet from residential STRUCTUREs that exist on the date of enactment of the ~~I-4~~ IT or ~~B-4~~ CM Zoning districts, and seventy five (75) feet from the LOT LINE of a disagreeing residential ABUTTER.

(5) The developer shall record covenants that address architectural considerations for STRUCTUREs, SIGNAGE and lighting that are designed to promote the highest possible aesthetic quality of the development site.

(6) A landscaping plan shall be submitted with a development application that depicts landscaping or OPEN SPACE around the perimeter of the site, near the proposed BUILDINGs, and within the parking LOT that promotes the highest possible aesthetic quality of the development.

G. Residential Performance Standards.

(1) Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve OPEN SPACE within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission. This cost shall become the value at which DEVELOPMENT RIGHTS may be purchased.

(2) Proceeds from the purchase of DEVELOPMENT RIGHTS, shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.

(3) A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERING DEVELOPMENT RIGHTS.

(a) Single Family Detached method

i. An applicant shall develop a baseline yield for the lot to be developed, through the following formula

1. The square footage of the parent lot minus environmental constraints (wetlands, conservation areas etc) is the base lot size.

2. The base lot size is then reduced by fifteen (15) percent to account for roadway, this creates the net area.
3. The net area is then multiplied by a factor determined by the amount of wetlands over the parent lot. This is the developable area.

Percentage of Parcel that is wetlands	Factor
0<10%	0.85
10<20%	0.8
20<30%	0.75
30%<	.7

4. The developable area is the divided by the minimum lot size, and the whole number value is the base number, with no rounding.

    a. This base number is not required to be restricted by the requirements in subsection iii, unless the formula defined in item ii 1. is utilized.

5. The development plan shall be laid out in a design that meets the requirements for block length and cu de sac length.

ii. The transfer shall equate to one of the following calculations:

1. For construction of units no larger than six hundred (600) square feet of total living area, including the base calculated units, there shall be no density limit. The monthly cost of said units shall conform to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, and there shall be no TDR fee collected for said unit(s).

2. For construction of units no larger than one thousand (1,000) square feet, of total living area, two (2) units per DEVELOPMENT RIGHT purchased shall be allowed.
3. For construction of units no larger than fourteen hundred (1,400) square feet, of total living area, one ~~and a half~~ (1~~.5~~) unit per DEVELOPMENT RIGHT purchased shall be allowed. The unit count shall be the whole number value and not rounded up.

a. ~~If the math to devise the base number ends in more than half a unit but less than a whole, and a transfer is purchased, the result would be two (2) dwelling units.~~ Total living area shall mean the size of the home (in square feet) based upon the exterior dimensions, excluding unconditioned spaces.

iii. The units created, through the transfer must be

1. ~~Sold, and are not for rental purposes~~
2. Limited to the square footage originally constructed.

iv. A note shall be placed on the approved plan and any Building Permit shall note the adherence to this section of the Code.

v. A note shall be placed in the property/unit deed citing the restrictions listed above.

vi. The plan shall be considered a subdivision application. Prior to submission, a determination by the Director of Planning and Community Development shall be made whether to follow the minor or major subdivision regulations.

(b) ~~Attached~~ Single Family, Two family, three family and 4 or more method

(i) The transfer may be through the purchase of development rights, as described in G) (1) ~~and (2)~~, or through the protection of land via a permanent conservation easement as per section E) (5).

a. In mixed use or multi-family zones, the base density shall be derived from the underlying zoning, and not through a formula.
b. If the additional unit(s) resulting from TDR are restricted so that the rent of said units conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, there shall be no fee collected for said unit(s).

(ii) The transfer shall equate to one (1) unit per acre preserved, or purchased. If the end result is a village themed residential/non-residential ~~commercial~~ project, whereby 35% of the square footage being created is non-residential the transfer shall equate to one (1) unit per 2,500 square feet ~~tenth (10th)~~ of an acre preserved or purchased.

(iii) Any development approved by the Planning Board after July 1, 2020, which will create a manufacturing or assembly facility over 40,000 square feet, may create and transfer one (1) unit per 2,000 square feet of building approved. The transfer shall not be completed prior to the issuance of the Certificate of Occupancy for the additional space.

(iv) The plan shall be treated as a site plan application, unless otherwise determined by the Director of Planning and Community Development, prior to final submission.

(4) Regardless of the method utilized, the minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.

(5) Regardless of the method utilized, the setbacks shall be:

~~MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS~~		MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS		
~~STREET Sides of Units~~	~~STREET Sides of Units~~	Abutting A STREET	Abutting A SIDE LOT LINE	Abutting A REAR LOT LINE
~~20 feet~~	~~20 feet~~	20 feet	10 feet	30 feet

(6) Regardless of the method utilized, the minimum FRONTAGE requirement may be waived by the PLANNING BOARD, to no less than forty feet (40') ~~for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved~~ Paved access to all developed areas shall be suitable for emergency vehicles ~~is approved by the PLANNING BOARD~~.

(a) ~~If lots are proposed, the minimum frontage allowed shall be forty (40) feet per unit~~

(7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty (30) foot no cut, no disturb buffer.

(8) Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity:

(a) Is consistent with the Master Plan

(b) Is not incompatible with the land uses on neighboring LOTs (eg a multifamily building in a single family neighborhood)

(c) Is created on property served by public water and sanitary sewer

13. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-28.2 "Residential-Commercial Mixed Use (RCM) Overlay" to update and amend as follows:

A. **"**Purpose and intent.

(1) The Residential-Commercial Mixed Use Overlay District is designed as an overlay district that allows a mixture of residential use and commercial uses on one parcel. In order for a developer to utilize these regulations, the Planning Board shall have granted a conditional use permit. The district includes options which enable and encourage greater flexibility in the design of residential housing ~~for older persons~~ with commercial projects. The overlay permits development of large tracts of land on a development-plan basis which allows flexibility in internal road design, with reduced dwelling lot sizes and modified dimensional requirements.

(2) The mixed residential and commercial uses are intended to be complementary to one another and to create a sense of community between the mixed uses. Housing and commercial uses can be developed to provide appropriate use of land, facilitate the economical and efficient provision of public services, promote open space conservation, protect the natural and scenic attributes of the land, and expand opportunities for the development of housing ~~for older persons, as defined under RSA 354-A:15~~, outside the traditional residential developments.

B. Conditional use permit.

(1) Conditional use approval may be granted by the Planning Board (RSA 674:21, II) after proper public notice and public hearing, provided that the proposed project complies with the following standards:

(a) The applicant demonstrates that the development complies with the design guidelines that are outlined in § 153-16 of the Site Review Regulations. These guidelines encourage a context-sensitive development, which encourages components that act as one project and not as two adjacent projects.

(b) The applicant demonstrates that the development poses no detrimental effects on surrounding properties. Potential areas of impact that need to be analyzed include, but are not limited to, vehicular traffic, noise, property value, visual blight, natural resources degradation, light pollution, and offensive emissions such as dust, odor, or smoke.

(c) The applicant shall submit a fiscal impact analysis as defined in § 157- 21C(1)(b) of the Land Subdivision Regulations. The analysis shall demonstrate that the project is at least a cost-neutral project for the City at present and 10 years from the occupation.

(2) 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.

C. Location. The Residential-Commercial Mixed Use Overlay District shall include any parcel located within the CM, IT ~~B-4, I-4~~ or ~~ETP~~ R-40 zone which is greater than 50 acres and has the ability to connect into municipal water and sewer.

D. Permitted uses. The following uses are permitted:

(1) Principal uses.

(a) Housing ~~for older persons as that term is defined under RSA 354-A:15 and 42 U.S.C. § 3607(b)(2) and the regulations adopted thereunder in the following settings:~~

(3) Single-family dwelling, including the use of manufactured housing.
(4) Two-family dwelling.
(5) Three- to four-family dwelling.
(6) Multifamily dwelling.
(7) Manufactured housing parks (permitted outright without a special exception).

B. Public and private utilities.

C. Nonresidential uses as allowed as follows:

(1) Any use allowed in the underlying zone ~~that is compatible with housing for older persons.~~
(2) Barber or beauty shop.
(3) Bank.
(4) Eating/drinking establishments (no drive-through service).
(5) Bed-and-breakfast.
(6) Office.
(7) Retail store.
(8) Theater.
(9) Adult day care.

(10) Nursing homes ~~(in areas not serviced by City water and sewer utilities at a density of one bedroom per 10,000 square feet of land; in areas serviced by City water and sewer utilities~~ at a density of one bedroom per 7,500 square feet of land).

(11) Congregate care facilities ~~(in areas not serviced by City water and sewer utilities at a density of one unit per 10,000 square feet of land; in areas serviced by City water and sewer utilities~~ at a density of one unit per 7,500 square feet of land).

(12) Other uses compatible with housing ~~for older persons~~ may be approved via Conditional Use, using the criteria in 170-20 B(2).

(13) Nonresidential uses in existence at the adoption of this section on adjacent parcels shall be allowed to expand within the development if conceptually shown on the approved plan.

(2) Accessory uses.

(a) Recreational facilities.

(b) "Community building," ~~(i)~~ defined as a building used as a place of meeting, recreation or social activity typically for use by the residents of a particular development.

(c) Maintenance buildings.

(d) Rental and sales offices.

E. Procedural concepts.

(1) The developer shall prepare a development plan, which locates the proposed types of nonresidential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership but shall be treated as one development and shall be bound by the approval granted for the entire development plan. If approval is granted, individual lots must be developed as part of the larger development plan and phasing outlined below, and not separately. The development plan must identify the percentage of the nonresidential uses, residential uses and open space. Nonresidential and/or mixed-use uses must comprise at least 55% of the total proposed floor area for the development (outdoor display areas may be counted towards the minimum required floor area) residential uses must not exceed 45% of the total proposed floor area for the development. Nonresidential uses within projects located in the CM district must be 90% manufacturing and assembly in nature. A building shall be considered "mixed-use," provided that at least 50% of the floor area of the first floor is reserved as commercial space and provided that such commercial space is located roughly in the front half of the building and extends the length of the building facade. Residential accessory uses (e.g. mechanical, storage, laundry, etc.) are permitted to be located within the back half of the first floor of any mixed-use building.

(2) A minimum of 20% of the area of the original tract shall be reserved as open space and identified as such on the development plan. Fifty percent of the required open space (as defined in § ~~155~~157-60) must be usable uplands and reasonably accessible to all property owners in the project. Any open space provided above 20% may be mixed wetlands and upland.

(3) Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in § ~~155~~157-60) applied to the development lot and not individually to the internal dwelling lots.

(4) For residential development that includes single family homes over 1,001 square feet of total living area, ~~two family,~~ three- to four-family or multifamily dwellings, density shall be based upon calculating one unit per 40,000 square feet of contiguous upland, and using 150 feet of frontage on a public roadway.

(5) For single-family residential homes 1,000 or less square feet of total living area, development, or two-family dwellings density shall be based upon calculating one unit per 10,000 square feet of contiguous upland, and using 100 feet of frontage on a public roadway.

(6) The development plan may be phased for a term of five years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Subsection A. For the purposes of this section, development shall include:
   (a) Construction of structures;
   (b) Environmental remediation;
   (c) Site preparation or demolition;
   (d) Roadway utility or recreation and common area design and construction; and
   (e) Bonding or other security for site development.

(7) The phasing plan shall provide that no more than 50% of the residential development may be occupied prior to completion of between 25% and 50% of the nonresidential structures, as negotiated between the Planning Board and the developer, and included in the Conditional Use Approval.

(8) Provided that the developer is making reasonable efforts to develop the site, the Planning Board may extend the initial five-year phasing period, provided a request for extension is submitted before the expiration of the initial five-year phasing term.

(9) Residential development plan guidelines.
   (a) The developer shall be permitted to allocate permitted density among internal dwelling lots in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the development lot or legal lot, unless the additional density is derived from the Transfer of Development Rights Ordinance. Layouts may include individual lots or a cluster of units without lot lines.
   (b) Dwelling layouts shall be so designed that parking is screened from external roadways by garages, building locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external streets shall be preserved as much as possible.

(c) Where possible, it is desirable and encouraged to mix residential and nonresidential uses. This may be achieved through situating the buildings close to each other, or though allowing structures to house residential, preferably on the second or above floor, with nonresidential on the first floor. Creativity and flexibility is encouraged, and the development plan may offer another option for mixing uses. ~~Units created through the TDR program are not required to be housing for the elderly, as that term is defined under RSA 354-A:15 and 42 U.S.C. § 3607(b)(2).~~

(d) All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include structures with peaked roofs and architectural shingles. The guidelines for this development are included in Chapter 153, Site Review Regulations,

(e) All manufactured houses shall adhere to the standards outlined in Chapter 101, Manufactured Home Parks, with the exception of §§ 101-3, 101-4, 101-5, 101-6, and 101-7F, which shall be controlled by the provisions hereof and unless noted below. Where there is a difference in the requirements between this overlay district and the provisions of Chapter 101, Manufactured Home Parks, the provisions of the overlay district shall apply.

(10) Nonresidential development plan guidelines.

(a) The general character of the nonresidential structures within the development lot is intended to be a pedestrian-friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, facade treatment, and signage.

(b) The guidelines for this development are included in Chapter 153, Site Review Regulations, § 153-16.

F. Standards and regulations.

(1) Internal roads. As part of the approval of the conditional use permit, the Planning Board shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below, roadways shall conform to the street design criteria laid out in the Code.

(a) Minimum internal right-of-way.

(1) Maximum residential: 35 feet.

(2) Maximum nonresidential: 50 feet.

(b) Minimum pavement width.

(1) Minimum residential: 20 feet.

(2) Minimum nonresidential: 28 feet.

(3) Minimum sidewalk pavement width: five feet.

(4) Minimum bike/Segway®/golf cart path width: five feet.

(c) Minimum tangent length at intersections: 75 feet.

(d) Maximum street angle at intersections: 60°.

(e) Minimum center-line radius: 100 feet.
(f) Minimum tangent length between reverse curves: 50 feet.

(2) Dimensional requirements.
(a) Nonresidential/mixed-use buildings.
[1] Minimum structure setback from external lot line: 50 feet. Expanding existing nonresidential uses are not held to this setback.
[2] Minimum structure setback from external right-of-way: 50 feet.
[3] Maximum nonresidential building height: 55 feet.
[4] For all other dimensional requirements for nonresidential structures and parking setbacks refer to the underlying zone.
(b) Residential dwellings.
[1] Minimum structure and parking setback from external lot line: 50 feet.
[2] Minimum structure and parking setback from external row: 100 feet.
[3] Maximum residential building height: 35 feet.
[4] Minimum frontage on internal road: 40 feet.
[5] Minimum setbacks:
[a] Front yard setbacks: 20 feet.
[b] Distance between buildings: 24 feet.
(c) <u>There shall be no minimum lot size or frontage for internal lots created.</u>

(3) Parking.
(a) All dwelling units shall require two independently accessible parking spaces per unit, except that the congregate-care and nursing-home requirements shall be as otherwise defined by this chapter. Nonresidential uses shall comply with parking requirements defined by this chapter.
(b) Overnight parking shall not be permitted on internal roadways.
(c) <u>Parking shall be utilized and available to all components of the Development Plan, through the recording of access and parking easements."</u>

14. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-32 "Signs", to amend sub sections E-Q as follows:

Purpose. The purpose of this Section is to create a legal framework for SIGNAGE regulations that is intended to facilitate a flexible and agreeable communication between people. Such an ordinance acknowledges the need to protect the safety and welfare of the public, the need for a well-maintained and attractive appearance throughout the City of Dover and the need for adequate business identification, advertising and communication. While this Section recognizes that aesthetics and design quality cannot be

satisfactorily legislated, it does, however, operate on the premise that a large percent of that which is unattractive can be eliminated by sensible quality control through maintenance and inspection and by guidelines formulated to minimize clutter.

A. Permitted SIGNs. 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 SIGNs.

B. Permit required. No SIGN, other than a residential nameplate or a SIGN exempted from the permitting requirements of this Section as described herein shall be erected or placed in the City of Dover without a 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 an application and 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 SIGNs and support STRUCTUREs, where the area, location or materials are being altered, shall require a permit, and such replacement shall conform to the regulations of this Section.

C. General provisions. All SIGNs shall conform to the following regulations:

(1) SIGN Location. SIGNS shall relate only to the premises upon which they are located, excluding TEMPORARY SIGNs as regulated in Subsection Q.

(2) All SIGNs shall be constructed, erected and maintained so as not to present a hazard to persons and property.

(3) All SIGNs 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 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 of a motorist.

(a) FLASHING SIGNs are prohibited.

(b) Illuminance of the SIGN face shall not exceed the following standards:

(i) EXTERNAL ILLUMINATION: fifty (50) foot-candles as measured on the 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'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'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.[1]

(7) No SIGN shall be painted or affixed with adhesive directly on the surface of a BUILDING.

(8) Rotating SIGNs or beacons, waving pennants or whirling devices are prohibited.

(9) TEMPORARY SIGNs are prohibited, except as otherwise provided in Subsection Q.

(10) All SIGNs are prohibited within the public right- of-way, except as otherwise provided in this Section.

(11) The terms of this Section shall not apply to SIGNs being necessary for the public welfare and, as such, are required by the municipal, State, or Federal government.

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

[1]See Figure 1 of the SIGN Diagrams, Part I, included at the end of this Chapter

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 Section.

(14) Essential directional SIGNs not exceeding four (4) square feet in area are permitted indicating entrance and exit driveways. Said SIGNs shall not be subject to the permitting requirements of this Section.

(15) SIGNs not exceeding two (2) square feet in area are permitted in parking LOTs indicating aisles or reserved areas or spaces. Said SIGNs shall not be subject to the permitting requirements of this Section.

(16) On a BUILDING or project under construction, or on a property currently for sale or rent, one additional SIGN is permitted and shall conform to the following additional regulations:

(a) One (1) SIGN not exceeding thirty-two (32) square feet is permitted on a BUILDING or project under construction. Such SIGN shall be removed upon the receipt of a CERTIFICATE OF OCCUPANCY or upon the expiration of the BUILDING permit. Said SIGN shall not be subject to the permitting requirements of this Section.

(b) One (1) SIGN not to exceed four (4) square feet may be erected on a property currently for sale or rent. Said SIGN shall not be subject to the permit requirements of this Section.

(17) WALL SIGNs 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.[2]

(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 upon each FRONTAGE. The SIGN AREA displayed shall not exceed that area permitted by the FRONTAGE on that public STREET or parking LOT.[3]

[2]See Figure 2 of the SIGN Diagrams, Part I, included at the end of this Chapter.
[3] See Figure 3 of the SIGN Diagrams, Part I, included at the end of this Chapter.

(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. Said SIGN shall not be subject to the permitting requirements of this Section.

(18) All FREESTANDING SIGNs shall conform to the following regulations:

(a) No FREESTANDING SIGNs 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.[4]

(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 SIGNs shall conform to the following additional regulations:

(a) PROJECTING SIGNs shall be attached to the main wall of the BUILDING.

(b) PROJECTING SIGNs 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.[5]

(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 upon 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 SIGNs provided said letters, insignia or emblems do not exceed the square footage allowed for a WALL SIGN in the applicable zoning district.

[4] See Figure 4 of the SIGN Diagrams, Part I, included at the end of this Chapter.
[5] See Figure 5 of the SIGN Diagrams, Part I, included at the end of this Chapter.

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

(1) CUSTOMARY HOME OCCUPATION SIGNs shall identify only the name of each occupant and the 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 sixteen (16) square feet may be erected in connection with any legally permitted non-residential use, excepting home occupations and BED AND BREAKFASTs.

(3) One (1) SIGN may be erected in connection with a lawfully maintained NONCONFORMING USE.

(4) All nonresidential SIGNs may only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m.

(5) One (1) SIGN not to exceed four (4) square feet may be erected in connection with a BED AND BREAKFAST.

(6) No SIGN shall be located greater than eight (8) feet above the ground, whether freestanding or attached to a BUILDING

E. SIGNs permitted in CBD and CWD Districts. ~~No SIGN in the CBD Downtown Gateway sub-district shall be illuminated after 9:00 p.m. or before 6:00 a.m.~~ (See table for overview of permitted SIGNs.)

(1) WALL SIGNs[6]

(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 O for applicable criteria.

F. SIGNs permitted in ~~B-3~~ C district. (See table for overview of permitted SIGNs.)

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

(1) FREESTANDING SIGNs

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

(c) 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.

(d) Notwithstanding, no FREESTANDING SIGN shall be allowed on Old Rochester Road.

~~G. SIGNs permitted in B-1 districts. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted SIGNs.)~~

~~(1) PROJECTING SIGNs~~

~~(a) All PROJECTING SIGNs shall only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN.~~

H. SIGNs permitted in O and Gateway districts. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted SIGNs.)

(1) SIGNs shall only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN.

I. SIGNs permitted in ~~I-1~~, ~~I-2~~, CM ~~I-4~~ district~~s~~. (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 upon each FRONTAGE, provided that the BUILDING complies with applicable SIGNAGE SETBACKs.

(b) Two (2) FREESTANDING DEVELOPMENT IDENTIFICATION SIGNs shall be permitted per approved industrial park, provided that the combined square footage of such SIGNs does not exceed five hundred (500) square feet in area, and that, if on a CORNER LOT, such SIGNs shall be set so as to not materially impede vision.

J. SIGNs permitted in ~~ETP~~ IT ~~and B-4 d~~istricts~~.~~. (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 upon 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 District. (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 upon each FRONTAGE.~~

~~Notwithstanding, no FREESTANDING SIGN shall be allowed on Old Rochester Road."~~

L. Political advertising SIGNs. Political advertising SIGNs are permitted per the political advertising SIGN provisions of State law.

M. Obsolete SIGNs. Any SIGN which is located on property which becomes vacant and unoccupied for a period of more than six (6) months 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 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. 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 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 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) SIGN location.

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

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.

(3) SIGN composition.

(a) Lettering.

(i) No more than one (1) 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 required.

(iv) Lettering shall be located so as not to obstruct architectural detailing on the BUILDING face.

(v) Product trademarks are not permitted. Generic trade symbols (e.g., a shoe for a cobbler, a mortar and pestle for a druggist) are permitted.

(vi) Letter styles shall be limited to the classic genre, i.e., Copperplate 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, plus black and white. Differences in shade or hue are considered different colors. Lettering 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.

(i) INTERNAL ILLUMINATION and DIRECT IILLUMINATION are prohibited.

(ii) Only shielded EXTERNAL ILLUMINATION 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.

(ii) Wooden SIGNs shall be constructed of dense, clear wood that adapts to engraving/carving and paint or stain. The use of plywood shall be limited to overlay, exterior or marine plywood.

(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.

(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.

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

(iv) A photograph of the BUILDING.

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

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

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) TEMPORARY SIGNs are prohibited in all residential zoning districts (R-40, R-20, R-12, RM-SU, RM-U, HR, and CBD-R) ~~and the NEIGHBORHOOD Business District (B-1)~~. Where permitted TEMPORARY SIGNS are subject to the following regulations:

(i) One-week 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) one-week TEMPORARY SIGNs per year. If the permit is not used in one (1) quarter, it shall not be carried over to the next quarter.

(ii) The TEMPORARY 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. Banner type TEMPORARY SIGNs are permitted only in the ~~B-3 and B-5~~ C Zoning Districts~~s~~.

(iii) The TEMPORARY SIGN shall be removed within twenty-four (24) hours after the end of the approved display period. If the TEMPORARY SIGN or banner is not removed within twenty-four (24) hours, the TEMPORARY SIGN or banner may be removed by the City of Dover.

(iv) If the TEMPORARY SIGN is located on a City SIDEWALK or within a public right-of-way directly in front of the BUILDING, the requirements in Subsection Q.(1)(d) must be met.

(b) TEMPORARY SIGNS Allowed Without a Permit. One (1) A-frame sandwich board TEMPORARY SIGN is permitted per LOT or tenant and does not require a permit, provided all of the following conditions are met:

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

(ii) The maximum size of the TEMPORARY SIGN is eight (8) square feet.

(iii) The TEMPORARY SIGN must be placed directly in front of the BUILDING 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) TEMPORARY 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 additional one hundred (100) feet of STREET FRONTAGE. See District Tables of Use for additional requirements.

(i) If the TEMPORARY SIGN is located on a City SIDEWALK or within a public right-of-way directly in front of the BUILDING, the requirements in Subsection Q.(1)(d) must be met.

(ii) The following additional regulations shall apply to TEMPORARY 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. TEMPORARY SIGNs with moveable slide-in plastic letters are not permitted.

4. TEMPORARY SIGNs using stencils or spray paint are not permitted.

5. TEMPORARY SIGNs may not be painted traffic yellow or construction-zone orange or use any reflective or fluorescent materials.

(d) TEMPORARY SIGNs Located on a City SIDEWALK or Within a Public Right-of-Way. TEMPORARY SIGNs located on a City SIDEWALK or within a public right-of-way shall meet the following requirements:

(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 ensure 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) TEMPORARY SIGNs shall only be displayed during business hours.

(iv) A five (5) foot, clear passageway must be maintained at all times.

(v) TEMPORARY SIGNs shall be located directly in front of the BUILDING or in front of the space within the BUILDING occupied by the TEMPORARY SIGN owner.

(2) Community SIGNS. With a permit, TEMPORARY SIGNs may be located in the public right of way at Central Square, Weeks Crossing, and the intersections of Durham Road and Back River Road, Sixth Street and Indian Brook Drive, and Knox Marsh Road and Littleworth Road provided that the following requirements are met:

(a) Community SIGNs shall be a-frame/sandwich board type and no larger than six (6) square feet in area and no greater than three (3) feet in height.

(b) No more than three (3) permits shall be issued per location, per display period.

(c) Each week of the year shall constitute one display period. No APPLICANT will be issued a community SIGN permit for more than twelve (12) display periods per calendar year.

(d) Applications for community SIGN permits will be accepted by the Planning and Community Development Department only during the week prior to the display period. Applications will not be accepted in advance unless an entire calendar year's display schedule and payment of fees are submitted by the APPLICANT. Permits will be granted on a first-come, first-served basis.

(e) Applications must be signed by the property owner (APPLICANT or APPLICANT's landlord) and shall include:

(i) A certificate of insurance in the amount of one hundred thousand dollars ($100,000.00) (bodily injury/property damage) to ensure sufficient liability coverage of the APPLICANT.

(ii) A hold-harmless certification letter to relieve the City of Dover from bodily injury and property liability.

(f) A display period sticker will be issued with the community SIGN permit and shall be affixed to the lower right corner of the SIGN face.

15. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-33 "Fence Review and Regulations", to amend sub section C 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 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. HEIGHT is measured from ground level.

B. FENCE design.

(1) The finished side of a FENCE shall face outward from the property on which the FENCE is located. The side of a FENCE containing the posts or poles and other bracing appurtenances shall face inward to the property being FENCED in or on which the FENCE is located. When erected on a property or LOT boundary line, all of the FENCE and any of its supporting STRUCTUREs or appurtenances shall be contained within the LOT or property of the person erecting said FENCE.

(2) On a CORNER LOT, no FENCE or vegetal elements shall be erected or placed in such a manner(s) as to materially impede vision between that area bounded by the STREET lines of such CORNER LOT and a straight line joining points along said STREET lines thirty (30) feet from the point to the intersection. For CORNER LOTs that are located on the inside curve of STREETs and at intersections that are not perpendicular, adequate and safe sight distances in both directions, as determined by the Zoning Administrator, shall be provided. Property owners shall maintain vegetation such that it does not grow to limit site distance.

C. Exceptions. The provisions described in Subsection A shall not apply in ~~Industrial (I-2)~~ Commercial Manufacturing (CM), ~~Restricted Industrial (I-1), Thoroughfare Business (B-3)~~ Commercial (C), Central Business (CBD), Gateway (G), OFFICE (O), and Cochecho Waterfront (CWD) Zoning Districts, or whenever the ZONING BOARD OF ADJUSTMENT, as a condition attached to the granting of a variance or special exception to this Chapter, requires for screening purposes a FENCE exceeding eight (8) feet."

16. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to replace as a whole, based upon the preceding amendments, follows:

"A. Districts. The City of Dover is hereby divided into the following districts:

(1) Residential.

HR	Heritage Residential District
R-40	Rural Residential District
R-20	Low-Density Residential District
R-12	Medium-Density Residential District
RM-SU	Suburban Density Multi-residential District
RM-U	Urban Density Multi-residential District

(2) Nonresidential. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

C	Commercial District
CM	Commercial Manufacturing
IT	Innovative Technology

(3) Mixed-use.

G	Gateway
H	Hospital
LBW	Little Bay Waterfront District
O	Office District
CBD	Central Business District
CWD	Cocheco Waterfront District

(4) Overriding.

CD	Conservation District
URD	Urban Renewal District
RRD	Riverfront Residential Overlay District
GWP	Groundwater Protection District
HWD	Hazardous Waste Landfill District
RCM	Residential-Commercial Mixed-Use
SRD	Scenic Road Overlay District
TDR	Transfer of Development Rights
TEL	Telecommunications Facilities

WPD Wetland Protection District

D. District purpose statements.

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

(a) Rural Residential District (R-40). The purpose of this residential district is to provide for conventional single-family neighborhoods in the more rural areas of the City. These areas have larger lot sizes (one or more acres) and the homes are most likely served by on-site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as open space developments with reduced lot sizes allowed in return for the permanent preservation of open space. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, hospitals, elementary schools, high schools and child-care facilities.

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

(c) Medium-Density Residential District (R-12). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 12,000 square feet. The homes in this district are almost all served by municipal sewer and water. Many of the neighborhoods surrounding the elementary schools are in this district and have a sidewalk system that is conducive to children walking to school. The development of parcels with at least five acres can be done as open space subdivisions. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and child-care facilities.

(d) Suburban Density Multi-Residential District (RM-SU) The purpose of this residential district is to provide an environment suitable for a variety of moderate-density housing types, including single-family, two-family, three- to four-family and multifamily dwellings. These districts are suburban neighborhoods located along major roadways outside of the center of the City. The homes in this district are almost all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and child- care facilities.

(e) Urban Density Multi-Residential District (RM-U). The purpose of this residential district is to provide an environment suitable for a variety of moderate/high-density housing types, including single-family, two-family, and three- to four-family dwellings. These

districts are urban neighborhoods located close to the downtown area and contain many historic homes that are built close to the sidewalks and streets. The homes in this district are all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, funeral parlors, elementary schools, high schools, and child-care facilities.

(f) Heritage Residential District (HR).

(a) 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 keepers, or later senior managers and foremen from the mill facilities that lined the Cocheco River, as well as other community professionals.

(b) 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.

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

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

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

(3) Innovative Technology (IT). The purpose of this district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, warehousing, wholesaling, publishing and shipping activities that expand the economic base of the City and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The newer business parks are located in this district. The minimum lot size in this district is two acres, which encourages larger assembling and manufacturing users.

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

(a) Gateway (G). The purpose of this district is to mark a transition point where you move from the 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 Gateways (eg 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.

(b) Hospital (H). The purpose of the Hospital District is to provide appropriate locations for hospitals and medical offices associated with a hospital. This district also encourages other health care services and various housing facilities providing levels of service for older persons. Single- and two- family residential uses are permitted along with commercial uses such as offices, banks, funeral parlors, assembly halls, and schools.

(c) Little Bay Waterfront District (LBW). The purpose of this mixed-use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum lot size encourages a mix of various-sized commercial uses, with water-related uses, such as marinas, specifically permitted. Single- and two-family homes are allowed in recognition of the historically residential use of the area. Three- or four-family dwellings are allowed only as part of a mixed-use building. Businesses that take advantage of the unique location along Little Bay are encouraged.

(d) Office District (O). The purpose of this Office District is to provide appropriate locations for a mixture of residential and office uses along higher-volume streets. The remaining large historic homes are no longer suitable for single-family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential areas on the side streets. Residential uses up to four dwelling units per structure are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, nursing homes and congregate- care facilities. The density for residential uses is about eight units per acre, and in new buildings, residential is only allowed on the second floor or higher.

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

and placement of structures and a decreased emphasis on the function(s) contained within them.

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

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

~~A. Districts:~~

~~The City of Dover is hereby divided into the following districts:~~

~~Residential~~

~~HR Heritage Residential District~~

~~R-40 Rural Residential District~~

~~R-20 Low-Density Residential District~~

~~R-12 Medium-Density Residential District~~

~~RM-SU Suburban Density Multi-residential District~~

~~RM-U Urban Density Multi-residential District~~

~~Nonresidential~~

~~B-1 NEIGHBORHOOD Business District~~

~~B-3 Thoroughfare Business District~~

~~B-4 HOTEL/Retail District~~

~~B-5 Highway Business District~~

~~I-1 Restricted Industrial District~~

~~I-2 Rural Restricted Industrial District~~

~~I-4 Assembly and OFFICE~~

~~ETP Executive and Technology Park~~

~~Mixed -Use~~

~~H Hospital~~

~~LBW Little Bay Waterfront District~~

~~O OFFICE District~~

~~CBD Central Business District~~

~~CWD Cocheeho Waterfront District~~

~~Overriding~~

~~CD Conservation District~~

~~URD Urban Renewal District~~

~~RRD Riverfront Residential Overlay District~~

~~GWP Groundwater Protection District~~

~~HWD Hazardous Waste Landfill District~~

~~RCM Residential-Commercial Mixed Use~~

~~SRD Scenic Road Overlay District~~

~~TDR TRANSFER OF DEVELOPMENT RIGHTS~~

~~TEL TELECOMMUNICATIONS FACILITIES~~

~~WPD Wetland Protection District~~

~~B. District Purpose Statements:~~

~~(1) RESIDENTIAL DISTRICTS~~

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

~~(a) Rural Residential District (R-40)~~

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

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

~~The purpose of this residential district is to provide for conventional single-family NEIGHBORHOODs on LOTs not less than twenty thousand (20,000) square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on-site septic systems and wells. These districts are located near major roadways. The development of parcels with at least fifteen (15) acres can be done as OPEN SPACE subdivisions. AGRICULTURE and farming are promoted in this district. Some non-residential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools and CHILD CARE FACILITIES.~~

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

~~The purpose of this residential district is to provide for conventional single-family NEIGHBORHOODs on LOTs not less than twelve thousand (12,000) square feet. The homes in this district are almost all served by municipal sewer and water. Many of the NEIGHBORHOODs surrounding the elementary schools are in this district and have a SIDEWALK system that is conducive to children walking to school. The~~

~~development of parcels with at least five acres can be done as OPEN SPACE subdivisions. Some non-residential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and CHILD CARE FACILITIES.~~

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

~~The purpose of this residential district is to provide an environment suitable for a variety of moderate density housing types, including SINGLE-FAMILY, two family, 3-4 family and MULTI-FAMILY DWELLINGs. These districts are suburban NEIGHBORHOODs located along major roadways outside of the center of the city. The homes in this district are almost all served by municipal sewer and water. Some non-residential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and CHILD CARE FACILITIES.~~

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

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

~~(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 keepers, or later senior managers and foremen from the mill facilities that lined the Cocheeho 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.~~

~~(2) NONRESIDENTIAL DISTRICTS~~

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

~~(a) NEIGHBORHOOD Business District (B-1)~~

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

~~(b) Thoroughfare Business District (B-3)~~

~~The purpose of this business district is to provide an environment that encourages efficient and attractive automobile oriented commercial development along major highways outside of the downtown. The twenty thousand (20,000) square foot minimum LOT size encourages moderately sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, automobile sales, HOTELS, OFFICEs, banks, and theaters. Other commercial uses and MULTI-FAMILY DWELLINGs are allowed by special exception.~~

~~(c) HOTEL/Retail District (B-4)~~

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

~~(d) Highway Business District (B-5)~~

~~The purpose of this business district is to provide an environment that encourages efficient and attractive commercial development along major highways that are gateways to the city. The minimum LOT size of twenty thousand (20,000) square feet encourages a mix of various sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants,~~

~~VEHICLE REFUELING/RECHARGING STATION, automobile sales, HOTELs, OFFICEs, banks, and theaters.~~

~~(e) Restricted Industrial District (I-1)~~

~~The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, WAREHOUSING, WHOLESALING and shipping activities that expand the economic base of the city and provide employment opportunities. These areas tend to be smaller sites closer to the downtown area containing older BUILDINGs that have historically been used for industrial and business uses. The smaller minimum LOT size of forty thousand (40,000) square feet also encourages business uses such as PUBLISHING, HOTELs, VEHICLE REFUELING/RECHARGING STATION, car sales, OFFICEs, and personal services. The close proximity of these areas to older residential NEIGHBORHOODs requires careful consideration of impacts on adjacent uses in other districts.~~

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

~~(f) Rural Restricted Industrial District (I-2)~~

~~The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, WAREHOUSING, WHOLESALING and shipping activities that expand the economic base of the city and provide employment opportunities. This area is the location of one of the first industrial parks in the city, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller minimum LOT size of twenty thousand (20,000) square feet also encourages business uses such as PUBLISHING, HOTELs, VEHICLE REFUELING/RECHARGING STATION, restaurants, car sales, OFFICEs, and personal services.~~

~~(g) Assembly and OFFICE (I-4)~~

~~The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, WAREHOUSING, WHOLESALING, PUBLISHING and shipping activities that expand the economic base of the city and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The~~

~~newest industrial park developed by the city is located in this district. The minimum LOT size in this district is five acres, which encourages larger industrial users.~~

~~(h) Executive and Technology Park (ETP)~~

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

~~(3) MIXED –USE DISTRICTS~~

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

~~(a) OFFICE District (O)~~

~~The purpose of this OFFICE district is to provide appropriate locations for a mixture of residential and OFFICEs uses along higher volume STREETs. The remaining large historic homes are no longer suitable for single family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential areas on the side STREETs. Residential uses up to four DWELLING UNITS per STRUCTURE are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, NURSING HOMES and CONGREGATE CARE FACILITIES. The density for residential uses is about eight units per acre and in new BUILDINGs residential is only allowed on the second floor or higher.~~

~~(b) Central Business District (CBD)~~

~~The purpose of this district is to provide the appropriate locations for context sensitive zoning. The form based code in this district is intended to foster a vital main STREET~~

~~both for itself and for its adjacent NEIGHBORHOODs through a lively mix of uses—with shop fronts, SIDEWALK cafes, and other commercial uses at STREET level, overlooked by canopy shade trees, upper story residences and OFFICEs. The district has an increased emphasis on the form and placement of STRUCTUREs and a decreased emphasis on the function(s) contained within them.~~

~~(c) Cocheeho Waterfront District (CWD)~~

~~The purpose of this mixed use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cocheeho River. This district has very flexible dimensional requirements, with no minimum LOT size, FRONTAGE or SETBACK requirements and a density of forty three (43) DWELLING UNITS per acre. Several water related land uses are permitted in the district, including MARINAS, WATERBORNE PASSENGER TRANSPORTATION FACILITIES and WATER RELATED EDUCATION AND RESOURCE CENTERS. The architecture of the waterfront areas should encourage the development of marine, history or tourism related land uses and activities, which take advantage of the unique characteristics of the waterfront as well as its central location and proximity to historic areas.~~

~~(d) Hospital (H)~~

~~The purpose of the hospital district is to provide appropriate locations for hospitals and medical OFFICEs associated with a hospital. This district also encourages other health care services and various housing facilities providing levels of service for older persons. Single and two family residential uses are permitted along with commercial uses such as OFFICEs, banks, funeral parlors, ASSEMBLY HALLs, and schools.~~

~~(e) Little Bay Waterfront (LBW)~~

~~The purpose of this mixed use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum LOT size encourages a mix of various sized commercial uses, with water related uses, such as MARINAS, specifically permitted. Single and two family homes are allowed in recognition of the historically residential use of the area. Three or four family dwellings are allowed only as part of a mixed use BUILDING. Businesses that take advantage of the unique location along Little Bay are encouraged.~~

~~(4) OVERRIDING DISTRICTS~~

~~The purpose of the overriding districts is to provide an additional layer of land use regulation or protection is certain sensitive areas of the city. The requirements of these overlay districts~~

~~are in addition to the underlying zoning districts. Most of the districts are intended to protect environmentally sensitive areas. For specific purpose statements review the text of each overriding district.~~"

17. TAKES EFFECT

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

To the extent this Ordinance amends a section of Chapter 170 that is also the subject of a companion ordinance amending Chapter 170 being filed and considered contemporaneously herewith, and there is any conflict or concurrent amendment to the same language, then as between the two sets of amendments this Ordinance shall control.

REQUIRES A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Deputy Mayor Dennis Ciotti, City Council Planning Board Representative
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Susan Mistretta City Clerk		

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD

Date of Vote:	YES	NO
Mayor Robert Carrier		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

ORDINANCE BACKGROUND MATERIAL:

The amendments provided to the Council for ratification are derived from suggestions resulting from a subcommittee created by the Planning Board in 2018 to review opportunities to increase commercially zoned land. In addition, the City's Master Plan recommends the City adopt an Alternative Energy Code and the Planning Board created a subcommittee to review the Transfer of Development Right's Ordinance. After public hearings in April, May and June, the Planning Board adopted the amendments set forth in this ordinance on June 23, 2020, summarized in a reference table below.

It is requested that the City Council waive the notice by first class mail in accordance with Dover Code Chapter 170-53(G)(2).

Included as part of the background are the following documents:

- Updated Zoning Tables (Gateway, CM, C and IT)
- Memorandum from Christopher Parker to the Dover City Council dated July 2, 2020, containing the required report of findings;
- A copy of the letter mailed to each property owner in Dover.
- A copy of the "Rezoning 2020" presentation to the City Council with background information.
- A red-lined version of Chapter 170 showing the resulting effect of all amendments set forth in this Ordinance and a companion Ordinance being filed and considered contemporaneously with terms, syntax, and numbering changes.

Amendment # (as listed above)	Section	Summary	Why
2	170-7, 8, 11, 12	Create a new Gateway District	Create a zone with aesthetic and architectural requirements for entrances to Dover.
3	170-7, 8, 12, 19	Eliminate the Restricted Industrial district and associated sections.	District is out of line with current trends and context of surrounding areas.

Amendment # (as listed above)	Section	Summary	Why
4	170-8, 11, 12	Expand B-4 District on Indian Brook Drive, and ETP on Sixth Street	Expand Commercial Zoning
5	170-7, 8, 12	Eliminate B-1 District and rezone small R-12 on Week's Crossing	Expand Commercial Zoning
6	170-8	Rezone Mast and Durham Intersection to B-4	Expand Commercial Zoning
7	170-8	Rezone Littleworth and Knox Marsh Roads to I-2	Expand Commercial Zoning
8	170-7, 12	Replace I-2 with new Commercial Manufacturing district	Update commercial zoning with more modern uses
9	170-7, 8, 12	Merge B-4, B-5 and B-3 into new Commercial district	Update commercial zoning with more modern uses
10	170-7, 8, 12, 15	Merge I-4 and ETP into new Innovative Technology district	Update commercial zoning with more modern uses
11	170-21, 6	Expand Small Wind Energy Systems to include other Alt. Energy sources	Master Plan recommendation
12	170-27.2	Update Transfer of Development Rights	Clarify application process, add 600 sf units, and industrial units
13	170-28.2	Update RCM district	Remove age restrictions, update uses, and criteria
14	170-32	Update Sign Ordinance	To reflect district changes
15	170-33	Update Fence regulation exemptions	To reflect district changes
16	170-7	Replace listing of zones	To reflect district changes

Gateway District

The information included in this table represents the requirements for development in this district; see Section 170-20 for additional requirements (Adopted 12/9/2009 per O–2009.09.09-15).

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 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.

DIMENSIONAL REGULATIONS*

Principal Building	
Lot Size	N/A
Lot Coverage	50%
Frontage Build-Out	60% min.
Front Primary BUILD TO LINE	5 ft. min - 20 ft. max
Front Secondary BUILD TO LINE	5 ft. min - 20 ft. max
Side Setback	10 ft. min
Rear Setback	15 ft. min
Outbuilding	
Front Setback	20 ft. min + bldg. setback
Side Setback	10 ft. min
Rear Setback	15 ft. 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 (170-20B) may be used to adjust standards.*

PARKING LOCATION STANDARDS (SEE 153-14)

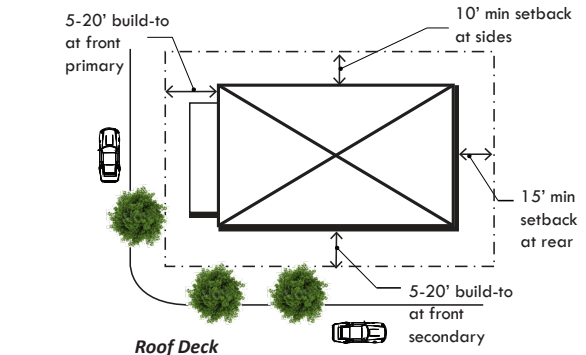
New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

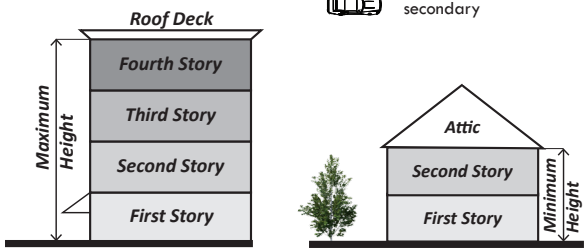
PERMITTED USES*

Use	
Residential	Permitted; density: 4,000 sf. per unit**#
Lodging	Permitted, up to 12 rooms. Must be 150' from residential. 13 or more rooms are permitted with CUP.
Daycare	Adult and child permitted. Institutional not permitted.
Professional Services & Offices	Permitted #
Eating & Drinking Establishments	Permitted #
Retail/Personal Services	Permitted #
Industrial	Permitted on Broadway via CUP
Civic	Permitted
Drive-Thru Services	Not Permitted
Other	Via Conditional Use Permit

**CUP (170-20B) may be used to adjust standards.*

PRINCIPAL BUILDING PLACEMENT





PRINCIPAL BUILDING HEIGHTS

SIGN REGULATIONS

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	24 sf
Sign Type	
Freestanding	Permitted- 16 ft. max ht.
Projecting	Permitted- 10 ft. min. above sidewalk, 25 ft. max height, 24 sq. ft. max.
Wall/Awning	Permitted
Temporary	Permitted per- 170-32.Q (1)

ARCHITECTURAL STANDARDS*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Buildings designs and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate, reflect a consistency found within the sub-district, neighboring buildings, and natural and cultural resources. Building design should also minimize potential aesthetic conflicts between residential and nonresidential uses and between single family and multifamily uses. Architectural Standards are not intended to stifle creativity or variety, but produce designs respectful of place and context. **For more information, please see Section 2 of Dover's CBD Architectural Design Guidelines.**

The following **Architectural Standards** must apply for a residential building with 5 units or more and all mixed use/non-residential uses. Applicants will also be expected to prepare a narrative explaining how the project meets all of the architectural standards.

Required 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.
- The use of ground floor exterior lighting on the building should offer a feeling of warm security and increase safety to pedestrians without being overwhelming.

Required Building Standards:

- Building designs shall be harmonious with neighboring structures in terms of mass, width, height, proportion, spacing, and setback.
- All exterior walls that front on a public way with adjacent pedestrian traffic/infrastructure must incorporate wood, brick, stone or a suitable contemporary material appropriately detailed within the first 20 vertical feet.
- Large structures shall be broken into smaller masses to provide human scale, variation, and depth.
- The design of the building shall incorporate views that are directed to the street and garden/courtyard rather than adjacent neighbors.
- Buildings shall be placed at or near the street, along the outer edge of their sites, to ensure the unity of those streets and to encourage and facilitate pedestrian activity.
- Building design shall enhance the pedestrian environment and streetscape.
- Utility elements shall be screened in an aesthetically pleasing manner.
- Use of architectural details and changes in depth are included on building elevations to increase visual interest and scale.
- Garages shall not face the street.
- Solar/Green Roof Standard:
  - All buildings must be solar ready
  - Commercial and mixed use buildings that are 25,000 sq ft or more must also incorporate solar panels and a green roof on at least 30 percent of the roof area.

Optional Standards:

- Use of elements that accentuate and/or provide coverage at the entry such as canopy, porch, recessed entry, etc. are encouraged.
- Ornamental roof features that exceed the allowed building height are subject to the CUP process.
- Energy efficient design techniques, LEED standards, or an equivalent standard are encouraged.
- Other integrated green infrastructure elements are encouraged.
- Approved public art is encouraged.

**CUP (170-20B) may be used to adjust standards.*

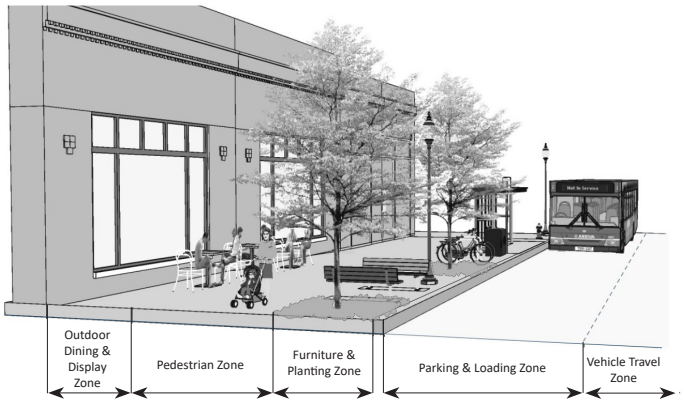
STREETSCAPE STANDARDS

Streetscape standards were crafted to ensure streets in mixed use areas of the CBD have a relationship with adjacent buildings, accommodate pedestrians and bicyclists, and are compatible with the character of Dover's neighborhoods. All street elements must be consistent with Dover Streetscape and Landscape Standards. **For more information on streetscape standards, please see Section 3 of Dover's CBD Architectural Design Guidelines.**

- Sidewalks shall be brick and a minimum of 5 feet wide.
- Street trees shall be planted at an average spacing of 25 to 30 feet on center. Planting method shall allow for maximum root zone space where possible. Existing healthy street trees shall be protected, if possible.
- Unpaved ground area along the frontage shall be planted with appropriate groundcover or shrubs, no bare ground permitted. Low Impact Development techniques such as rain gardens, bioretention areas, tree boxes and other green infrastructure techniques shall be incorporated into these landscaped areas and maintained to ensure 5' wide walkway.
- Projects shall be designed to maintain and enhance, the quality of vehicular, bicycle and pedestrian circulation and safety on affected public streets.
- 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 170-20(E)(3)(d).

**CUP (170-20B) may be used to adjust standards.*

STREETSCAPE ELEMENTS



*** Density: 3,000 sf. per unit if part of a mixed-use building with 35 percent nonresidential uses. 2,000 sf. per unit if rents conform to HUD fair market rent rates for Dover, as published by the New Hampshire Housing Finance Authority.*

Rooming houses and manufactured homes are considered other uses.

 # On Dover Point Road and within 300 feet of the center line of New Rochester Road:

- *Building Height is limited to 2 Stories*
- *Residential is limited to Single Family and Two Family Dwelling units*
- *Professional Service & Office, Eating and Drinking Establishments and Retail/Personal Services are limited to 2,000 sf per unit*

Commercial Manufacturing (CM) District

Created: MM-DD-2020 by Ord. No. 2020-MM.DD-##,

Permitted Uses

- ADULT DAY CARE
- CHILD CARE FACILITY
- COMMERCIAL RECREATION
- Eating and Drinking Establishment [5]
- 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
- OFFICE
- Open Storage [8]
- PERSONAL SERVICE ESTABLISHMENT
- Public Utility
- PUBLISHING FACILITY
- Research Institutions
- Retail Sale of Agricultural or Farm Products Raised on Site
- Trucking Terminal
- WAREHOUSING
- WHOLESALING

Uses Permitted by Special Exception

- AUTO SERVICE
- VEHICLE REFULING AND RECHARGING STATION

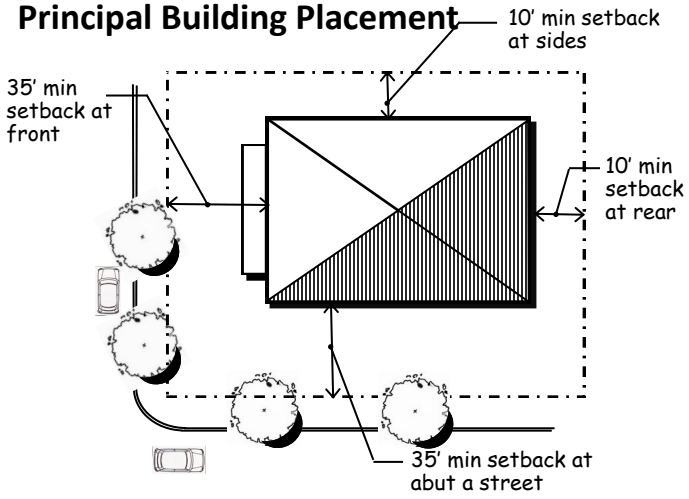
Uses Permitted by Conditional Use

- Alternative Treatment Center
- Educational Institution, Post Secondary
- Hotel/Motel
- SELF-SERVICE STORAGE FACILITY

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



NOT TO SCALE

Sign Regulations

Size	CM 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	permitted

Commercial Manufacturing (CM) District

Created: MM-DD-2020 by Ord. No. 2020-MM.DD-##,

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 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 permitted use, and not one granted by special exception, conditional use permit or variance.

[5] If the eating and drinking establishment has drive-in services, said service shall be setback either 150' from a residential abutting lot line, or 200' from the abutting residential structure whichever is greater.

[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 vehicle refueling/recharging station may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any vehicle refueling/recharging station which discontinues operations for a period in excess of one hundred eighty (180) 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 eighty thousand (80,000) square feet, the minimum lot width shall be one hundred fifty (150) feet. Thirty-three percent (33%) of the subject parcel shall be open/green space.

C. The total permitted sign area shall not exceed one hundred (100) square feet.

D. No fuel storage tanks may be constructed or enlarged closer than one-hundred (100) feet to any Conservation District, and two hundred (200) feet to a secondary groundwater protection zone.

Conditional Use Permit Criteria

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

A. An Alternative Treatment Center shall not be located within one thousand (1,000) feet of the property line of a public or private elementary or secondary school or designated drug free school zone.

B. The Alternative Treatment Center shall be located in a permanent BUILDING and may not be located in a trailer, MANUFACTURED HOME, cargo container, or any STRUCTURE that has axles with wheels. DRIVE-IN SERVICEs are prohibited.

C. Hours of operation shall be limited to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.

D. The Alternative Treatment Center shall provide for the proper disposal of cannabis remnants or byproducts, which remnants or byproducts shall not be placed in the facility's exterior refuse containers.

E. 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.

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.

v. All setbacks shall be double the setbacks required in the district, not just the front setback.

D. The architectural design standards of Chapter 153-14L(8)(b) shall be adhered to.

Commercial (C) District

Created: MM-DD-2020 by Ord. No. 2020-MM.DD-##

Permitted Uses

- ADULT DAY CARE
- AUTO SERVICE STATION
- Bank
- Barber and Beauty Shop
- CHILD CARE FACILITY
- Clinic
- COMMERCIAL PARKING FACILITY
- COMMERCIAL RECREATION
- Computer and data processing
- DWELLING, MULTI-FAMILY [3]
- Eating and Drinking Establishment [4]
- Farm
- HOTEL / MOTEL
- New Car Sales
- OFFICE
- PERSONAL SERVICE ESTABLISHMENT
- Public Utility [5]
- PUBLISHING FACILITY
- Retail Store
- Theater
- USED CAR LOT [6]
- Veterinary Office, Animal Hospital or KENNEL

Uses Permitted by Special Exception

- ADULT BOOKSTORE AND/ OR VIDEO STORE
- ADULT CABARET
- VEHICLE REFUELING AND RECHARGING STATION

Sign Regulations

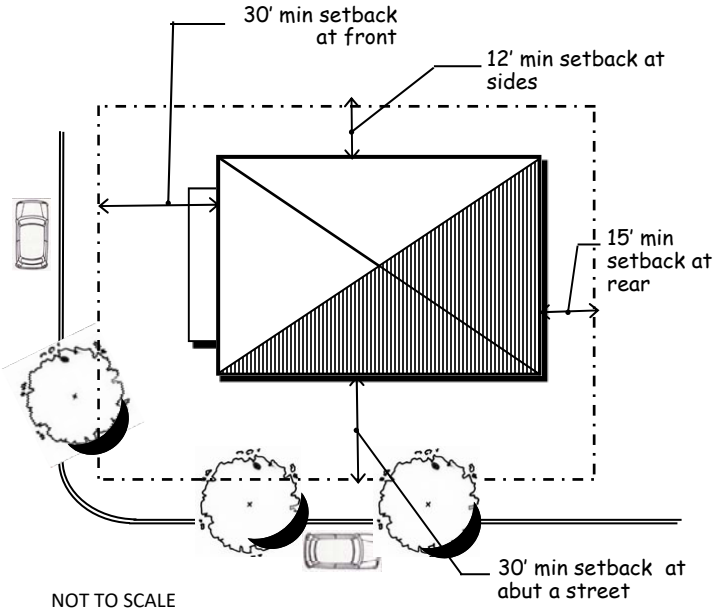
Size	C District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	2 sf for each lineal foot of business FRONTAGE (see 170-32 for regulations for businesses bordering the Spaulding Turnpike)
Type	
FREESTANDING	(Max size 60 sf, max height 16 ft. One SIGN per side of frontage. FREESTANDING signs shall be located on low planter walls or be monument SIGNS.)
PROJECTING	permitted (max size 8 sf)
WALL/ Awning	(Provide building signage that is proportional to the SCALE of the tenant façade, Max 1 sf for each lineal foot of business FRONTAGE)
Temporary	permitted (max ht 4 ft, max size 32 sf)

Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size	20,000 sf
Maximum COVERAGE	50%
Minimum FRONTAGE	125 ft
PRINCIPAL	
Front SETBACK	30 ft
Abut a Street SETBACK	30 ft
Side SETBACK [7]	12 ft
Rear SETBACK [7]	15 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	40 ft max
OUTBUILDING	40 ft max

***Parking areas shall be set back at least twenty-five (25) feet from property lines.**

Principal Building Placement



NOT TO SCALE

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.)

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] Provided the lot contain five thousand (5,000) square feet per dwelling unit. Units are allowed only in mixed use buildings, where no more than 2/3rd of the overall square footage of the building is residential.

[4] 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].

[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. [Amended 10-28-88 by Ord. No. 18-88]

[6] Permitted if an accessory use to a new car dealership. [Amended 8-1-90 by Ord. 8-90]

[7] A vegetated buffer of no less than fifty feet (50') must be established and maintained along the C/R-12 zoning boundary abutting the southern property line of the Tax Assessor's Map 37, Lot 38. The buffer must be populated with existing vegetation, where available, and where existing vegetation is not available or not adequate, the buffer shall be improved to provide visual screening on a year-round basis for the benefit of the residential uses abutting the B-3 Zoning District. The buffer may feature new landscaping vegetation and materials, berms, fences, walls and other screening techniques, with a preference toward preserving existing healthy trees, where feasible. Buildings, impervious surfaces, mechanical equipment, parking and storage and display of goods and materials are prohibited in the buffer. Following installation, the buffer must be adequately maintained by the owner(s) of Tax Assessor's Map 37, Lot 38.

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

ADULT BOOKSTORE AND/OR VIDEO STORE, ADULT CABARET [Added 10-20-93 by Ord. No. 28-93]: ADULT BOOKSTORE AND/OR VIDEO STORE AND ADULT CABARET shall be subject to the following conditions:

A. An ADULT BOOKSTORE, VIDEO STORE OR CABARET shall be at least 500 feet from a parcel of land containing an existing residential use.

B. An ADULT BOOKSTORE, VIDEO STORE OR CABARET shall be at least 1000 feet from a parcel of land containing a school, church, community park or public recreational area.

C. No ADULT BOOKSTORE, VIDEO STORE OR CABARET shall be permitted within 1000 ft. of an existing similar use.

D. The proposed use shall comply with all other state statutes, and city ordinances and codes.

VEHICLE REFUELING/RECHARGING STATIONS:

A. The use of land for VEHICLE REFUELING/RECHARGING STATION may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any vehicle refueling/ recharging station which discontinues operations for a period in excess of one hundred eighty (180) 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 eighty thousand (80,000) square feet; the minimum lot width shall be one hundred fifty (150) feet. Thirty three percent (33%) of the subject parcel shall be open/green space.

C. The total permitted sign area shall not exceed one-hundred (100) square feet, inclusive of the canopy and fueling equipment.

D. If a drive-in thru service is proposed, said facility shall be setback either fifty (50) feet from a residential abutting lot or one-hundred (100) feet from the abutting residential structure, whichever is greater. Additionally, adequate vegetative or fence screening shall be constructed. Audible ordering system design features shall include, but not be limited to; non-audible ordering systems (touchpad or human contact) shall be utilized, and hours of operation for the drive-in portion of the business shall be limited to 6:00 a.m. to 9: 00 p.m.

E. No fuel storage tanks may be constructed or enlarged closer than one-hundred (100) feet to any Conservation District, and two hundred (200) feet to a secondary groundwater protection zone.

Innovative Technology (IT) District

Created: MM-DD-2020 by Ord. No. 2020-MM.DD-##

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

- Adult Day Care
- CHILD CARE FACILITY
- Computer and data processing
- Eating and Drinking Establishments [7]
- 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 [8]
- Laboratories (scientific, medical chemical) and testing facilities devoted to experimental production, research, product development or similar activity
- OFFICE
- Public Utility [9]
- PUBLISHING FACILITY
- Veterinary Office, Animal Hospital or KENNEL [10]
- WAREHOUSING
- WHOLESALING

Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size [3]	2 acres
Maximum LOT COVERAGE [4]	33%
Minimum FRONTAGE	200 ft [3]
PRINCIPAL BUILDING	
Front SETBACK [5]	50 ft
Abut a Street SETBACK	50 ft
Side SETBACK	50 ft
Rear SETBACK	50 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 [6]	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]**

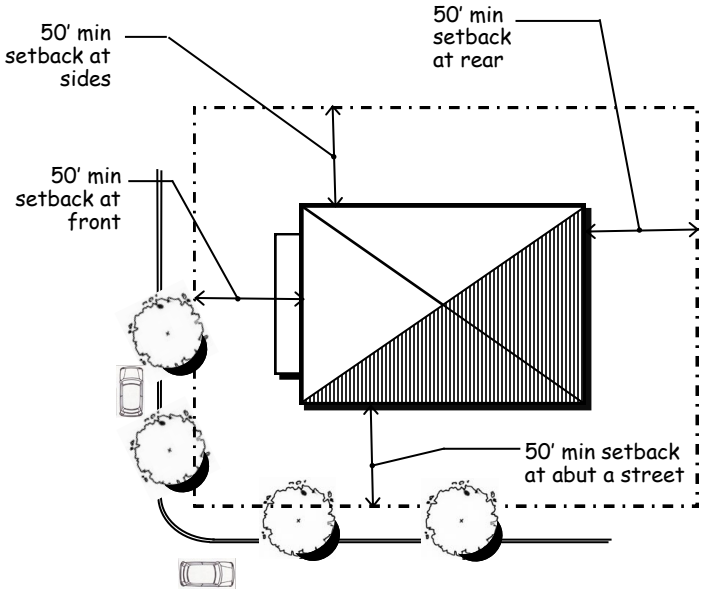
Uses Permitted by Conditional Use

- Educational Institution, Post Secondary
- Helicopter Take Offs & Landings
- Personal Service Establishment
- SELF-SERVICE STORAGE FACILITY

Sign Regulations

Size	IT 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 75 ft (max ht 16 ft, max size 100 sf)
PROJECTING	Not permitted
WALL/ Awning	permitted
Temporary	permitted

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] Not applicable to lots off internal or private roadways

[4] 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]

[5] See Section 170-15.

[6] The maximum building heights may be increased to seventy- five (75') feet 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 200 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 permitted use, and not one granted by special exception, conditional use permit or variance.

[7] No Drive Thru Allowed

[8] 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.

[9] 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]

[10] 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]

[11] 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.

[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 Innovative Technology District and existing prior to 7-8-1987 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 Innovative Technology District, but must remain within seventy-five (75) feet of the nonconforming residential structure.

[14] Development within the IT District shall conform to design standards contained in Chapter 153, entitled Site Review, Chapter 153-15.

Conditional Use Permit Criteria

The following uses shall be allowed if a Conditional Use Permit is granted by the PLANNING BOARD upon a finding that the following criteria are met:

Self Storage Facility

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.

V. All setbacks shall be double the setbacks required in the district, not just the front setback.

D. The architectural design standards of Chapter 149-14L (8) (b) shall be adhered to.

Helicopter take offs and landings:

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.

Educational Institution, Post Secondary:

A. The school is a trade/vocational/career technical school

B. The school is accredited by the State of New Hampshire

Personal Service Establishments:

A. The use is part of a larger retail/office or service center

B. The use is complimentary to the adjacent advanced manufacturing or assembly uses

To: **Dover City Council**
From: **Christopher Parker, AICP**
CC: **J. Michael Joyal, City Manager**
Dover Planning Board
Date: **July 2, 2020**
Re: **Zoning Amendments**

ISSUE:
On June 23, 2020, the Planning Board unanimously approved 17 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 14th goal setting session.

The Planning Board posted the amendments after consideration on February 25, 2020. It held public hearings on April 14, 28, May 12 and 26th and June 23, 2019. The Board unanimously approved the amendments at the conclusion of the June 23rd hearing and forwarded them to the City Council for ratification.

ATTACHMENTS:
- Property Owner Letter
- March 7th Presentation to the Council.

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;

Dover's Master Plan recommends rezoning land to promote a healthy balance of residential and commercial land uses. These amendments are designed to effectuate that. Amendment 11 is a direct recommendation of the Land Use and Stewardship Chapters

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

Proposed amendments 2 – 10 are a result of a report by the Rezoning Committee created to promote Commercial opportunities in Dover. Amendments 2 and 8 – 10 are designed to modernize the districts in Dover to improve the end user experience. Amendment 12 is intended to promote a diversity of housing and attempt to promote affordable and lot impact housing in the community.

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

There is no conflict with the Capital Improvements Program within the proposed amendments.

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

The creation of an alternative energy code, replacing a small wind energy systems code, is intended to promote and encourage non-wind based energy systems, including geo-thermal and solar.

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

Amendment 2 specially is designed to promote context sensitive development at the entry points to Dover. Limited to no non-conformities have been identified in amendments 2 – 10. None are created by 11-16.

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

No effect is expected.

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.

Christopher G. Parker, AICP
Assistant City Manager
Planning and Strategic Initiatives
c.parker@dover.nh.gov

288 Central Avenue
Dover, New Hampshire 03820-4169

(603) 516-6008
www.dover.nh.gov

City of Dover, New Hampshire

Department of Planning & Community Development

March 30, 2020

Dear Dover Property Owner:

The Dover Planning Board has scheduled **four** opportunities for the public to learn about and provide feedback on 32 proposed amendments to the Dover Zoning Ordinance. Public hearings will be held at each of the Planning Board meetings in April and May: **Tuesday April 14, 2020, Tuesday April 28, 2020, May 12, 2020 and May 26, 2020**. You are invited to attend one or all of the meetings, which will be held in **City Hall's City Council Chambers, 288 Central Avenue at 7:00 PM. You may also email Dover-Planning@dover.nh.gov or call (603) 516-6338 with comments.** The amendments were developed with input from Planning Board members, Planning Department staff, a third party Code Review Company, and work from a Committee to review rezoning opportunities. The amendments encourage context-sensitive development that promotes economic growth and contribute to a vibrant urban core.

The following is a summary of the amendments:

1. Purpose statement for grammatical and syntax changes.
2. Amend Chapter 170 updating terms and phrases, such as "Planning Director, and "Planning Office"
3. Amend Chapter 170 updating the title of Article II, and replacing the term "Mobile Home."
4. Amend 170-7 Adding new subsection numbers to the existing language.
5. Amend 170-11 revising the section numbering, without adjusting language.
6. Amend 170-16 and 25 revising the titles of the sections.
7. Amend 170-18 updating the references to the driveway regulations
8. Amend 170-20 revising the section numbering, without adjusting language.
9. Amend 170-22 D, E and H revising the section numbering, without adjusting language.
10. Amend 170-23 F revising the section numbering, without adjusting language.
11. Amend 170-25 J revising the section numbering, without adjusting language.
12. Amend 170-27 G revising the section numbering, without adjusting language.
13. Amend 170-27.1 C, D, E and G revising the section numbering, and clarifying distance of buffers.
14. Amend 170-28.2 revising the section numbering, without adjusting language.
15. Amend 170-28.3 revising the reference to State Statute
16. Amend 170-52 clarifying the chapter interpretation role of the ZBA.
17. Amend 170-29.6 revising the section numbering, without adjusting language.
18. Amend 170-29.7 revising the section numbering, without adjusting language.
19. Takes Effect

1. Purpose statement for substantive rezoning amendments.
2. Amend Chapter 170 Create a Gateway district, and rezone areas along Durham Road, Central Avenue, New Rochester Road, Broadway, Dover Point Road, Portland Avenue and Oak Street.
3. Amend 170- 7 and 8 Eliminate the I-1 (Restricted Industrial Zone)
4. Amend 170-8 Rezone a portion of Indian Brook Drive to B-4, and a portion of Sixth Street to ETP
5. Amend 170- 7 and 8 Eliminate the B-1 (Neighborhood Business)
6. Amend 170-8 Rezone a portion of Durham and Mast Roads to B-4 from residential
7. Amend 170-8 Rezone a portion of Littleworth Road to I-2 from single family residential
8. Amend 170- 7 and 12 rezoning I-2 (Rural Restricted Industrial) to CM (Commercial Manufacturing)
9. Amend 170- 7 and 12 rezoning B-3, B-4 and B-5 districts to C (Commercial)
10. Amend 170- 7 and 12 rezoning I-4 and ETP to IT (Innovative Technology)
11. Amend 170-21 to add solar components to create an Alternative Energy Systems Code

ZONING AMENDMENT PUBLIC HEARING
City Council Chambers, City Hall
Tuesday, April 14, 2020 – 7:00 PM
Tuesday, April 28, 2020 – 7:00 PM
Tuesday, May 12, 2020 – 7:00 PM
Tuesday, May 26, 2020 – 7:00 PM

City of Dover
288 Central Avenue
Dover NH 03820-4169

Return Service Requested

****** IMPORTANT ZONING AMENDMENT INFORMATION ENCLOSED ******

12. Amend 170-27.2 to revise the TDR Ordinance calculations, application process and add incentives for 600 sf units and incentives for creating assembly and manufacturing.
13. Amend 170-28.2 removing age restriction limitations, and clarify water/sewer requirements.
14. Amend 170-32 revising requirements per zone, based upon area rezoning amendments.
15. Amend 170-33 revising requirements per zone, based upon area rezoning amendments.
16. Amend 170-7 update the district list and purpose statements.
17. Takes Effect

The full text of the amendments is available through the Planning Department. View the amendments on the City's website at https://bit.ly/2QBNiZq or request a copy be emailed.

Please email Dover-Planning@dover.nh.gov or call (603) 516-6338 with comments.

REZONING 2020

MARCH 4, 2020

HOW DID WE GET HERE?

- January 2018: Planning Board Goals Set
- February: Rezoning Subcommittees created
- February 2018 to August 2019: Subcommittees draft reports
- August 27 2019: Subcommittee submits report
- September 2019 – February 2020: Staff drafts language.
- February 11, 25, 2020: PB Posts amendments

WHAT'S NEXT?

- Area Rezoning Neighborhood meetings
- Planning Board Public Hearing
- Public Comment Period
- Deliberations and Vote by Planning Board
- Recommendations sent to City Council
- City Council Public Hearing
- Deliberations and Vote by City Council

REZONING – SYNTAX AND RESTACKING

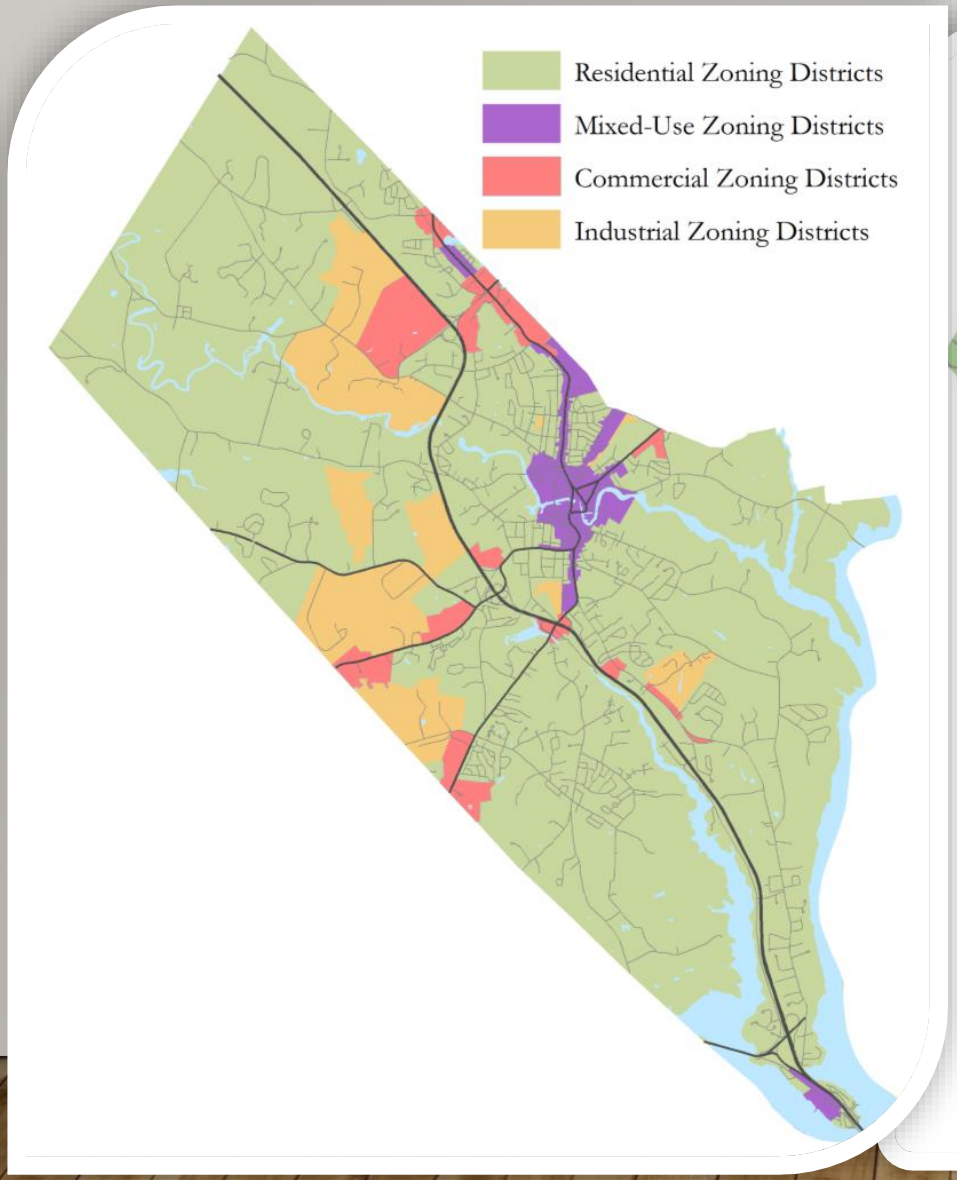
- "Comprehensive Development Plan" to "Master Plan"
- "Engineering Department" to "Community Services Department"
- Chapter "149" to Chapter "153"
- NH Administrative Rule "Wt 101.103" to "ENV Wt.101.113"

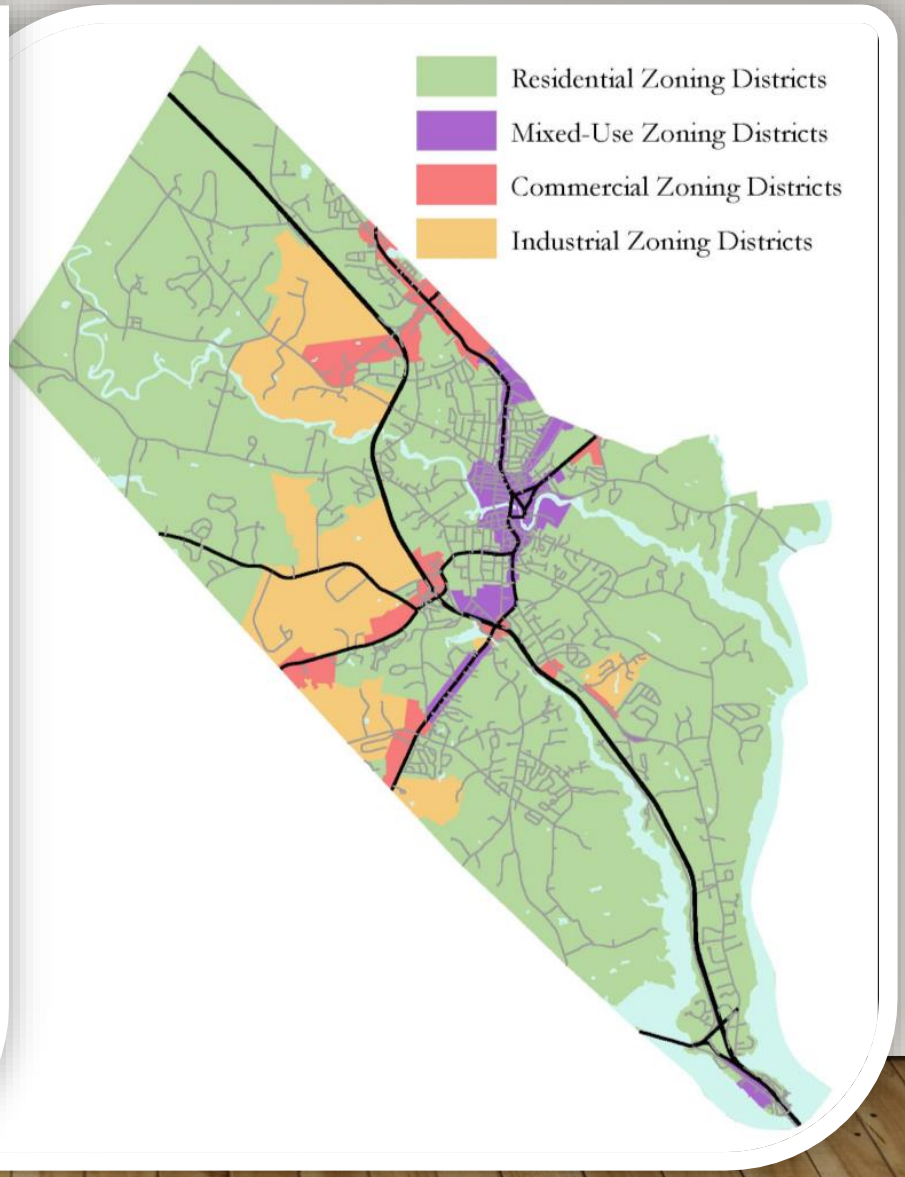
- Converting numbered bullet points to letters
- Adding lettered bullets to sections previously not indexed

- Article II changes from "Word Uses" to "Terminology"

- To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made ~~**by the**~~ in the enforcement of this Chapter

REZONING – SUBSTANTIVE

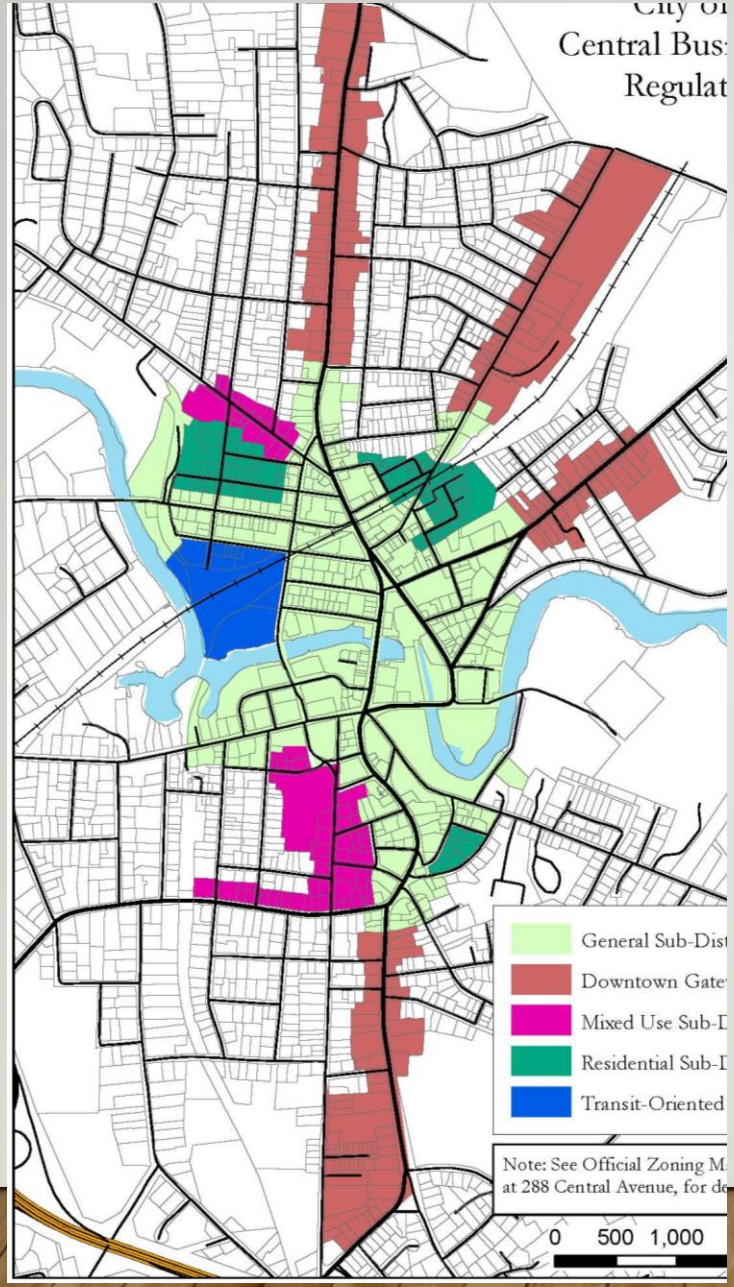




REZONING – ACREAGE

	2019 Ac	% of City	2020 Ac	% of City
Commercial	775	4%	583	3%
Industrial	1,836	10%	2,112	11%
Mixed use	571	3%	704	4%
(Nonres.	3,182	17%	3,399	18%)
Residential	15,410	83%	15,193	82%

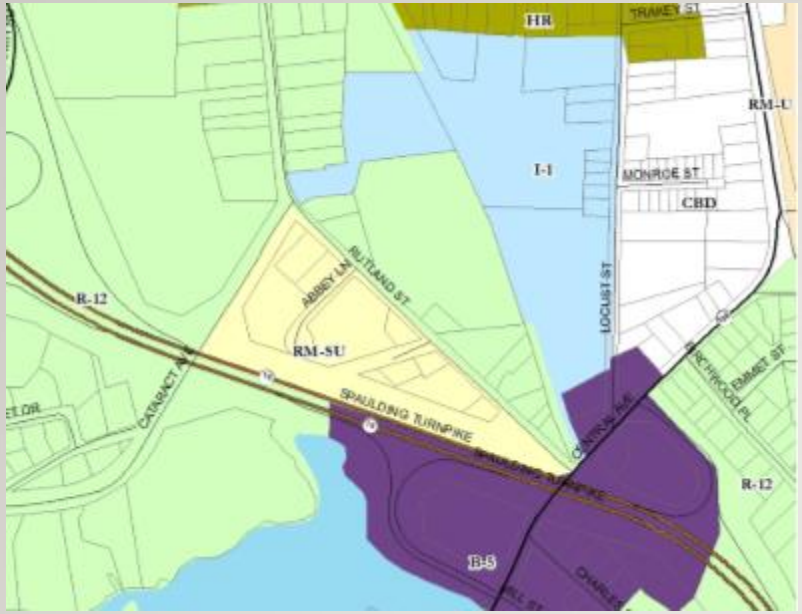
	2019 Ac	% of City	2020 Ac	% of City
Single	14,447	78%	14,231	77%
Multi	963	5%	962	5%

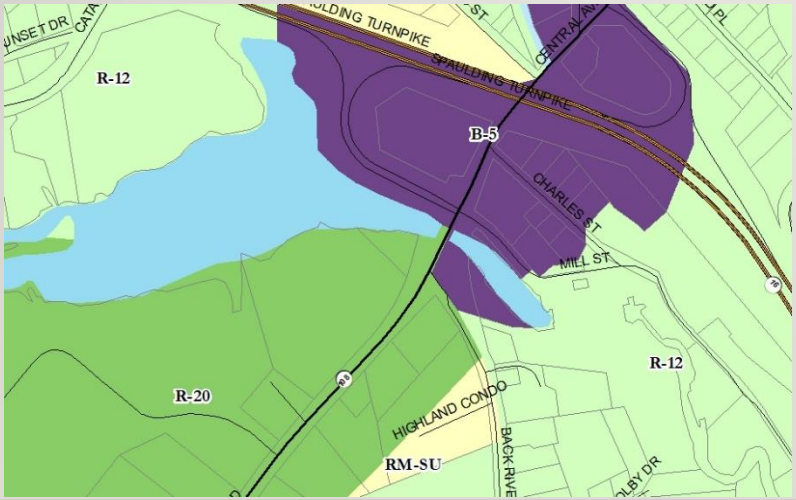


CREATE GATEWAY

Create standalone Gateway zone, incorporating Downtown Gateway sub district.

Changes 109 acres, all mixed use from a sub district of the Central Business District to a standalone district and then adds other areas to the new district.





Create Gateway

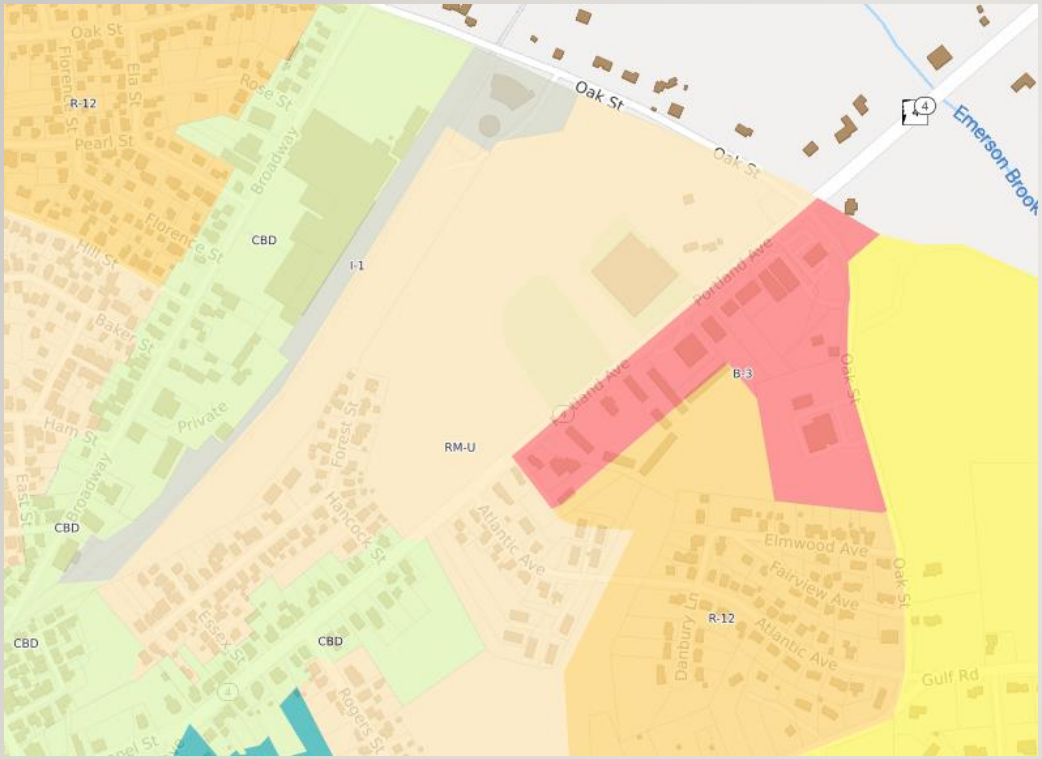
Rezone area between Locust Street and Spaulding Turnpike from I-1, R-12 and RM-SU and B-5 to Gateway

Changes 90 acres, 35 of which is residential, 30 is commercial and 25 is industrial to the new standalone mixed use district.

Rezone area on Durham Rd at Back River from R20 to Gateway

Changes 7acres all residential to the new standalone mixed use district.

Create Gateway



Rezone area off Oak Street and Portland Avenue from I-1, and B-3 to Gateway

Changes 31 acres, which is residential, 22 is commercial and 9 is industrial to the new standalone mixed use district.

Create Gateway



Rezone area along New Rochester Road from O to Gateway

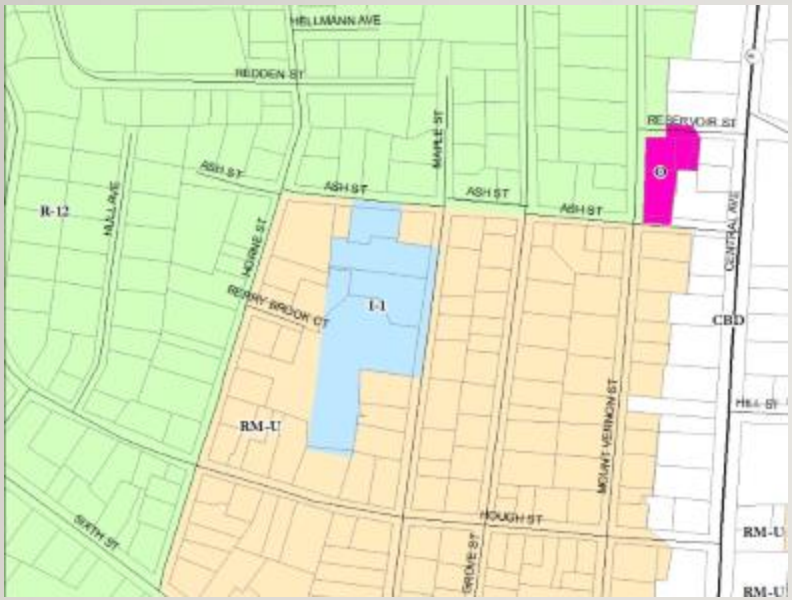
Changes 25 acres, which are mixed use to the new standalone mixed use district.



Rezone area on Dover Point Road to Gateway

Changes 5 acres all commercial to the new standalone mixed use district.

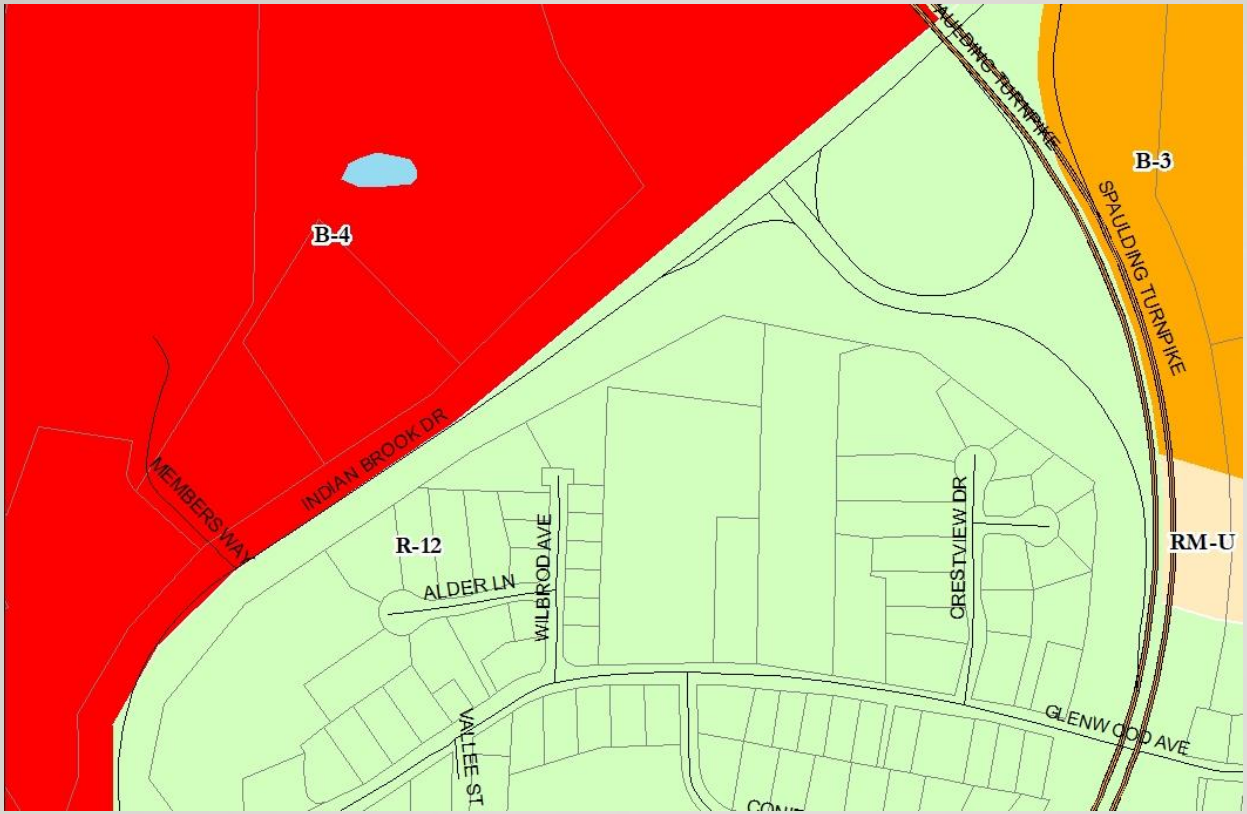
ELIMINATE I-1:



Rezone area between Maple Street and Horne Street to RM-U

Changes 4 acres, all industrial, to residential to meet neighborhood context.

INDIAN BROOK:



Rezone R-12 area along Indian Brook Drive to B-4

Changes 20 acres, 12 usable, residential to commercial*

Sixth Street:



Rezone R-12 area along Sixth Street to ETP

Changes 14 acres, 10 usable, all residential to commercial*

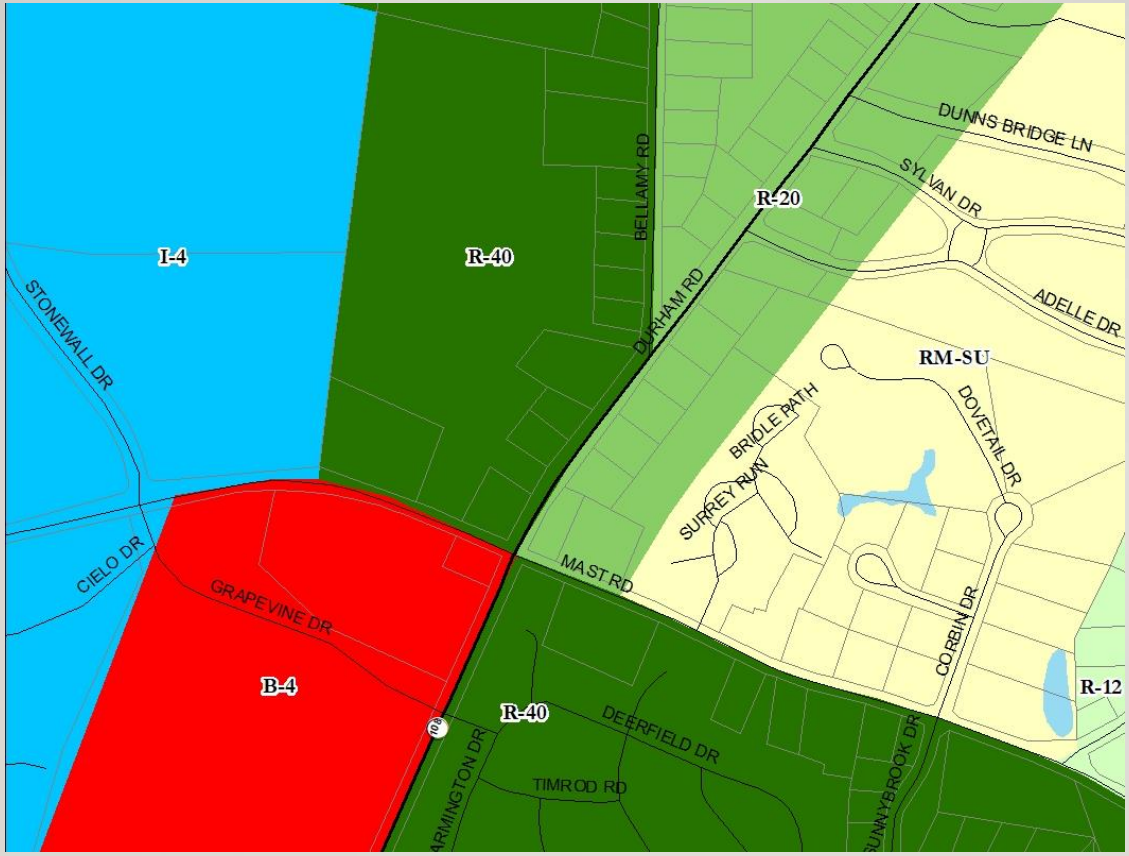
Weeks Crossing



Rezone area along Pine Crest and Week's Lane to B-3 from R-12 and B-1

Changes 1.5 acres, which are commercial and residential to commercial

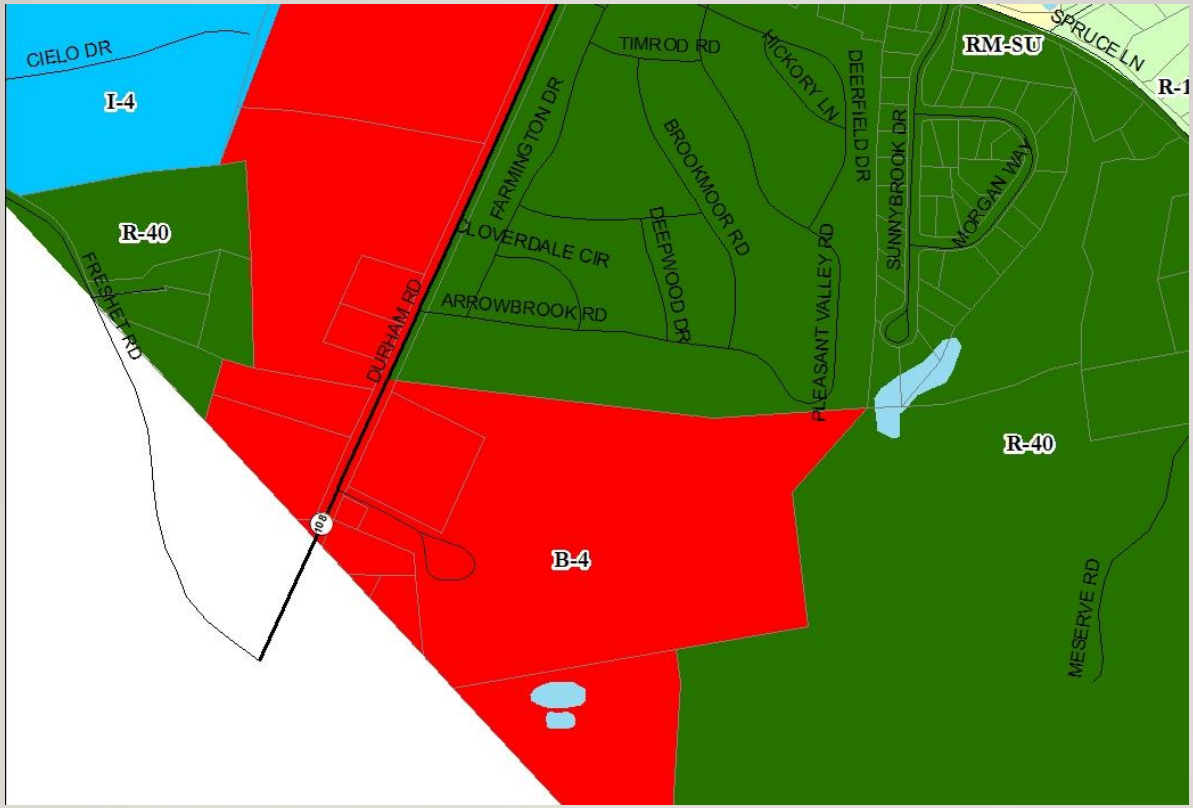
Durham Road/Mast Road



Rezone area along Mast Road and Durham Road intersection to B-4

Changes 46 acres, all residential. 43 becomes commercial, 3 stays residential*

Durham Road



Rezone area along Durham Road and Spruce Lane intersection to I-4

Changes 74 acres, 29 residential to industrial.*

Littleworth Road



Rezone area along Littleworth and Knox Marsh Road to I-2

Changes 155 acres, 101 residential, to industrial. 54 from Commercial to industrial*

Name Changes/Consolidation

- Amendment 8
  - Re name rural industrial (I-2) to Commercial Manufacturing (CM)
  - Updates uses
- Amendment 9
  - Rename Thoroughfare Business (B-3) to Commercial (C)
  - Rezone Highway Business (B-5) to Commercial (C)
  - Rezone Hotel/Retail (B-4) to Commercial (C)
  - Consolidates all Commercial zones into one, using B-3 as basis
- Amendment 10
  - Rename Office and Assembly (I-4) to Innovative Technology (IT)
  - Rezone Executive Technology to Innovative Technology (IT)

Updates

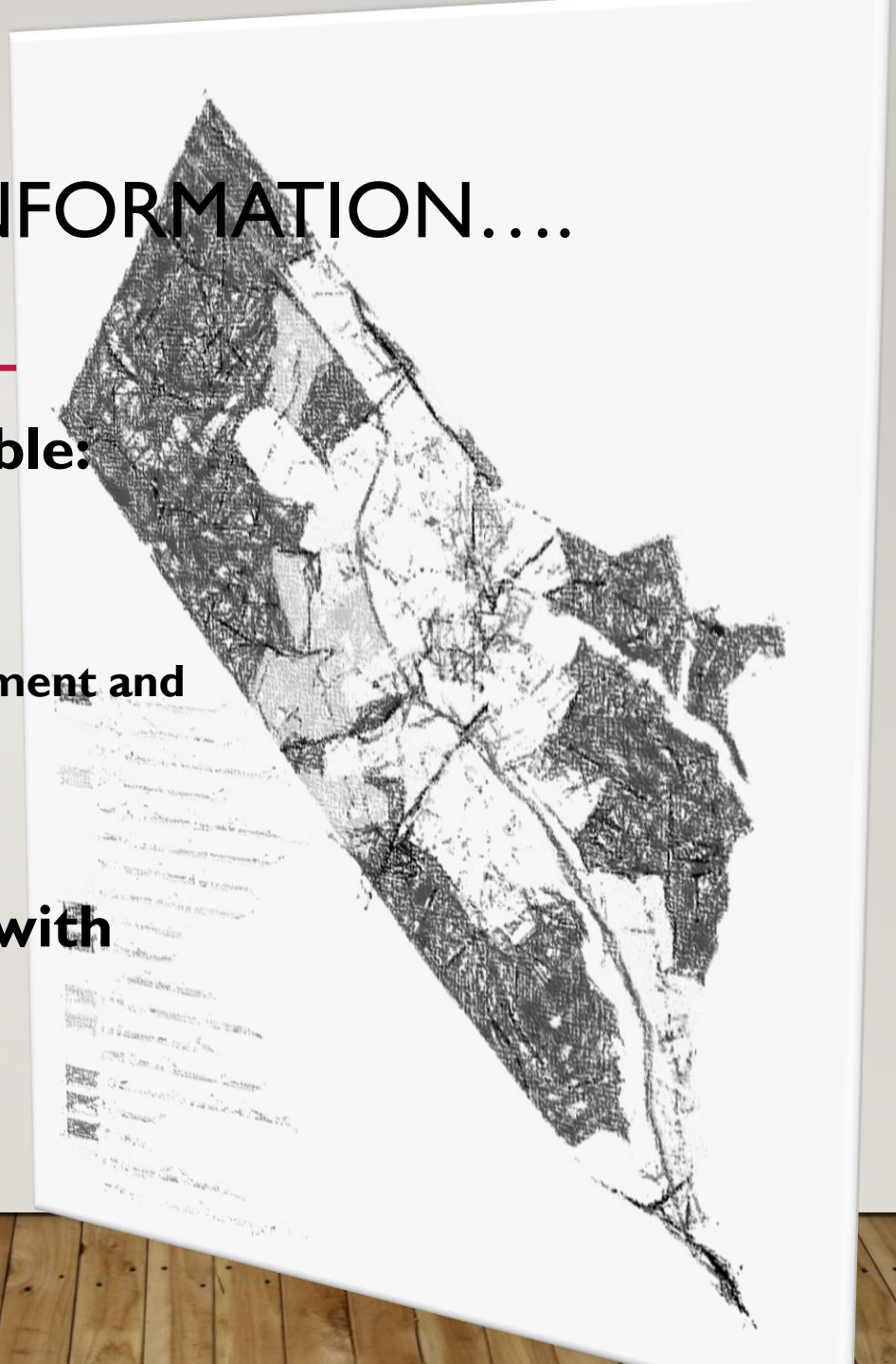
- Amendment 11
  - Revise Small Wind Energy Systems to Alternative Energy Systems
  - Adds Solar Power
  - Reviewed by Eng Com.
- Amendment 13
  - Revise RCM to allow on lots 50 acres or larger in IT, CM districts
  - Removes age restriction on units
  - Requires industrial/manufacturing for uses in CM
  - Clarifies Sewer needs for Adult Care
  - Bonus units if 1,000 sf or less
  - Clarifies parking is shared by all components
- Amendment 14

TDR Updates

- Removes rounding of units
- Adds provision for 600 sf homes, at no cost, if cost meets HUD guidelines
- Clarifies Total Living Area
- Removes sale only
- Caps number of SF units allowed for purchase
- Clarifies application style
- Sets thresholds for submission (4+ units)
- Allows multi-family to be no charge if rent meets HUD guidelines
- Clarifies commercial requirements in mixed use
- Allows creation of 1 unit per 2,000 sf created of assembly or manufacture over 40,000 sf
- Removes cluster style
- Increases rear setback/ abutter screening
- Requires utilities

FOR MORE INFORMATION….

- **The full text is available:**
  - **On the City's Web Site: www.dover.nh.gov**
  - **In the Planning Department and City Clerks Office**
  - **At the Public Library**
- **Please call 516-6008 with further questions.**



ZONING

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[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 08-12-2015 by Ord. No. 2015.07.22-017]

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~~B-5 Highway Business District~~
~~I-1 Restricted Industrial District~~
~~I-2~~CM ~~Rural Restricted Industrial~~Commercial Manufacturing District
~~I-4~~IT ~~Assembly and OFFICE~~Innovative Technology
~~ETP Executive and Technology Park~~

Mixed -Use
H Hospital
LBW Little Bay Waterfront District
O OFFICE District
G Gateway
CBD Central Business District
Regulating Plan
General
Mixed Use
Residential
~~Downtown Gateway~~
TOD Transit Oriented Development
CWD Cochecho Waterfront District

[HISTORY: Adopted by the City Council on 05-23-1979 as Ord. No. 15-79; Amended on 09-13-2013 by Ord. No. 2013.08.14-12; Amended on 02-26-2014 by Ord. No. 2014.01.22-001; Amended on 04-23-2014 by Ord. No. 2014.04.09-008; Amended on 08-12-2015 by Ord. No. 2015.07.22-017 Amendments noted where applicable.]

GENERAL REFERENCES - PLANNING BOARD – See Ch. 41. Site Plan Review- See Ch. 149. STREETs and SIDEWALKs – See Ch. 152. Subdivision of Land – See Ch. 155.

ARTICLE I

GENERAL PROVISIONS

170-1. Title.

This Chapter shall be known and may be cited as the "Zoning Ordinance of the City of Dover, New Hampshire."

170-2. Authority.

This Chapter is adopted pursuant to the authority granted by RSA 674:16.

170-3. Purpose.

This Chapter is an element of the Dover ~~Comprehensive Development Plan~~Master Plan and is designed to promote the health, safety, and the general welfare of Dover's residents by serving to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; to encourage the maintenance of Dover's economic and aesthetic quality of life; and to encourage the most appropriate use of land throughout the City of Dover.

170-4. Interpretation.

The provisions of this Chapter shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals and the general welfare of the City of Dover. The provisions of this Chapter are not intended to repeal or in any way impair or negate any other lawfully adopted ordinance, regulation or rule. Whenever the regulations made under the authority hereof differ from those prescribed by any ordinance or regulation, that provision which imposes the greater restriction shall govern.

170-5. Applicability. **[Amended on 06-10-87 by Ord. No. 13-87.]**

All BUILDINGs or STRUCTUREs hereafter erected, reconstructed, ALTERED, enlarged or relocated or all future use of premises in the City of Dover shall be in conformity with the provisions of this Chapter. This Chapter shall not apply to existing BUILDINGs or STRUCTUREs, nor to the existing use of any BUILDING or STRUCTURE or of land to the extent to which it is used at the time of enactment of this Chapter. Furthermore, if the PLANNING BOARD has formally accepted an application for development prior to the first legal notice of a proposed change to this Chapter, the Building Official shall not withhold a BUILDING permit, and the proposed regulation shall not affect the accepted application.

ARTICLE II

~~WORD USAGE~~TERMINOLOGY

170-6. Word Usage and Definitions. **[Amended on 9-24-80 by Ord. No. 15-80; Amended on 6-10-87 by Ord. No. 13-87; Amended on 9-14-88 by Ord. No. 15-88; Amended on 11-30-88 by Ord. No. 24-88; Amended on 08-01-90 by Ord. No. 8-90; Amended on 04-03-91 by Ord. No. 01-91; Amended on 09-01-93 by Ord. No. 20-93; Amended on 09-15-93 by Ord. No. 19-93; Amended on 10-20-93 by Ord. No. 28-93; Amended on 08-24-94 by Ord. No. 09-94; Amended on 03-18-98 by Ord. No. 02-98; Amended on 02-17-99 by Ord. No. 25-98; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 03-19-2003 by Ord. No. 05-03; 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. 10-10.27-13; Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 08-19-2015 by Ord. No. 2015.07.22-017; Amended on 06-22-2016 by Ord. No. 2016.06.08-010; Amended on 08-22-2018 by Ord. No. 2018.08.08-009]**

A. For the purposes of this Chapter, the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive; the words "used" or occupies" include the words "intended, designed or arranged to be used or occupied," and certain terms or words shall be interpreted as follows:

B. Words and terms appearing in CAPITAL LETTERS throughout this Chapter shall have the meanings indicated below. Other Land Use/Planning related words and terms not defined in this Chapter shall rely on the definition(s) contained within *A Planners Dictionary* published and updated by the American Planning Association:

ABANDONED SIGN means any SIGN that does not display a well-maintained message for a consecutive one-hundred eighty (180) day period, and/or the owner of said SIGN cannot be located after reasonable efforts have been made, and/or said SIGN is no longer fully supported by the STRUCTURE designed to support the SIGN for a consecutive one-hundred eighty (180) day period, and/or the SIGN no longer advertises bona fide business and/or products sold for a consecutive one-hundred eighty (180) day period. The Zoning Administrator shall direct the removal of any SIGN which meets this definition.

ABUTTER means:

(1) The owner of record of a parcel of land located in New Hampshire and adjoins or is directly within two hundred (200) feet (including land across the

STREET or waterway) of the proposed site under consideration by the PLANNING BOARD.

(2) For the purposes of receiving testimony only, and not for purposes of notification, the term "ABUTTER" shall include any person or entity who is able to demonstrate that his land will be directly affected by the proposal under consideration.

(3) In the case of an abutting property being under a condominium or other collective form of ownership, the term "ABUTTER" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line shall be notified only by first class mail.

(4) For purposes of notification and receiving testimony, ABUTTER means all affected towns and the regional planning commission in the case of a development having regional impact, as determined by the PLANNING BOARD.

(5) For purposes of notification, ABUTTER ownership information for LOTs located in Dover, shall be obtained through the City's Tax Assessment Office.

ACCESSORY DWELLING UNIT means a secondary DWELLING UNIT (a) attached and subordinate to a SINGLE FAMILY DWELLING or (b) constructed above a detached garage that is accessory and subordinate to a SINGLE FAMILY DWELLING. See Section 170-24 for the ACCESSORY DWELLING UNIT regulations.

ACCESSORY STRUCTURE means a STRUCTURE with a minimum FLOOR AREA of one hundred (100) square feet which exists on the same LOT and within the same zoning district as the PRINCIPAL BUILDING and which shall be customarily incident and subordinate to the PRINCIPAL BUILDING subject to the provisions of Chapter 170-10 E.

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 170-10 E.

ADULT BOOKSTORE AND/OR VIDEO STORE means a place of business that devotes more than fifteen percent (15%) of the total display, shelf, rack, table, stand or FLOOR AREA, for the display and sale of the following: [Added]

(1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides, tapes, records, CD-ROMS or other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1; or

(2) Instruments, devices or paraphernalia which are designed for use in connection with "sexual conduct" as defined in RSA 571-B:1, other than birth control devises.

An **ADULT BOOKSTORE** and/or VIDEO STORE does not include an establishment that sells books, periodicals or videos as an incidental or accessory part of its principal stock and trade and does not devote more than fifteen percent (15%) of the total FLOOR AREA of the establishment to the sale of books, periodicals or videos.

ADULT CABARET means a night club, bar, restaurant or similar establishment which during a substantial portion of the total presentation time, features live performances that meet the definition of "harmful to minors" and/or "a sexual conduct" as set forth in RSA 571-B:1 and/or shows films, motion pictures, video cassettes, slides or other photographic reproductions, which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

ADULT DAY CARE means a facility used for the care of three (3) or more adults for less than twenty-four (24) hours per day who are in need of supervision or assistance with daily living activities. The facility may provide for dining, recreation activities, education and counseling services, and ACCESSORY USEs related to the care of adults in need.

AGRICULTURE - See RSA 21:34-a.II. AGRICULTURE shall not include marketing or selling at wholesale or retail, except where permitted as part of a ROADSIDE FARM STAND or where the retail sale of agricultural or FARM products raised on site is a permitted use. One SINGLE FAMILY DWELLING shall be permitted as an accessory to the principle use.

ALTER or **ALTERATIONS** means any change involving the structural frame of a BUILDING or use of a BUILDING.

Alternative energy System means a system where energy is derived from a renewable natural source, such as the sun, wind, tides, or waves.

ALTERNATIVE TOWER STRUCTURE means the use of STRUCTUREs such as man-made trees, clock TOWERS, bell steeples, rooftops on BUILDINGs

five (5) stories or more, light poles, and similar Alternative-design mounting STRUCTUREs that camouflage or conceal the presence of ANTENNAs or TOWERS and their appurtenances.

ANTENNA means any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, repeater, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

APPLICANT means any person, agent, firm, association, partnership or corporation that makes application to a land use board, pursuant to the rules and regulations of this Chapter.

ASSESSED PROPERTY means any land or BUILDINGs comprising NEW DEVELOPMENT that is subject to an IMPACT FEE ASSESSMENT under this Article.

ASSESSMENT means a notification issued by the City of Dover, its PLANNING BOARD, or its Building Inspector, which states the amount of an IMPACT FEE due on an ASSESSED PROPERTY and the responsibilities, conditions or schedules pertinent to the process and timing of IMPACT FEE payments to the City.

ASSISTED LIVING FACILITY means a facility, licensed under RSA 151-E, that provides housing and supportive services and care for more than twelve (12) elderly residents who require assistance with daily living activities but do not require the skilled nursing and medical care provided in a NURSING HOME. Such supportive services include the provision of meals, housekeeping, laundry, transportation, daily personal care, dispensing of medications and twenty-four (24) hours per day staffing. An ASSISTED LIVING FACILITY includes a community dining ROOM in which meals are provided to all residents, and each individual assisted living unit may also have a kitchenette. Other than any accommodations provided for use by the facility's staff, only assisted living units are permitted as part of an ASSISTED LIVING FACILITY.

ASSEMBLY HALL means a BUILDING or a portion of a BUILDING, not to exceed five thousand (5,000) square feet, used for groups of people to gather for an event or regularly scheduled program. ASSEMBLY HALLs include but are not limited to SERVICE CLUB, religious institutions, cultural and educational lecture/performance halls, banquet halls, and similar facilities.

AUTO SERVICE means a place of business which offers as a service the repair of automobiles. Such "AUTO SERVICE" place shall not be construed to be a VEHICLE REFUELING /RECHARGING STATION.

BED AND BREAKFAST means a residential STRUCTURE consisting of nine (9) or less bedrooms rented on a temporary short term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on-site management on a twenty-four (24) hour basis. Breakfast shall be the only meal served and shall be served to registered guests only.

BERM means a mound of EARTH that may contain stumps of sufficient HEIGHT to serve as sight, sound, sand and dust screening of operations in an EXCAVATION SITE.

BLOCK means a tract of land bounded by STREETs or by a combination of STREETs and public land, railroad RIGHTS OF WAY, waterways or other barriers to the continuity of a development.

BLOCK CORNER means where two public STREETs meet on a BLOCK.

BLOCK FACE means the aggregate of all the BUILDING facades on one side of a BLOCK.

BUILD TO LINE means a line parallel to the STREET RIGHT-OF-WAY LINE representing the distance that part of the BUILDING must be located. Front porches, stairs and handicap ramps may extend beyond the 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. For parcels with no FRONTAGE, the BUILD TO LINE shall be calculated from the boundary parallel to the nearest STREET RIGHT-OF-WAY LINE. For parcels with FRONTAGE on a tidal waterway, the BUILD TO LINE may be a one hundred (100) foot SETBACK, unless reduced via a Conditional Use Permit from the reference line, no matter the distance to the STREET RIGHT-OF-WAY LINE.

BUILDING means any STRUCTURE built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and which is constructed and permanently affixed on the land. Such "BUILDING" includes open decks, open breezeways and any roofed areas. This in no way is to be construed to include a trailer, ~~MANUFACTURED HOUSE~~MANUFACTURED HOME or any other like product. For the purposes of measuring SETBACKs, eaves and uncovered porches accessible ramps or steps may encroach into the side, REAR and front

SETBACKs or a distance of up to three (3) feet. Improvements made at ground level (patio, pads, deck) are not required to meet SETBACKS.

BULK means a term used to indicate the physical size, SETBACKs, and location of a BUILDING upon a LOT.

BUSINESS FLOOR AREA - [Repealed on 08-08-2018 by Ord. No. 08-08-2018-009]

BUSINESS FRONTAGE means the length along the GROUND FLOOR of a BUILDING front, having FRONTAGE on the STREET, which is occupied by a separate and distinct principal use; or the length along the GROUND FLOOR of a BUILDING side, having FRONTAGE on a STREET, which is occupied by a separate and distinct principal use or by the same principal use which occupies the front of said BUILDING.

CERTIFIED SOIL SCIENTIST means a person who, by reason of special knowledge of pedological principles acquired by professional education and practical experience as specified by RSA 310-A:84, is qualified to practice soil science and who has been duly certified by the ~~PLANNING BOARD of Natural Scientists~~State Board of Natural Scientists.

CERTIFICATE OF OCCUPANCY – See Chapter 68 of the Code of the City of Dover, titled "Building Construction", Section 68-15.

CHILD CARE FACILITY means a non-residential facility used 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.

CHILD CARE HOME means an occupied SINGLE FAMILY DWELLING in which child day care is provided for less than twenty four (24) hours per day, except in emergencies. A CHILD CARE HOME is subject to the CUSTOMARY HOME OCCUPATION requirements and requires a CUSTOMARY HOME OCCUPATION Certificate of Use. There are two types of CHILD CARE HOMES, as follows:

(1) Group CHILD CARE HOME is a child day care for seven (7) to twelve (12) preschool aged children from one or more unrelated families. The twelve (12) children shall include all children residing with the caregiver in the home, except children ten (10) years of age or older. In addition to the twelve (12) children, up to five (5) children enrolled in a full day school program may also

be cared for up to five (5) hours per day on school days and all day during school holidays. Applications require Technical Review Committee review, are subject to possible Site Review and PLANNING BOARD approval per Section 149-4.D of the Site Review Regulations.

(2) Family CHILD CARE HOME is a child day care for up to six (6) preschool aged children from one or more unrelated families. The six (6) children shall include all children residing with the caregiver in the home, except children ten (10) years of age or older. In addition to the six (6) children, up to three (3) children enrolled in a full day school program may also be cared for up to five (5) hours per day on school days and all day during school holidays. A Family CHILD CARE HOME for up to three (3) children (at any one time and not including the provider's own children) shall not require a CUSTOMARY HOME OCCUPATION Certificate of Use and does not require Technical Review Committee review.

CIVIC BUILDING means a BUILDING operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

CIVIC SPACE means an outdoor area dedicated for public use.

COLLECTION means the actual delivery of payment of an ASSESSMENT of an IMPACT FEE to the City of Dover on behalf of an ASSESSED PROPERTY.

COMMENCEMENT OF CONSTRUCTION means the beginning of the physical construction of an approved STRUCTURE. Said construction shall include the erection of any portion of a STRUCTURE above or below grade level.

COMMERCIAL EXCAVATION means EXCAVATION of EARTH intended for commerce, excluding EXCAVATION that is strictly conducted for the purpose of ALTERATIONs, renovation, improvement or construction to the property on which the EXCAVATION takes place. Any material leaving the property for whatever reason is considered to be a commercial operation, except agricultural activities, as defined by RSA 21:34-a.

COMMERICAL PARKING FACILITY means an area of OFF-STREET PARKING, where, for a fee, or permit, motor vehicles may be stored for the purpose of temporary, daily, weekly, or overnight OFF-STREET PARKING. Said facility may provide shuttle or park-n-ride services.

COMMERCIAL RECREATION means leisure time activities conducted at prescribed places, sites, or fields as a principal use, in order to obtain profit for a private group, organization, or individual. For the purpose of this ordinance, COMMERCIAL RECREATION may include but not be limited to: (a) mechanical and/or electronic operating games (b) animated mechanical devices and/or rides (c) live entertainment; and (d) food concessions will be allowed by permit.

COMMON YARD means a planted private FRONTAGE wherein the facade is set back from the front property line.

CONGREGATE CARE FACILITIES means a residential facility for elderly persons containing individual, one (1) and two (2) bedroom units. Each unit may also have a kitchenette. The facility shall contain common dining facilities and amenities such as housekeeping, transportation and organized social and recreational activities, and may include limited medical services on site. This facility is intended for and solely occupied by persons sixty-two (62) years of age or older and thereby qualifies as "housing for older persons" under state law.

CONSERVATION LOT means a LOT created solely for the purpose of land conservation. The CONSERVATION LOT must contain no less than fifty percent (50%) developable uplands, but will have no DEVELOPMENT RIGHTS. The CONSERVATION LOT may be owned by a private, nonprofit organization, which has as its purpose the preservation of OPEN SPACE, or dedicated to a public entity. CONSERVATION LOTs must meet the required minimum LOT size and SETBACKs. CONSERVATION LOTs do not need to meet the minimum FRONTAGE requirements. CONSERVATION LOTs must be created following the regulations outlined in Chapter 155, Subdivision of Land.

CONTIGUOUS means land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, wholly within the City, except in the case of STATIONARY MANUFACTURING PLANTS, whose perimeter is not defined by the City's boundaries.

CONTINUING CARE COMMUNITY FACILITY means a residential development that provides multiple elements of adult living, including independent living units, assisted living units and skilled nursing care, enabling residents to live at a single location as their medical needs change over time. This facility is licensed pursuant to RSA 420-D and includes common dining, recreation and health facilities and other common areas; provides services such as medical care, programmed social activities; and may include limited accessory retail and personal services. This facility is intended for and solely occupied by

persons sixty-two (62) years of age or older and thereby qualifies as “housing for older persons” under state law.

COUNTRY CLUB means a nonprofit establishment involving the use of a golf course, swimming pool or tennis courts and a STRUCTURE designed as a center for these activities within which food and drink may be served to members of said club and their guests. The term "COUNTRY CLUB" shall not be so construed as to include within its meaning any operation conducted with a profit-making intent.

COVERAGE means the percentage of area of a LOT which is occupied by the physical limits of a BUILDING or BUILDINGs. Roofed area to the extent of the drip line shall constitute the physical limits of a BUILDING.

COVER CROP means vegetation designed to prevent erosion of the soil.

CUSTOMARY HOME OCCUPATION means an occupation carried on as a secondary use in a DWELLING UNIT or accessory BUILDING by the occupant of such unit.

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.

DEVELOPMENT RIGHTS means the legal claim to construct or develop specified land uses within specified densities and/or dimensional limits as granted by the City of Dover Zoning Ordinance.

DIMENSION STONE means rock that is cut, shaped or selected for use in BLOCKs, slabs, sheets, or other construction units of specified shapes or sizes and is used for external or interior parts of BUILDINGs, foundations, curbing, paving, flagging, bridges, revetments, or for other architectural or engineering purposes. DIMENSION STONE includes quarry BLOCKs from which sections of DIMENSION STONE are to be produced. DIMENSION STONE does not include EARTH as defined below.

DIRECT ILLUNIMATION means that the material of which a SIGN is made is itself illuminated (e.g. neon light).

DRIVE-IN SERVICE means service whereby the customer need not leave his vehicle in order to obtain the product offered for sale.

DWELLING, MULTI-FAMILY means a BUILDING containing more than four (4) DWELLING UNITs.

DWELLING, SINGLE-FAMILY means a detached BUILDING containing one (1) DWELLING UNIT only.

DWELLING UNIT means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the DWELLING UNIT for exclusive use of a single family maintaining a household.

EARTH means sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally-occurring unconsolidated materials that normally mask the bedrock.

EDUCATIONAL INSTITUTION, POST SECONDARY means an institute of higher education that provides a curriculum of academic instruction beyond the high school level, is licensed by the State of New Hampshire, and is accredited by an approved agency.

EDUCATIONAL INSTITUTION, K-12 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.

ELDERLY ASSISTED CARE HOME means a residential facility permanently housing six (6) to twelve (12) elderly residents with common dining facilities and ACCESSORY USES typically needed by elderly persons. The ~~Zoning Board of Appeals~~Zoning Board of Adjustment may increase the number of residents through the granting of a special exception.

Energy storage is the capture of energy produced at one time for use at a later time. A device that stores energy is generally called an accumulator or battery. Energy comes in multiple forms including radiation, chemical, gravitational potential, electrical potential, electricity, elevated temperature, latent heat and kinetic. Energy storage involves converting energy from forms that are difficult to store to more conveniently or economically storable forms.

EXCAVATION means a land area that is used, or has been used, for the commercial taking of EARTH, including all SLOPES.

EXCAVATION AREA means the area within an EXCAVATION SITE where EXCAVATION has occurred or is eligible to occur under the provisions of RSA 155-E. This is also known as the pit area.

EXCAVATION SITE means any area of CONTIGUOUS land in common ownership upon which EXCAVATION takes place.

EXISTING EXCAVATION means any EXCAVATION that lawfully existed as of August 24, 1979, from which EARTH material of sufficient weight or volume to be commercially useful had been removed during the two (2) year period before August 24, 1979.

EXISTING TOWERS AND ANTENNAS means any TOWER or ANTENNA lawfully constructed or permitted prior to the adoption of this ordinance. Additionally, any TOWER or ANTENNA lawfully constructed in accordance with this ordinance that predates an application currently before the PLANNING BOARD.

EXPANSION (pertaining to EXCAVATIONs) means

(1) of EXISTING EXCAVATIONs means EXCAVATION beyond the limits of the City and the area which on 8/24/79 had been CONTIGUOUS to and in common ownership with the EXCAVATION SITE and has been appraised and inventoried for tax purposes as part of the same tract as the EXCAVATION SITE.

(2) of STATIONARY MANUFACTURING PLANTS means to any CONTIGUOUS lands which were in common ownership with the site of the plant on 8/4/89.

EXTENSION, BUILDING means any action which shall cause the FLOOR AREA or volume of a STRUCTURE to be increased.

EXTENSION, USE means the enlargement of a business, industrial or residential activity beyond the limits in use at the time this Chapter was passed.

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

FAA means an acronym meaning Federal Aviation Administration.

FAMILY - [Repealed on 08-01-90 by Ord. No. 8-90]

FARM - See RSA 21:34-a.I. See also definition of AGRICULTURE

FARM ANIMALS means animals that are commonly raised or kept in an agricultural setting, including, but not limited to, chickens, roosters, turkeys, ducks, pigs, sheep, goats, horses, cows, cattle, llamas, emus, ostriches, donkeys, mules, buffalo, bison, alpacas, elk, deer and reindeer; provided, however, that chickens, sheep or goats, totaling six (6) or fewer, shall not be considered to be included.

FARM ANIMALS FOR FAMILY USE means animals commonly raised or kept by a family for non-commercial purposes on a LOT containing a one or two family dwelling. Includes chickens, sheep or goats totaling six (6) or fewer, but does not include roosters.

FCC means an acronym meaning Federal Communications Commission.

FENCE means a freestanding STRUCTURE of metal, masonry, composition of wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

FLASHING SIGN means any directly or indirectly illuminated SIGN which changes the intensity of illumination so as to result in changes in light, color, director or animation. Included in this definition shall be electronic changeable message boards or SIGNS of similar technologies, excluding those deemed necessary for the public safety and welfare by Federal, State or municipal authorities.

FLOOR AREA means the sum of the gross horizontal areas of all floors of any BUILDING or BUILDINGs on a LOT measured from the exterior walls. In particular, the "FLOOR AREA" shall include:

(1) In dwellings, any basement space designed to be used for residential purpose.

(2) In other than dwellings, any basement or cellar space used for any purpose.

(3) In all BUILDINGs, interior balconies, mezzanines, roofed porches or terraces and all spaces other than basement or cellar spaces with structural head ROOM of at least seven (7) feet.

FLOOR RATIO - [Repealed 08-01-90 by Ord. No. 8-90]

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. 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.

FRONTAGE means the linear distance measured along the front LOT LINE between the points of intersection with the side LOT LINEs. "FRONTAGE" along cul-de-sacs shall be the linear distance at the appropriate FRONT YARD BUILDING set back depth from the front LOT LINE between the points of intersection with the side LOT LINEs. For the purpose of measurement, LOT "FRONTAGE" shall be continuous and measured along the joining boundary of the front LOT LINE and a public right-of-way.

FRONTAGE, in the CBD means the area between a BUILDING facade and the public STREET, inclusive of its built and planted components.

GALLERY means a private FRONTAGE conventional for retail use wherein the facade is aligned close to the front property line with an attached cantilevered shed or lightweight colonnade overlapping the SIDEWALK.

Geothermal energy means a system generating electricity by tapping into steam or hot water reservoirs underground; the heat is used to drive an electrical generator.

GROUND FLOOR means the STREET level floor of a STRUCTURE.

Ground mounted solar means a system installed on the ground rather than on the roof of a building. This allows the solar panels to be placed anywhere on the property and mounted at any height, from a few inches to many feet off the ground. Ground mounted solar may include motorized ground-mounts that track the sun throughout the day, ensuring the panels are facing the sun at all times.

GROUP HOME FOR MINORS means a group boarding home for minor children and others attending Grades K - 12 which is issued a general or intermediate license by and operated in accordance with standards promulgated by the State of New Hampshire ~~Department of Health and Welfare~~Department of Health and Human Services. Such use may include ACCESSORY USEs such as educational and counseling programs which are directly related to the primary purpose of the home.

HAZARDOUS WASTE/MATERIAL means a material, waste or combination of materials or wastes which, because of the quantity, concentration or infectious

characteristics, may cause or significantly contribute to illness or present a substantial hazard to health, safety or welfare or to the environment.

HEIGHT when referring to a telecommunications TOWER or other STRUCTURE means the distance measured from ground level to the highest point on the TOWER or other STRUCTURE or appurtenance, even if said highest point is an ANTENNAs or other appurtenance.

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.

HEIGHT RATIO - [Repealed 08-01-90 by Ord. No. 8-90]

HIGH INTENSITY SOIL MAP (HIS) means a map prepared using the methods prescribed by the Society of Soil Scientists of Northern New England, in the publication HIGH INTENSITY SOIL MAPs for New Hampshire, January 1987, as amended.

HOME BASED AGRICULTRUAL ACTIVITIES means the sale of products associated with raising poultry/bees/or like animals, or harvesting of herbs, flowers or vegetables/fruit. Products must be grown on-site and may be sold in either in raw or value added forms.

HOTEL means a BUILDING consisting of ten (10) or more ROOMs accessed by a common hallway and designed for, or used commercially as temporary living quarters for persons who are lodged with or without meals.

IMPACT FEE means a fee or ASSESSMENT imposed upon development, including subdivision, BUILDING construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the City of Dover or the Dover School District, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and RIGHTS OF WAY; municipal OFFICE facilities; public school facilities; public safety facilities; solid waste COLLECTION, transfer, recycling, processing and disposal facilities; public library facilities; and PUBLIC RECREATIONAL FACILTIES not including PUBLIC OPEN SPACE.

INTERMITTENT STREAM means a stream that flows for sufficient times of the year to develop and maintain defined channels but which may not flow during dry portions of the year.

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

JUNKYARD means an open area where waste, used or secondhand materials are brought, sold, exchanged, stored, baled, packed, dissembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term "JUNKYARD" shall not include uses established entirely within enclosed BUILDINGs.

JUNKYARD, MOTOR VEHICLE means includes any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer operable or in condition for legal use on the public highways or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part or intended to be a part of any motor vehicles, the sum of which parts or materials shall be equal in BULK to two (2) or more motor vehicles. "MOTOR VEHICLE JUNKYARD" shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn materials which are parts of a motor vehicle or cut up the parts thereof.

KENNEL means any BUILDING(s) or land operated as a business for the boarding, breeding, training, or selling of five (5) or more dogs, cats or other household pets.

LANDSCAPE AREA means the area unoccupied by pavement or STRUCTUREs and open to the sky in either a landscaped or grassed condition. May include recreational fields, lawns, and public parks that do not possess significant conservation features.

LIGHT INDUSTRY means all manufacturing and assembly processes carried on completely within a STRUCTURE, and involving no permanent outside storage of equipment or materials (except as a customary ACCESSORY USE in connection with the permitted activities with the STRUCTUREs), unless such storage is approved by the Dover PLANNING BOARD. This term shall not be interpreted to include any industry, the operations of which shall result in significant objectionable noise, glare, vibration or odor which would constitute a

NUISANCE in an industrial district and which exceed the maximum levels of adjacent activities.

LOADING BERTH means a berth designed for the on-loading and off-loading of trucks and other commercial vehicles.

LOT means a parcel of land which fronts on and has ingress and egress by means of a public vehicular right-of way and is occupied by, or is intended to be occupied by one (1) PRINCIPAL BUILDING and its accessory BUILDINGs or uses customarily incidental to it, together with such OPEN SPACEs and yards as are required by this Chapter. More than one (1) PRINCIPAL BUILDING may be placed on a LOT located in the Central Business or Gateway District. More than one (1) PRINCIPAL BUILDING may also be placed on a LOT in all other districts with PLANNING BOARD approval for non-residential developments, MULTI-FAMILY DWELLING developments, and OPEN SPACE subdivisions.

LOT, CORNER means a LOT abutting upon two (2) or more STREETs at their intersection. The side of the CORNER LOT that fronts on the STREET that provides the address for the property shall be considered the front, and the side(s) of the CORNER LOT that front on any other STREETs shall be considered the abut-a-street.

LOT LINE means a line of record bounding a LOT which divides one LOT from another LOT or from a public or private STREET or any other PUBLIC SPACE.

LOT WIDTH means the width of a LOT along a straight line parallel to the front STREET line and lying at a distance from said STREET line equal to the required minimum FRONT YARD SETBACK for said LOT.

MANUFACTURED HOUSING means any STRUCTURE, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, is three hundred and twenty (320) square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. MANUFACTURED HOUSING shall not include presite built housing as defined in RSA 674:31-a.

MANUFACTURED HOUSING PARK or **MOBILE HOME PARK** means any plot of ground upon which two (2) or more MANUFACTURED ~~HOUSING~~HOMES, occupied for dwelling or sleeping purposes, are located.

MANUFACTURED HOUSING SUBDIVISION **[Repealed on 11-28-2012 by Ord. No. 2012.11.14-24.]**

MARINA means a facility for storing, servicing, fueling, berthing, securing and launching of private pleasure marine craft that may include the sale of fuel and incidental supplies for boat owners, crews and guests.

METEOROLOGICAL TOWER (MET TOWER) means the TOWER, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, MET TOWERs shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a SMALL WIND ENERGY SYSTEM.

MODIFICATION in relation to a SMALL WIND ENERGY SYSTEM means any change to the system that materially ALTERS the size, type or location of the SMALL WIND ENERGY SYSTEM. Like-kind replacements shall not be construed to be a MODIFICATION.

MOTEL means a BUILDING consisting of ten (10) or more ROOMs having direct outside access and designed for, or used commercially as temporary living quarters for persons who are lodged with or without meals.

NEIGHBORHOOD means a grouping of STRUCTUREs with more clearly evident relationship to one another than to other STRUCTUREs in the community.

NET METERING means the difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's ~~SMALL WIND~~ALTERNATIVE ENERGY SYSTEM that is fed back into the electric distribution system over a billing period.

NEW DEVELOPMENT means an activity that results in:

(1) The creation of a new DWELLING UNIT or units; or

(2) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of DWELLING UNITs; or

(3) Construction resulting in a new non-residential BUILDING or a net increase in the FLOOR AREA of any non-residential BUILDING; or

(4) The conversion of an existing use to another use if such change creates a net increase in the demand on public capital facilities that are the subject of IMPACT FEE ASSESSMENTs.

NEW DEVELOPMENT shall not include the replacement of an existing ~~MANUFACTURED HOUSE~~MANUFACTURED HOME or the reconstruction of a STRUCTURE that has been destroyed by fire or natural disaster where there is no change in its size, density or type of use, and where there is no net increase in demand on public capital facilities.

NONCONFORMING USE means a lawful use that does not conform to the prescribed use regulations of the district in which it is located.

NUISANCE means a factor generally recognized to be undesirable, such as odor, noise, glare or vibration.

NURSING HOME means a residential facility for elderly persons that is licensed by the State, containing a common dining facility and ACCESSORY USEs typically needed by elderly residents.

OFFICE means a place of business which may fall under the following categories:

Accessory. An OFFICE facility that is incidental and accessory to another business or sales activity that is the primary use of the STRUCTURE or site.

Administrative Business Professional. An establishment providing direct, "over-the-counter" services to consumers (e.g., insurance agencies, real estate OFFICEs, travel agencies, utility company OFFICEs, etc.) and OFFICE-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property. This use includes: accounting, auditing and bookkeeping services, advertising agencies, airline, lodging, chain, and rental car company reservation centers, architectural, engineering, planning and surveying services, attorneys, legal services, commercial art and design services, computer software and hardware design, counseling services, court reporting services, data processing services, detective agencies and similar services, educational, scientific and research organizations, employment,

stenographic, secretarial and word processing services, insurance claim processing, literary and talent agencies, mail order and e-commerce transaction processing, management and public relations services, media postproduction services, photography and commercial art studios, police facility used as an OFFICE where there are no jail detention facilities or storage of vehicles except the parking of police cars, psychologist, TELECOMMUNICATIONS FACILITY design and management, telemarketing, writers and artists OFFICEs;

Government. An administrative, clerical, or public contact OFFICE of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.

Medical. An OFFICE or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these OFFICEs, but exclude inpatient services and overnight accommodation.

OFF-SITE IMPROVEMENTS means those public facility improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision PLAT or site plan approval by the PLANNING BOARD. Such OFF-SITE IMPROVEMENTS shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development.

OFF-STREET PARKING means parking facilities located in city or privately owned LOTs and STRUCTUREs.

OPEN SPACE means land that is not built upon or substantially ALTERED by human activity including open fields, such as meadows and farmland, and forest as well as undeveloped shorelands and waterbodies.

ORDINARY HIGH WATER MARK means the line on shore, running parallel to the main stem of the river, established by the fluctuations of the water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristic of the surrounding areas.

OUTBUILDING – see ACCESSORY STRUCTURE

PARAPET means a low protective wall or railing along the edge of a raised STRUCTURE such as a roof or balcony.

PARKING SPACE means an off-Street area available with paved surface, accessible and suitable for parking one (1) motor vehicle.

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

PLANNING BOARD means the PLANNING BOARD of the City of Dover.

PLAT means a map or plan of a subdivision or a site plan, prepared by a registered surveyor or engineer in compliance with all applicable provisions of the Zoning Ordinance (Ch. 170), the Site Review Regulations (Ch. 149), and the Subdivision Regulations (Ch.155) of the City of Dover.

PORCH means a private FRONTAGE set back from the front property line with an attached porch permitted to encroach beyond the BUILD TO LINEs.

POWER GRID means the transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

PRINCIPAL BUILDING means the main BUILDING on a LOT, usually located toward the FRONTAGE.

PROJECTING SIGN means a SIGN attached to a BUILDING with the plane of the SIGN at an angle to the plane of the wall of the BUILDING.

PUBLIC ART means works of art in any media that has been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all.

PUBLIC OPEN SPACE means a parcel of land essentially unimproved and principally intended for OPEN SPACE preservation, natural resource conservation, or similar uses. For the purposes of this Article, City parks that do

not include “PUBLIC RECREATION FACILITIES” constitute PUBLIC OPEN SPACE.

PUBLIC RECREATION means leisure time activities open to the public, subject to reasonable limitations as to participation, and conducted at prescribed places, sites or fields by non-profit corporations or charitable organizations. The non-profit organization or charitable organization may either rent or own the site. Food concessions will be allowed by permit.

PUBLIC RECREATION FACILITIES means the land and facilities owned or operated by the City of Dover, other than PUBLIC OPEN SPACE, that are used or designed for the conduct of recreational sports or recreation programs, and which include equipment or substantial improvements to the land to provide indoor or outdoor PUBLIC RECREATION opportunities. PUBLIC RECREATION FACILITIES may also include those portions of PUBLIC OPEN SPACE parcels that are improved with developed trail systems for uses such as hiking or cross country skiing.

PUBLIC SPACE means open to public view or access.

PUBLISHING FACILITY means a STRUCTURE or part of a STRUCTURE, with OFFICE space and production facilities, which is used for producing newspapers, magazines, books and/or other related published materials. For the purpose of this definition, production facilities shall include a printing press and/or similar equipment.

REAR means the private back portion of a property.

RECEIVING AREA means a defined area within a TDR DISTRICT to which DEVELOPMENT RIGHTS are transferred resulting in more efficient and intense use of suitable development sites.

RECLAMATION means the restoring of an EXCAVATION SITE to a standard at least equal to those outlined in Section 170-29.8.

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

REVOCATION means the revoking of the approved extraction permit by the PLANNING BOARD. The REVOCATION requires ceasing operations until such time as the owner or operator can bring the operation into compliance, and subsequently reapply for permitted status with the PLANNING BOARD at a regular meeting using standard application steps as outlined in this article.

RIGHTS OF WAY means a public or private area that allows for the passage of people, goods, and/or utilities. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

RIGHT-OF-WAY LINES means the lines that form the boundaries of the RIGHT-OF-WAY.

Rooftop solar mean a photovoltaic system that generates electricity by capturing solar thermal energy and is mounted on the rooftop of a residential or commercial building or structure

ROOM means an unsubdivided portion of the interior of a DWELLING UNIT, excluding bathrooms, closets, hallways and service porches.

ROADSIDE FARM STAND means an ACCESSORY USE where permitted AGRICULTURE products grown on site are sold.

ROOMING HOUSE means any BUILDING in which ROOMs are rented, leased or otherwise made available for compensation to not more than ten (10) persons, for longer than one night, but not requiring a long term lease. Said ROOMs being for a sleeping purpose and containing communal bathroom facilities and cooking facilities.

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.

SENDING AREA means a defined area within a TDR DISTRICT from which DEVELOPMENT RIGHTS are transferred, resulting in the permanent preservation of lands possessing significant conservation features.

SERVICE CLUB means an establishment to be used as a gathering place for a group of citizens organized for a non-profit purpose.

SETBACK means the area of a LOT measured from the LOT LINE to a BUILDING facade or elevation that is maintained clear of permanent STRUCTUREs, with the exception of allowed encroachments for stairs or porches.

SHADOW FLICKER means the visible flicker effect when rotating blades of the WIND GENERATOR cast shadows on the ground and nearby STRUCTUREs causing a repeating pattern of light and shadow.

SHOPFRONT means a private FRONTAGE conventional for retail use, with substantial glazing and an awning, wherein the facade is aligned close to the front property line with the BUILDING entrance at SIDEWALK grade.

SHOPPING CENTER means any BUILDING containing five (5) or more tenants and containing more than fifty thousand (50,000) Square feet of gross FLOOR AREA.

SIDEWALK means the paved section of the public FRONTAGE dedicated to pedestrian activity, café seating, and other STREET FURNITURE.

SIGN means any name, identification, description, display, illustration which is affixed to or painted or represented directly or indirectly upon a BUILDING, STRUCTURE or piece of land, in view of the general public, and which directs attention to an object, product, place, activity, person, institution, organization or business.

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.[1] For FREESTANDING SIGNs, SIGN AREA does not include any portion of the SIGN displaying the BUILDING address.

SITE DEVELOPMENT PLAN means professionally rendered drawings which delineate a proposed non-residential, multi-family or ~~MANUFACTURED HOUSE~~MANUFACTURED HOME development. Said plan shall include: property lines, location of BUILDINGs, means of ingress and egress, access to off-site parking and all provisions as outlined in this Chapter and Chapter 149, entitled Site Review, of the Code of the City of Dover.

SLOPE means the ratio of vertical distance to horizontal distance (rise divided by run), usually expressed in percent or degrees. SLOPE is measured over horizontal distances of twenty (20) feet or more, utilizing elevations at two-foot contours.

SQUARE means a CIVIC SPACE designed for unstructured recreation and civic purposes, spatially defined by BUILDING FRONTAGEs and consisting of paths, lawns and trees.

[1] See Figures 8 and 9 of the SIGN Diagrams, Part II, included at the end of this Chapter.

SMALL WIND ENERGY SYSTEM means a wind energy conversion system consisting of a WIND GENERATOR, a TOWER, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.

STATIONARY MANUFACTURING AND/OR PROCESSING PLANTS means facilities that are placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying or processing excavated EARTH materials.

STOOP means a private FRONTAGE wherein the facade is aligned close to the front property line with the first story elevated from the SIDEWALK for privacy, with an exterior stair and landing at the entrance.

STREET means a city thoroughfare for vehicle access.

STREET FURNITURE means benches and other STRUCTUREs incorporated into the STREETSCAPE for use by pedestrians.

STREET LIGHTS means pedestrian scale lighting incorporated into the STREETSCAPE and in parking facilities to promote safe travel during evening hours.

STREET TREES means canopy trees used to reinforce the area along vehicular STREETs where pedestrian activities are encouraged.

STREET WALLS means a freestanding wall built along the front property line. It may mask a parking LOT from the STREET, provide privacy to a SIDE YARD, and/or strengthen the spatial definition of the public realm.

STREETSCAPE means the physical elements along a STREET including trees, benches, waste bins, and bike racks.

STRUCTURE means a framework of support.

SUSPENSION means the ordered cessation of that portion of an extraction operation that is in violation of this Article until such time as the owner or operator can demonstrate compliance to the Zoning Administrator.

SYSTEM HEIGHT means the vertical distance from ground level to the tip of the WIND GENERATOR blade when it is at its highest point.

TELECOMMUNICATIONS FACILITIES means any STRUCTURE, ANTENNA, TOWER, or other device which provides licensed commercial mobile wireless services, cellular telephone services, specialized mobile radio communications (SMR), enhanced specialized mobile radio communications (ESMR), personal communications service (PCS), paging, and similar services marketed to the general public.

TEMPORARY SIGN means a SIGN(s) customarily located on a trailer or similar wheeled apparatus, whether self-propelled or pulled by another vehicle, 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 SIGNs".

TERRACE/LIGHTWELL means a private FRONTAGE set back from the front property line by an elevated terrace or sunken lightwell which is permitted to encroach beyond the BUILD TO LINEs.

TOURIST HOME - [Repealed on 08-01-90 by Ord. No. 8-90.]

TOWER means any STRUCTURE that is designed and constructed primarily for the purpose of supporting one or more ANTENNAs, including self-supporting lattice TOWERs, guy TOWERs, or monopole TOWERs. The terms also includes commercial radio and television transmission TOWERs, microwave TOWERs, common carriers TOWERs, cellular telephone TOWERs, ALTERNATIVE TOWER STRUCTUREs, and similar STRUCTUREs.

TOWER means the monopole, guyed monopole or lattice STRUCTURE that supports a WIND GENERATOR.

TOWER HEIGHT means the HEIGHT above grade of the fixed portion of the TOWER, excluding the WIND GENERATOR.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) means the conveyance of the DEVELOPMENT RIGHTS of a parcel of land by deed or other legal instrument approved by the PLANNING BOARD to the developer of another parcel. Said legal instrument shall be recorded at the Strafford County Registry of Deeds.

TDR DISTRCT means an area defined as a zoning overlay district, which includes a SENDING AREA and a RECEIVING AREA for the purpose of

transferring DEVELOPMENT RIGHTS from a parcel within the SENDING AREA to a parcel within the RECEIVING AREA.

USED CAR LOT means an unenclosed space on which three (3) or more used cars are stored or offered for sale.

VEHICLE REFUELING /RECHARGING STATION means an establishment, the principle use of which is to provide for the sale of gasoline fuel (including but not limited to gasoline, diesel, natural gas, electricity or hydrogen) and oil to individual vehicles and retail sale of products required for motor vehicle maintenance such as oil, transmission fluid, brake fluid, polish, wax, fuel additives and treatments, wipers, tires, batteries, windshield wiper fluid, cleaning fluids and similar items. The retail sale of propane and kerosene is also allowed. The retail sale of over-the-counter retail consumer merchandise and DRIVE-THRU SERVICE may also be allowed.

WALL SIGN means a SIGN attached to or erected against the wall of a BUILDING, with the face in a parallel plane to the plane of the BUILDING wall, and projecting no more than fourteen (14) inches from the BUILDING wall.[2]

WAREHOUSING means only includes the activity of storing wares or goods by the occupant in his own behalf or for the benefit of others.

WATER DEPENDENT means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore, cannot be located inland.

WATER RELATED EDUCATIONAL/RESOURCE CENTER means a facility devoted to the provision of educational resources and materials and/or displays. Such a facility may include but not be limited to a museum, aquarium, and aquaculture facility.

WATERBORNE PASSENGER TRANSPORTATION FACILITY means a facility designed for storing, servicing, fueling, berthing, securing and launching of excursion boats and water shuttles for the purpose of transporting passengers.

WETLAND EVALUATION HANDBOOK FOR DOVER means the manual used to conduct a functional evaluation of the wetland in order to obtain a conditional use permit as required by the Wetland Protection District Ordinance.[3] This handbook shall be adopted and amended, as required, by the PLANNING

[2] See Figure 10 of the SIGN Diagrams, Part II, included at the end of this Chapter.
[3] See 170-27.1, Wetland Protection District, of this Chapter.

BOARD after a public hearing. Notice for said public hearing shall be published in a newspaper of general circulation and posted in three (3) places at least fifteen (15) days prior to the hearing.

WHOLESALING means only includes the activity of storage, repacking, sale and/or distribution of commodities in BULK quantities to jobbers, retailers, processors and manufacturers and shall not allow the sale and/or distribution of commodities to consumers on a retail basis.

WIND GENERATOR means the blades and associated mechanical and electrical conversion components mounted on top of the TOWER whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

YARD, FRONT means an open unoccupied space on a LOT between the STREET line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said LOT is located.

YARD, REAR means an open unoccupied space on a LOT between the REAR LOT LINE and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said LOT is located.

YARD, SIDE means an open unoccupied space on a LOT between the side LOT LINE and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said LOT is located.

ZONING BOARD OF ADJUSTMENT means the ZONING BOARD OF ADJUSTMENT of the City of Dover, as provided in the RSA 673:3.

ARTICLE III

DISTRICTS AND DISTRICT BOUNDARIES

170-7. Establishment of Districts. [Amended on 3-30-83 by Ord. No. 5-83; Amended on 4-27-83 by Ord. No. 12-83; Amended on 10-26-88 by Ord. No. 18-88; Amended on 04-03-91 by Ord. No. 01-91; Amended on 09-16-92 by Ord. No. 23-92; Amended on 11-22-95 by Ord. No. 19-95; Amended on 10-18-2006 by Ord. 03-2006; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 10-10.27-13; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]

A. Districts. The City of Dover is hereby divided into the following districts:

(1) Residential.

HR Heritage Residential District

R-40 Rural Residential District

R-20 Low-Density Residential District

R-12 Medium-Density Residential District

RM-SU Suburban Density Multi-residential District

RM-U Urban Density Multi-residential District

(2) Nonresidential. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

C Commercial District

CM Commercial Manufacturing

IT Innovative Technology

(3) Mixed-use.

G Gateway

H Hospital

LBW Little Bay Waterfront District

O Office District

CBD Central Business District

CWD Cochecho Waterfront District

(4) Overriding.

CD Conservation District

URD Urban Renewal District

RRD Riverfront Residential Overlay District

GWP Groundwater Protection District

HWD Hazardous Waste Landfill District

RCM Residential-Commercial Mixed-Use

SRD Scenic Road Overlay District

TDR Transfer of Development Rights

TEL Telecommunications Facilities

WPD Wetland Protection District

B. District purpose statements.

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

(a) Rural Residential District (R-40). The purpose of this residential district is to provide for conventional single-family neighborhoods in the more rural areas of the City. These areas have larger lot sizes (one or more acres) and the homes are most likely served by on-site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as open space developments with reduced lot sizes allowed in return for the permanent preservation of open space. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, hospitals, elementary schools, high schools and child-care facilities.

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

(c) Medium-Density Residential District (R-12). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 12,000 square feet. The homes in this district are almost all served by municipal sewer and water. Many of the neighborhoods surrounding the elementary schools are in this district and have a sidewalk system that is conducive to children walking to school. The development of parcels with at least five acres can be done as open space subdivisions. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and child-care facilities.

(d) Suburban Density Multi-Residential District (RM-SU) The purpose of this residential district is to provide an environment suitable for a variety of moderate-density housing types, including single-family, two-family, three- to four-family and multifamily dwellings. These districts are suburban

neighborhoods located along major roadways outside of the center of the City. The homes in this district are almost all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and child- care facilities.

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

(f) Heritage Residential District (HR).

(a) 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 keepers, or later senior managers and foremen from the mill facilities that lined the Cochecho River, as well as other community professionals.

(b) 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.

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

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

(2) Commercial/Manufacturing District (CM). The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, warehousing, wholesaling and shipping activities that expand the economic base of the City and provide employment opportunities. This area is the location of one of the first industrial parks in the City, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller minimum lot size of 20,000 square feet also encourages business uses such as publishing, hotels, vehicle

refueling/recharging stations, restaurants, car sales, offices, and personal services.

(3) Innovative Technology (IT). The purpose of this district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, warehousing, wholesaling, publishing and shipping activities that expand the economic base of the City and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The newer business parks are located in this district. The minimum lot size in this district is two acres, which encourages larger assembling and manufacturing users.

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

(a) Gateway (G). The purpose of this district is to mark a transition point where you move from the 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 Gateways (eg 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.

(b) Hospital (H). The purpose of the Hospital District is to provide appropriate locations for hospitals and medical offices associated with a hospital. This district also encourages other health care services and various housing facilities providing levels of service for older persons. Single- and two- family residential uses are permitted along with commercial uses such as offices, banks, funeral parlors, assembly halls, and schools.

(c) Little Bay Waterfront District (LBW). The purpose of this mixed-use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum lot size encourages a mix of various-sized commercial uses, with water-related uses, such as marinas, specifically permitted. Single- and two-family homes are allowed in recognition of the historically residential use of the area. Three- or four-family dwellings are allowed only as part of a mixed-use building. Businesses that take advantage of the unique location along Little Bay are encouraged.

(d) Office District (O). The purpose of this Office District is to provide appropriate locations for a mixture of residential and office uses along higher-volume streets. The remaining large historic homes are no longer suitable for single-family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential

areas on the side streets. Residential uses up to four dwelling units per structure are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, nursing homes and congregate-care facilities. The density for residential uses is about eight units per acre, and in new buildings, residential is only allowed on the second floor or higher.

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

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

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

~~A. Districts:~~

~~The City of Dover is hereby divided into the following districts:~~

~~(1) Residential~~

~~HR Heritage Residential District~~

~~R-40 Rural Residential District~~

~~R-20 Low-Density Residential District~~

~~R-12 Medium-Density Residential District~~

~~RM-SU Suburban Density Multi-residential District~~

~~RM-U Urban Density Multi-residential District~~

~~(2) Nonresidential~~

~~B-1 NEIGHBORHOOD Business District~~

~~B-3 Thoroughfare Business District~~

~~B-4 HOTEL/Retail District~~

~~B-5 Highway Business District~~

~~I-1 Restricted Industrial District~~

~~I-2 Rural Restricted Industrial District~~

~~I-4 Assembly and OFFICE~~

~~ETP Executive and Technology Park~~

~~(3) Mixed-Use~~

~~H Hospital~~

~~LBW Little Bay Waterfront District~~

~~O OFFICE District~~

~~CBD Central Business District~~

~~CWD Cochecho Waterfront District~~

~~(4) Overriding~~

~~CD Conservation District~~

~~URD Urban Renewal District~~

~~RRD Riverfront Residential Overlay District~~

~~GWP Groundwater Protection District~~

~~HWD Hazardous Waste Landfill District~~

~~RCM Residential-Commercial Mixed Use~~

SRD Scenic Road Overlay District

TDR TRANSFER OF DEVELOPMENT RIGHTS

TEL TELECOMMUNICATIONS FACILITIES

WPD Wetland Protection District

B. District Purpose Statements:

(1) RESIDENTIAL DISTRICTS

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

(a) Rural Residential District (R-40)

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

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

The purpose of this residential district is to provide for conventional single-family NEIGHBORHOODs on LOTs not less than twenty thousand (20,000) square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on-site septic systems and wells. These districts are located near major roadways. The development of parcels with at least fifteen (15) acres can be done as OPEN SPACE subdivisions. AGRICULTURE and farming are promoted in this district. Some non-residential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools and CHILD CARE FACILITIES.

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

~~The purpose of this residential district is to provide for conventional single-family NEIGHBORHOODs on LOTs not less than twelve thousand (12,000) square feet. The homes in this district are almost all served by municipal sewer and water. Many of the NEIGHBORHOODs surrounding the elementary schools are in this district and have a SIDEWALK system that is conducive to children walking to school. The development of parcels with at least five acres can be done as OPEN SPACE subdivisions. Some non-residential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and CHILD CARE FACILITIES.~~

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

~~The purpose of this residential district is to provide an environment suitable for a variety of moderate density housing types, including SINGLE-FAMILY, two family, 3-4 family and MULTI-FAMILY DWELLINGs. These districts are suburban NEIGHBORHOODs located along major roadways outside of the center of the city. The homes in this district are almost all served by municipal sewer and water. Some non-residential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and CHILD CARE FACILITIES.~~

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

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

~~(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 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.

(2) NONRESIDENTIAL DISTRICTS

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

(a) NEIGHBORHOOD Business District (B-1)

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

(b) Thoroughfare Business District (B-3)

The purpose of this business district is to provide an environment that encourages efficient and attractive automobile oriented commercial development along major highways outside of the downtown. The twenty thousand (20,000) square foot minimum LOT size encourages moderately sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, automobile sales, HOTELS, OFFICEs, banks, and theaters. Other commercial uses and MULTI-FAMILY DWELLINGs are allowed by special exception.

(c) HOTEL/Retail District (B-4)

The purpose of this business district is to provide an environment that encourages efficient and attractive commercial development on a larger scale along major highways outside of the downtown. The minimum LOT size of five acres encourages larger commercial development. The district provides

economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, HOTELS, OFFICEs, banks, and theaters.

(d) Highway Business District (B-5)

The purpose of this business district is to provide an environment that encourages efficient and attractive commercial development along major highways that are gateways to the city. The minimum LOT size of twenty thousand (20,000) square feet encourages a mix of various sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, VEHICLE REFUELING/RECHARGING STATION, automobile sales, HOTELs, OFFICEs, banks, and theaters.

(e) Restricted Industrial District (I-1)

The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, WAREHOUSING, WHOLESALING and shipping activities that expand the economic base of the city and provide employment opportunities. These areas tend to be smaller sites closer to the downtown area containing older BUILDINGs that have historically been used for industrial and business uses. The smaller minimum LOT size of forty thousand (40,000) square feet also encourages business uses such as PUBLISHING, HOTELs, VEHICLE REFUELING/RECHARGING STATION, car sales, OFFICEs, and personal services. The close proximity of these areas to older residential NEIGHBORHOODs requires careful consideration of impacts on adjacent uses in other districts.

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

(f) Rural Restricted Industrial District (I-2)

The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, WAREHOUSING, WHOLESALING and shipping activities that expand the economic base of the city and provide employment opportunities. This area is the location of one of the first industrial parks in the city, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller

minimum LOT size of twenty thousand (20,000) square feet also encourages business uses such as PUBLISHING, HOTELs, VEHICLE REFUELING/RECHARGING STATION, restaurants, car sales, OFFICEs, and personal services.

(g) Assembly and OFFICE (I-4)

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

(h) Executive and Technology Park (ETP)

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

(3) MIXED - USE DISTRICTS

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

(a) OFFICE District (O)

The purpose of this OFFICE district is to provide appropriate locations for a mixture of residential and OFFICEs uses along higher volume STREETs. The

~~remaining large historic homes are no longer suitable for single family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential areas on the side STREETs. Residential uses up to four DWELLING UNITS per STRUCTURE are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, NURSING HOMES and CONGREGATE CARE FACILITIES. The density for residential uses is about eight units per acre and in new BUILDINGs residential is only allowed on the second floor or higher.~~

~~(b) Central Business District (CBD)~~

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

~~(c) Cochecho Waterfront District (CWD)~~

~~The purpose of this mixed use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cochecho River. This district has very flexible dimensional requirements, with no minimum LOT size, FRONTAGE or SETBACK requirements and a density of forty three (43) DWELLING UNITS per acre. Several water related land uses are permitted in the district, including MARINAS, WATERBORNE PASSENGER TRANSPORTATION FACILITIES and WATER-RELATED EDUCATION AND RESOURCE CENTERS. The architecture of the waterfront areas should encourage the development of marine, history or tourism related land uses and activities, which take advantage of the unique characteristics of the waterfront as well as its central location and proximity to historic areas.~~

~~(d) Hospital (H)~~

~~The purpose of the hospital district is to provide appropriate locations for hospitals and medical OFFICEs associated with a hospital. This district also encourages other health care services and various housing facilities providing levels of service for older persons. Single and two family residential uses are permitted along with commercial uses such as OFFICEs, banks, funeral parlors, ASSEMBLY HALLs, and schools.~~

~~(e) Little Bay Waterfront (LBW)~~

~~The purpose of this mixed use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum LOT size encourages a mix of various sized commercial uses, with water related uses, such as MARINAS, specifically permitted. Single and two family homes are allowed in recognition of the historically residential use of the area. Three or four family dwellings are allowed only as part of a mixed use BUILDING. Businesses that take advantage of the unique location along Little Bay are encouraged.~~

~~(4) OVERRIDING DISTRICTS~~

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

170-8. Zoning Map. [Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-26-2014 by Ord. No. 2016.10.12-014]

A. The location and boundaries of the Zoning Districts are hereby established as shown on a map entitled "Zoning Map of the City of Dover, New Hampshire"[§], dated September 11, 2019, which accompanies and is hereby declared to be part of this Chapter.

B. For the purposes of the delineation of the Central Business District (CBD) the location and boundaries of sub districts are hereby established as shown on a map entitled "REGULATING PLAN[**] for the CBD Zone" dated December 9, 2009, accompanies and is hereby declared to be part of this Chapter.

170-9. Amendments to Zoning Map.

Any change in the location of boundaries of a zoning district hereafter made through the amendment of this Chapter shall be noted on the Zoning Map.

170-10. Interpretation of District Boundaries.

[§] Said Zoning Map is on file in the office of the ~~Planning Department~~Planning and Community Development Department, where it may be examined during regular business hours.

[**] Editor's Note: Said REGULATING PLAN is on file in the office of the ~~Planning Department~~Planning and Community Development Department, where it may be examined during regular business hours.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as a STREET, railroad, watercourse or other body of water shall be construed to be the center or middle thereof.

B. Boundaries indicated as following approximately or parallel to a STREET, railroad, watercourse or other body of water, it shall be construed to be parallel thereto and at such distance there from as shown on the Zoning Map.

C. Where a dimensioned boundary coincides within ten (10) feet or less with a LOT LINE, the boundary shall be construed to be the LOT LINE.

D. Where a boundary is indicated as intersecting the centerline of a STREET, railroad, watercourse or other body of water, it shall be construed to intersect at right angles to said center line or, in the case of a curved center line, at right angles to the tangent of the curve at the point of intersection.

E. Where a district boundary divides one (1) LOT and more than fifty percent (50%) of the area of such LOT lies in the less restricted district, the regulations prescribed by this Chapter for the less restricted district may apply to the remainder of said LOT up to a distance of not more than fifty (50) feet from the district boundary. In no case, however, shall such extension of the less restricted district be permitted closer than one hundred (100) feet to any STREET line in the more restricted district.

ARTICLE IV

USES; TABLES

170-11. Use Regulations. **[Amended on 08-01-90 by Ord. No. 8-90; Amended on 12-09-2009 by Ord. No. 8-90; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]**

Except as herein provided, no BUILDING or land shall be used except for the purposes permitted in the district as described in this Article.

A. Uses Permitted by Right. A use listed in the Tables of Use and Dimensional Regulations by District is permitted as a matter of right in the district in which it is listed, subject to the rules set forth in this Chapter and other sections of the Code of the City of Dover.

B. Uses Permitted by Right, With Conditions Imposed. A use listed in the Tables of Use and Dimensional Regulations by District and denoted with a numerical reference number (footnote) indicates a use that is permitted by right only when in compliance with certain imposed conditions.

C. Uses Permitted by Special Exception. A use listed in the Uses Permitted by Special Exception Section of the Tables of Use and Dimensional Regulations by District may be permitted as a Special Exception granted by the ZONING BOARD OF ADJUSTMENT in accordance with the conditions of 170-52 herein and in conformance with such other rules and regulations as may apply.

The Special Exception designation in a given district does not constitute an authorization of an assurance that such use will be permitted.

~~C.~~D. Uses not permitted. A use not listed in the Tables of Use and Dimensional Regulations by District shall not be permitted in the district.

~~D.~~E. PLANNING BOARD Site Review Approval. Any development/redevelopment meeting the criteria laid out in the Applicability section of the Site Review Regulations, of the City of Dover shall be subject to the rules and regulations contained said chapter.

~~E.~~F. Overriding district regulations. All uses are subject to the regulations of the overriding districts as listed and defined in this Chapter. (Refer to Article VII.)

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170-12. Applicability of Tables of Use and Dimensional Regulations by District. [Amended on 12-09-2009 by Ord. No. 2009.09.09-15.][††]

A. Uses permitted in those zoning districts identified in 170-7 shall be as set forth in the Tables of Use and Dimensional Regulations by District.

B. The minimum regulations for LOT size, LOT FRONTAGE, BUILDING SETBACK standards for front, side and REAR YARDs, BUILDING HEIGHTs, and LOT COVERAGE shall be as specified in the Tables of Use and Dimensional Regulations by District.

ARTICLE V

DIMENSIONAL REGULATIONS

170-13. Availability of Utilities and Services. [Amended on 6- 10-87 by Ord. No. 13-87.]

In instances where municipal sewer and water facilities are not provided, no residential STRUCTURE shall be built on a LOT with less than thirty thousand (30,000) square feet in area. Where municipal water is available and sewer is not, the minimum LOT size shall be twenty thousand (20,000) square feet in area. In no instance, however, shall the above requirements be more permissive than those required by the New Hampshire ~~Water Supply and Pollution Control Commission~~Department of Environmental Services, Water Division or required elsewhere in this

[††] See district sheets for individual amendment dates.

Chapter. Furthermore, the above requirement shall not be substituted for mandatory hookups required by other chapters of the Code of the City of Dover.

170-14. Nonconforming LOTs. **[Amended on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No. 8-90; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]**

The erection of a BUILDING or STRUCTURE shall be permitted on any LOT which has been duly recorded at the Strafford County Registry of Deeds on or before the effective date of adoption of this Chapter, provided that:

A. The LOT shall support a land area of at least five thousand (5,000) square feet and a minimum width of fifty (50) feet. In such cases, the following SIDE YARD restrictions shall apply:

(1) A LOT with a width of one hundred ten (110) feet or less and greater than seventy-five (75) feet, shall have a minimum SIDE YARD of ten (10) feet.

(2) A LOT with a width of seventy-five (75) feet or less and fifty (50) feet or more shall have a minimum SIDE YARD of six (6) feet.

B. Refer to Article XI of this Chapter for provisions regulating nonconforming LOTs that are adjacent or of continuous FRONTAGE and NONCONFORMING USEs and STRUCTUREs.

170-15. Recreation Space and Separation between Use Requirements. **[Amended on 08-01-90 by Ord. No. 8-90, Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]**

A. For each bedroom of a multifamily [greater than four (4) DWELLING UNITs] residential STRUCTURE, there shall be provided at least one hundred (100) square feet of usable recreation space. Half of this required recreation space shall be provided in such a manner so as to afford active recreational opportunities for children, to include such facilities as swings, sandboxes, slides, play areas, etc. The remainder of the required recreation space shall be provided in such a manner so as to afford passive recreational opportunities for adults, such as sitting areas, outdoor cooking facilities, walkways, etc. The active and passive recreational facilities may be combined or separated as appropriate to the site and to the anticipated occupancy needs of the development.

1. Efficiency apartments shall be counted on the basis of fifty (50) square feet per unit.

2. A payment in lieu of providing recreation space on site, for an identified recreation area, may be agreed to by the Planning Board.

B. The minimum distance between any main BUILDING and any accessory BUILDING not structurally attached to such main BUILDING shall be not less than the HEIGHT of the REAR wall of the accessory BUILDING.

C. No part of a yard or other recreation space required for any BUILDING for the purpose of complying with the provisions of this Chapter shall be included as part of a yard or other recreation space similarly required for another BUILDING.

D. Non-Residential uses requiring site plan review shall be at least one hundred fifty (150) feet from all existing residential STRUCTUREs, located within residential zones.

E. A continuous and year round visual buffer of either vegetation or fencing shall separate non-residential STRUCTURES ~~and~~ or parking areas from existing residential STRUCTUREs located to the rear and side of any proposal.

F. All screening and setback requirements pursuant to this section shall not be binding in the ~~ETP~~ IT or any Mixed Use Zoning District.

G. All recreation space requirements pursuant to this section shall not be binding in the CBD – General, TOD and CWD districts.

170-16. ~~Dimensional Regulations for Swimming Pools~~Swimming Pools.
[Amended 12-09-2009 by Ord. No. 2009.09.09-15.]

In Districts allowing one (1) Family Dwellings, two (2) Family Dwellings, and three to four (3 – 4) Family Dwellings, pools for swimming or bathing shall be in conformity with the following regulations:

A. Every outdoor swimming pool shall be completely surrounded by a FENCE or wall not less than four (4) feet in HEIGHT, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension, except for doors and gates, and if a FENCE is erected or maintained, the horizontal dimension shall not exceed four (4) inches. A primary dwelling or accessory BUILDING or STRUCTURE may be used as part of the enclosure.

B. Gates. All gates or door openings through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gates or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

C. Applicability. The requirements of this Chapter shall be applicable to all new swimming pools hereafter constructed, other than indoor pools, and shall apply to all existing pools which have a minimum depth of eighteen (18) inches of water. No person in possession of land within the City, either as owner, purchaser, lessee, tenant

or a licensee, upon which is situated a swimming pool having a minimum depth of (18) inches shall fail to provide and maintain such FENCE or wall as herein provided.

D. Appeals and hearings. The Board of Adjustment after public hearing, may make modifications in individual cases, upon a showing of good cause with respect to the HEIGHT, nature or location of the FENCE, wall, gates or latches or the necessity therefore, provided that the protection as sought hereunder is not reduced thereby. The Board of Adjustment may permit other protective devices or STRUCTUREs to be used so long as the degree of protection afforded by the substitute devices or STRUCTUREs is not less than the protection afforded by the wall, FENCE, gate and latch described herein.

E. State requirements. Swimming pools shall conform to all requirements of the New Hampshire ~~Department of Health and Welfare~~Department of Health and Human Services.

F. Option to FENCE regulation. When not in attendance, access ladders or slide ladders to pool shall be removed or raised and locked or otherwise made inaccessible from the outside to small children.

170-17. ~~Dimensional Regulations for Handicapped Accessible Additions~~ Removal of Barriers to Access. [Amended on 08-14-93 by Ord. No. 17-93; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]

Upon the discretion of the Building Inspector, with consultation of the Zoning Administrator, in all zoning districts a STRUCTURE constructed for the express purpose of improving and/or providing accessibility to an existing BUILDING for physically and/or mentally disabled individuals may be erected within the BUILDING SETBACKs (front, side and/or REAR) as specified in the Table of Dimension Regulations provided:

A. The STRUCTURE cannot feasibly and practicably be constructed on the LOT in compliance with the Table of Dimensional Regulations;

B. The STRUCTURE must not create a hazard or detrimental impact to surrounding properties.

ARTICLE VI

ADDITIONAL REGULATIONS

170-18. CUSTOMARY HOME OCCUPATIONs. [Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]

A CUSTOMARY HOME OCCUPATION is a permitted use in all Residential Districts. The following conditions apply:

A. "Home occupation" shall include not more than one (1) of the following uses, provided that such uses are clearly incidental and secondary residential purposes; dressmaker, artist, arts and crafts, writer, teacher, provided that not more than eight (8) pupils simultaneously occupy the BUILDING, musician, antique dealer, hairdresser, HOME BASED AGRICULTRUAL ACTIVITIES, lawyer, doctor, photographer, dentist, architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.

B. No more than one (1) nonresident shall be employed therein.

C. The use is carried on strictly by the occupant of the PRINCIPAL BUILDING.

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

E. There shall be no display of goods or wares visible from the STREET.

F. No advertising on the premises other than a small no-illuminated SIGN not to exceed two (2) square feet in area and carrying only the occupant's name and his occupation.

G. The BUILDINGs or premises occupied shall not be rendered objectionable or detrimental to the residential character of the NEIGHBORHOOD because of the exterior appearance, traffic emission of odor, gas, smoke, dust, noise, electrical disturbance, light emissions, or in any other way. In a MULTIFAMILY DWELLING, the use shall in no way become objectionable or detrimental to any residential use within the multifamily STRUCTURE.

H. Any such BUILDING shall include no feature of design not customary in BUILDINGs for residential use. The following uses, by nature of the investment or operation, have a potential to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, uses such as Retail, Clinic, Landscaping, Freight, Trucking or Shipping, Painting of Vehicles, Trailers and Boats, Restaurants, Caterers or Bakeries, Taxi Service, Tool or Equipment Rental, Veterinary hospital or KENNEL and others of a similar nature shall not be considered as home occupations.

I. A minimum of two (2) OFF-STREET PARKING SPACEs shall be provided. All driveways to be used in connection with such occupations shall conform to Chapter ~~92. Driveways~~153 Site Plan Review or Chapter 157 Land Subdivision Regulations, as appropriate.

J. Not more than one (1) commercial vehicle in connection with such home occupation shall be stored on the premises.

K. A certificate of use for the proposed home occupation is issued by the Zoning Administrator verifying 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 CUSTOMARY HOME OCCUPATION continues. Fees shall be levied as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for CUSTOMARY HOME OCCUPATION certificates of use and renewals.

L. The use of a ROOM in a dwelling or accessory BUILDING as a home office by a resident/occupant is a permitted use and does not require a certificate of use, provided that the use does not generate any traffic such as (i) deliveries or pickup of supplies or materials in excess of normal residential use, or (ii) clients coming to the property.

170-19. ~~Flexible Uses in the I-1 District.~~ ~~[Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]~~Reserved.

~~A. Purpose and Intent~~

~~The Restricted Industrial District was created in 1949 as a zone around property that had industrial uses on it prior to the inception of Zoning in Dover. These areas of the City are surrounded by residential uses and are located in the urban core of the City. The properties have continued to be utilized in an industrial capacity, however this use may not be compliant with the surrounding uses, and a more context sensitive reuse may be more appropriate.~~

~~The purpose of this section is to allow property owners to redevelop their industrial property in a more flexible and context sensitive method. Additionally, these non-residential nodes are located in areas that could accept commercial uses that are on a NEIGHBORHOOD scale and the property could offer surrounding residents opportunities that do not exist today.~~

~~The district includes options which enable and encourage greater flexibility in the design of residential housing with commercial projects that adaptively reuse the industrial property in a more context sensitive mode. The district encourages mixed residential and commercial uses are intended to be complementary of one another and to create a sense of community between the mixed uses.~~

~~B. Permitted Uses~~

~~The following uses are permitted:~~

~~(1) Principal Uses~~

~~(a) Two-family dwelling~~

~~(b) Three to Four family dwelling~~

~~(c) MULTI-FAMILY DWELLING (if part of a STRUCTURE that includes non-residential uses, must be on the second floor or above)~~

~~(d) Public and private utilities~~

~~(e) Non-Residential uses as allowed as follows:~~

~~(i) Barber or Beauty Shop~~

~~(ii) Bank~~

~~(iii) Eating/Drinking Establishments (no Drive thru Service)~~

~~(iv) BED AND BREAKFAST~~

~~(v) OFFICE (excluding medical, dental or veterinary)~~

~~(vi) PERSONAL SERVICE ESTABLISHMENT~~

~~(vii) Retail store~~

~~(viii) Theater~~

~~(2) ACCESSORY USES~~

~~(a) ACCESSORY USES typically associated with the above principal uses shall be allowed with the approval of the PLANNING BOARD at the time of site plan review.~~

~~(3) Conditional Uses~~

~~The uses listed in this section shall be considered conditional uses, subject to approval by the PLANNING BOARD per the provisions of RSA 674:21, "Innovative Land Use Controls." In order for the conditional uses to be permitted, the PLANNING BOARD must determine that the proposed use complies with the statement of purpose of this section and meets all of the provisions of the district.~~

~~(a) Medical, dental and veterinary OFFICEs.~~

(b) COMMERCIAL RECREATION, including but not limited to health club, fitness center and recreation facilities, limited to no more than three (3) coin-operated amusement devices.

(c) Funeral homes

(d) Greenhouses

(e) Existing industrial uses allowed at the time the ordinance is approved.

C. Procedural Concepts

The developer shall prepare a Development Plan, which locates the proposed types of non-residential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership, but shall be treated as one development and shall be bound by the approval granted for the entire Development Plan. If approval is granted, individual LOTs must be developed as part of the larger Development Plan and phasing outlined below, and not separately. The Development Plan must identify the percentage of the non-residential uses, residential uses and OPEN SPACE. Non-residential uses must exceed forty-nine percent (49%) of the original tract(s). Existing uses may contribute to the overall percentages.

Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in Chapter 155-60) applied to the Development LOT and not individually to the Internal Dwelling LOTs.

For residential development of two (2) family, three to four (3 to 4) family and MULTI-FAMILY DWELLINGs, that are to be constructed in new STRUCTUREs, density shall be based upon calculating the average density of all residential LOTs located in the City of Dover within 600 feet of the external LOT LINE of the property. For MULTI-FAMILY DWELLINGs that are to be constructed within or added onto existing STRUCTUREs the density shall be based upon calculating one unit per four thousand (4,000) square feet of existing BUILDING space.

The Development Plan may be phased for a term of five (5) years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Section 170-19-A. For the purposes of this section, development shall include:

(1) construction of STRUCTUREs;

(2) environmental remediation;

(3) site preparation or demolition;

~~(4) roadway utility or recreation and common area design and construction; and bonding or other security for site development.~~

~~The phasing plan shall provide that no more than fifty percent (50%) of the residential development may be occupied prior to completion of between twenty-five percent (25%) and fifty percent (50%) of the non-residential STRUCTUREs as negotiated between the PLANNING BOARD and the Developer.~~

~~Provided that the developer is making reasonable efforts to develop the site, the PLANNING BOARD may extend the initial five (5) year phasing period provided a request for extension is submitted before the expiration of the initial five (5) year phasing term.~~

~~(1) Residential Development Plan Guidelines~~

~~The developer shall be permitted to allocate permitted density among Internal Dwelling LOTs in a flexible and creative manner. Dwellings shall be sited with a variety of SETBACKs to prevent the row house effect. The sum total of the permitted density shall not exceed the permitted density of the Development LOT or Legal LOT. Layouts may include individual LOTs or a cluster of units without LOT LINEs.~~

~~Dwelling layouts shall be so designed that parking is screened from external roadways by garages, BUILDING locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external STREETs shall be preserved as much as possible.~~

~~Residential layout shall reflect surrounding NEIGHBORHOOD design and should embrace traditional NEIGHBORHOOD features and philosophies. These include, but are not limited to tree lined STREETs, architectural details that encourage the feeling that the development is an extension of existing NEIGHBORHOODs and not built separately. In addition to tree lined STREETs, developments shall incorporate natural materials in the BUILDING construction such as brick, wood and a composite material, such as fiber cement siding, as approved by the PLANNING BOARD.~~

~~All residential development must adhere to architectural design guidelines. Development shall embrace the aesthetics of the existing NEIGHBORHOOD, within five hundred (500) feet of the external boundary line of the property. Embraced elements should include roof style, non-decorative porches, front STOOP, and other architectural details. Chapter 149-14.L, Site Review Regulations, may offer guidance in developing designs.~~

(2) Nonresidential Development Plan Guidelines

The general character of the nonresidential STRUCTUREs within the Development LOT is intended to be a pedestrian friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, façade treatment, and SIGNAGE. Materials used for new construction should be natural materials such as brick, wood and a composite material, such as fiber cement siding, as approved by the PLANNING BOARD.

Care should be taken to allow for transitional uses between the existing neighboring uses and any proposed uses. All commercial and other enterprises shall be limited to the following hours of operation: 6:00 a.m. - 12:00 a.m. The PLANNING BOARD may further restrict the hours of operation of individual businesses, based upon anticipated usage, at the time of site plan approval.

Non-residential uses proposed to be contained within new STRUCTUREs shall be two or more stories and shall have residential units on the second floor or above to create a mixed use environment.

There may be only one (1) retail establishment selling general merchandise with a gross FLOOR AREA of up to ten thousand (10,000) square feet. All other establishments shall have no more than five thousand (5,000) square feet of gross FLOOR AREA, unless existing at the time of enacting of the ordinance.

The guidelines for this development are included in Chapter 149-14.2, Site Review Regulations.

D. Standards and Regulations

(1) Internal Roads

As part of the approval of the site plan review, the PLANNING BOARD shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below roadways shall conform to the STREET design criteria laid out in the City of Dover Code:

(a) Minimum Internal R.O.W.

(i) Maximum residential: 35 feet

(ii) Maximum Mixed use: 50 feet

~~(b) Minimum Pavement Width~~

~~(i) Minimum residential: 20 feet~~

~~(ii) Minimum non- residential: 28 feet~~

~~(iii)Minimum SIDEWALK pavement width: 5 feet~~

~~(iv)Minimum bike/Segway/golfcart path width: 5 feet~~

~~(c) Minimum Tangent Length at Intersections = 75 feet~~

~~(d) Maximum STREET angle at Intersections = 60 degrees~~

~~(e) Minimum centerline radius = 100 feet~~

~~(f) Minimum Tangent Length between reverse curves = 50 feet~~

~~(2) Dimensional Requirements~~

~~(a) SETBACKs~~

~~(i) Minimum SETBACKs from the edge of pavement and between STRUCTUREs shall be calculated by determining the average SETBACK front, REAR and side SETBACKs of those STRUCTUREs within five hundred (500) feet of the external property boundary.~~

~~(b) BUILDING HEIGHT~~

~~(i) To determine the residential BUILDING HEIGHT, the APPLICANT shall calculate the modal HEIGHT of all residential STRUCTUREs, on the STREET side, within five hundred (500) feet of the external property boundary.~~

~~(ii) The highest modal HEIGHT shall be the maximum HEIGHT and the lowest modal HEIGHT shall be the minimum HEIGHT.~~

~~(iii) For mixed use BUILDINGs, the HEIGHT shall be a maximum of forty-five (45) feet.~~

~~(3) Parking~~

~~(a) All DWELLING UNITs shall require two (2) independently accessible PARKING SPACEs per unit, except where multimodal transportation~~

~~resources are provided. Non-residential uses shall comply with parking requirements defined by the zoning ordinance.~~

~~(b) Visitor parking shall be provided for each residential unit. The total residential spaces shall be calculated and an additional five percent (5%) of spaces shall be provided for visitors.~~

~~(c) Where mixed uses will be contained within a STRUCTURE, parking shall be shared between the residential and non-residential uses.~~

170-20 Central Business District Regulations. [Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 10-10.27-13; Amended on 06-22-2016 by Ord. No. 2016.06.08-010; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]

A. Purpose and Intent

(1) The City of Dover Central Business District (CBD) follows the premises of context sensitive zoning. This context sensitive zoning is intended to foster a vital downtown both for itself and for its adjacent NEIGHBORHOODs and major roadways leading into the downtown through a lively mix of uses—with SHOPFRONTs, SIDEWALK cafes, and other commercial uses at STREET level, overlooked by canopy shade trees, upper story residences and OFFICEs.

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(2) Redevelopment within the CBD shall be regulated by these context sensitive zoning regulations, in order to achieve the City's vision set forth in the 2007 update to the Land Use Chapter of the Master Plan, adopted by the PLANNING BOARD on November 13, 2007.

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(3) These context sensitive zoning regulations were originally developed through a citizen-based discussion process regarding the design for the improvement of all properties in the CBD. To allow further refinement consistent with individual areas, the district has been divided into sub-districts, with special requirements for each sub-district to allow for context sensitive development along roadways and NEIGHBORHOODs alike. In 2012-2013, using a similar citizen-based process, these context sensitive zoning regulations were extended to the major roadways that lead into downtown, identified as the Downtown Gateway Sub-district.

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(4) All of the areas within the CBD share a common goal of increased emphasis on the form and placement of STRUCTUREs, and a decreased emphasis on the function(s) contained within them. As such this Article sets careful and clear controls on BUILDING form—with broader parameters on BUILDING use—so as to shape clear, attractive PUBLIC SPACEs (good STREETs, NEIGHBORHOODs and parks) with a healthy mix of uses. With proper urban form, a greater integration of BUILDING uses is natural and comfortable.

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(5) Wherever there appears to be a conflict between the form based code and other sections of the Zoning Ordinance (as applied to a particular development), the requirements specifically set forth in this section shall prevail. For development standards not covered herein, the other applicable sections in the City of Dover Code shall be used as the requirement.

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B. Conditional Use Permit

(1) Conditional use approval for relief from the standards herein may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

(a) That both public and private BUILDINGs and landscaping shall contribute to the physical definition of RIGHTs OF WAY as CIVIC SPACEs.

(b) That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.

(c) That the design of STREETs and BUILDINGs shall reinforce safe environments, but not at the expense of accessibility.

(d) That architecture and landscape design shall grow from local climate, topography, history, and BUILDING practice.

(e) That BUILDINGs shall provide their inhabitants with a clear sense of geography and climate through energy efficient methods.

(f) That CIVIC BUILDINGs and public gathering places shall be provided as locations that reinforce community identity and activity.

(g) That CIVIC BUILDINGs shall be distinctive and appropriate to a role more important than the other BUILDINGs that constitute the fabric of the city.

(h) That the preservation and renewal of historic BUILDINGs shall be facilitated.

(i) That the harmonious and orderly evolution of urban areas shall be advanced by the proposed BUILDING and/or use.

(2) Conditional use approval for relief from the use standards herein may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public

notice and public hearing provided that the proposed project complies with the following standards:

(a) The requested use shall be compatible with abutting uses and the surrounding NEIGHBORHOOD.

(b) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

(c) The requested use will not result in objectionable noise or odor which would constitute a NUISANCE.

(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.

C. Sub-districts

(1) The REGULATING PLAN for the CBD shall locate the boundaries for the following sub-districts:

(a) General

(b) Mixed Use

(c) Residential

(d) Transit Oriented Development (TOD)

~~(e) Downtown Gateway~~

D. Standards and regulations

(1) The standards for use and dimensions to be utilized within the CBD are shown on the tables at the end of the section. Included in each table are the following areas:

(a) District Purpose

(b) LOT Occupation Regulations

(c) Diagram of BUILDING HEIGHT

(d) Diagram of BUILD TO LINEs

(e) Special Regulations

(f) Permitted Uses

(2) Through the issuance of a conditional use permit, BUILDING HEIGHT may be increased by one (1) story, which shall be setback from the allowed height to create a terrace, for either:

(a) Each subgrade story of parking provided on the site; or.

(b) Additional units resulting from this CUP are restricted so that the rent of said units conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority.

(3) General Guiding Principles for BUILDING Placement

(a) The goal of the BUILDING HEIGHT and BUILD TO LINE standards is the creation of a healthy and vital public realm through good STREET space.

(b) BUILDINGs are aligned and close to the STREET.

(c) The STREET is a coherent space, with consistent BUILDING forms on both sides of the STREET, creating a clear PUBLIC SPACE and community identity.

(d) BUILDINGs oversee the STREET (and SQUARE) with active fronts contributing to a vital and safe PUBLIC SPACE.

(e) Property lines are physically defined by BUILDINGs or STREET WALLs.

(f) BUILDINGs are designed for an urban feel and situation. Views are directed to the STREET and the garden/courtyard, not toward the neighbors. However within the STREET wall alcoves or small courtyards are permitted to allow for seating and public access

(g) Vehicle storage, garbage and mechanical equipment are kept away from the STREET.

(h) Within the General, Mixed Use, and TOD sub-districts, new retail and commercial activities are located on the GROUND FLOOR. Residential activity is not permitted, except as follows:

1. Where a BUILDING does not front directly onto a STREET or municipal parking lot, residential activity may be located on the GROUND FLOOR.

2. If retail and commercial activities are located on the GROUND FLOOR of BUILDINGs not fronting directly onto a STREET or municipal parking lot, the HEIGHT of the BUILDING may be increased by one (1) story.

    i. Any additional stories shall be setback to create a terrace, and approved via a Conditional Use Permit.

(i) In the Downtown Gateway residential may be located on the GROUND FLOOR, however new retail and commercial activities are encouraged to be developed.

(j) Parking (not including on-street parking) should be away from the STREETs and shared by multiple owners/users.

(k) Historic character should be preserved and enhanced by context sensitive construction.

E. STREETSCAPE

(1) Sites within the CBD shall be developed so that BUILDINGs are placed at or near the RIGHT OF WAY, along the outer edge of their sites and so as to ensure the unity of those RIGHT OF WAYs. Furthermore, these standards establish an environment that encourages and facilitates pedestrian activity. The *Dover Streetscape Standards* will serve as a reference document for many of the elements below.

(2) General Principles and Intent

(a) The STREETSCAPE

(i) The STREET and BUILDING façade receives more attention than the rest of the BUILDING.

(ii) STREETSCAPE elements, such as pavers, benches and waste-bins must be consistent within a project and adjacent properties where these elements are present.

(iii) PUBLIC ART is encouraged.

a. PUBLIC ART shall be reviewed and endorsed by the Dover Arts Commission

b. PUBLIC ART is a part of our public history and heritage, part of our evolving culture, reflects and reveals our society and adds meaning to our cities. PUBLIC ART should create a chronicle of our public experiences through a variety of genres and media.

(b) FRONTS AND REARS

(i) BUILDING facades are the public "face" of every BUILDING. Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their BUILDINGs.

(ii) The private, REAR portions of the LOTs allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-private (for apartment and condominium BUILDINGs) OPEN SPACE.

(c) OFF STREET PARKING

(i) Parking provided for a project shall be screened from the STREET. The design of the screen shall be subject to PLANNING BOARD approval and shall use materials that are compatible with the surrounding character of the NEIGHBORHOOD and contribute to an attractive STREETSCAPE.

(ii) Parking shall be considered accessory and shall not be the principal use of a LOT.

(3) Minimum Standards

In addition to any regulations set forth in the CBD sub-district tables and the *Dover Streetscape Standards*, development shall follow the regulations outlined below.

Subsections (a), (b), and (c) shall only apply to new construction and/or renovations that will result in a 50% or more increase in the value of the property, as determined by a licensed New Hampshire appraiser.

(a) STREET TREES/Landscaping

(i) Each STREET shall have canopy shade trees (STREET TREES). STREET TREES shall be planted at an average spacing not greater than twenty-five (25) to thirty (30) feet on center (measured per BLOCK FACE). The planting area's minimum dimension shall be not less than five (5) feet. At planting, trees shall be two and a half (2.5) to three (3) inches in diameter (four (4) feet above grade) and shall meet the *American Nursery Standards* for HEIGHT. The tree species used shall be selected from the City of Dover's approved list of STREET TREES.

(ii) Unpaved ground area along the frontage shall be planted with appropriate groundcover or shrubs, no bare ground or mulch-only areas permitted. Low Impact Development techniques such as rain gardens, bioretention areas, tree boxes and other green infrastructure techniques shall be incorporated into these landscaped areas and maintained to ensure five foot (5') wide walkway.

(b) SIDEWALKs

(i) SIDEWALKs shall be made of brick or concrete and shall be a minimum of five (5) feet wide, but ideally eight (8) feet wide.

(ii) Existing surrounding sidewalk materials shall be reviewed in determining material used.

(c) STREET FURNITURE

(i) Benches - Benches will have backs and arm rests and accessible. See sub-district tables for spacing requirements. Benches shall be oriented to encourage social interaction, and be designed to enhance the site, not detract from it.

a. Benches may be exchanged for street furniture (eg chess/checker tables) where space allows.

(ii) Waste Bins - At a minimum, one (1) waste bin will be provided at each BLOCK CORNER.

(iii) Bike Racks – At a minimum, one (1) bike rack shall be required per non-residential project or residential projects with five (5) or more units.

(iv) PUBLIC ART should be integrated into the design and placement of STREET FURNITURE

(d) Lighting

~~(i)~~(a) Materials and equipment chosen for lighting fixtures should be durable, energy efficient, and weather well. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution.

(iii) At the front of the BUILDING, exterior lights shall be mounted between six (6) feet and fourteen (14) feet above the adjacent grade.

(iii) Floodlights or directional lights may be used to illuminate parking garages and working (maintenance) areas but must be shielded or aimed in such a way that they do not shine into other LOTs, or the STREET. Floodlighting shall not be used to illuminate BUILDING walls (i.e. no up-lighting), except in the TOD sub-district.

(v) Site lighting shall be of a design and HEIGHT so as to illuminate only the LOT.

(v) No flashing, traveling, animated, or intermittent lighting shall be visible from the STREET on the exterior of any BUILDING, whether such lighting is of temporary or long-term duration.

(e) Mechanical Equipment

(i) The following shall not be stored or located within any STREET, and be screened from view from the STREET: Air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and the like may not be stored or located within any area considered a FRONT YARD under this Code.

(ii) Roof mounted equipment shall be screened from view from the STREET.

F. Architectural Standards

The following standards including those noted on sub-district sheets and may be utilized by the APPLICANT.

(1) General Principles and Intent

(a) Tradition

(i) These standards favor BUILDINGs that are traditional in design in a broad sense. They specify an architectural language of load-bearing walls and regional materials that help define BUILDING base and cornice. These standards encourage details, such as column and pier spacing, window proportions, entry level, roof or cornice configurations, storefronts, and overhangs.

(ii) The intent behind these standards is to reinforce the existing character and historic nature of Dover's central business district. However, modern BUILDINGs that are sensitive to that character and their adjacent context may be permitted as well

(iii) All BUILDING materials to be used shall express their specific properties. For example, stronger and heavier materials (masonry) support lighter materials (wood).

(b) Energy Efficiency and Environmental Conservation

~~(i)~~ LEED (Leadership in Energy and Environmental Design) standards, or an equivalent standard (or such others as may succeed them), are encouraged to be incorporated into the BUILDING design.

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(c) PUBLIC SPACE

~~(i)~~ Many of these standards apply only in conditions that enhance and define the PUBLIC SPACE. These controls concentrate on the PUBLIC SPACE/views from the PUBLIC SPACE and minimize interference in the private realm.

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(2) BUILDING Walls (Exterior)

(a) BUILDING walls should reflect and complement the traditional materials and techniques of Dover's architecture. They should express the construction techniques and structural constraints of traditional, long-lasting, BUILDING materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in BUILDING form and the articulation of details. All BUILDING materials to be used

shall express their specific properties. For example, heavier more permanent materials (masonry) support lighter materials (wood) yet architectural detail shall be present throughout the building face horizontally and/or vertically rather than just on the first twenty feet (20') from the ground.

(b) BUILDING materials shall be context sensitive and shall reflect a consistency to be found within the sub-district.

(i) Brick, stone or masonry BUILDING materials are expected for exterior walls.

(3) Roofs and PARAPETs

(a) Roofs and PARAPETs should demonstrate a commonsense recognition of the climate by utilizing appropriate pitch, drainage, and materials.

(b) BUILDINGs without visible roof surfaces and overhanging eaves may have a cornice projecting horizontally between six (6) and twelve (12) inches beyond the BUILDING walls. For BUILDINGs three stories or taller, the cornice projection shall increase an additional six (6) and twelve (12) inches per STORY.

(c) Skylights and roof vents are permitted only on the roof plane opposite the primary STREET or when shielded from the STREET view by the BUILDING's PARAPET wall. If a glass roof form is a primary design feature of a building it shall be considered in regard to the architectural design guidelines as part of the building elevations rather than a skylight.

(d) Overly elaborate, "postmodern" and/or "high-tech" designs are discouraged, where in conflict with existing architecture. However, ornamentation which contributes to the character of the BUILIDNG is encouraged. BUILDING designs need to reflect the adjacent massing. Ornamentation should be consistent with that used in the NEIGHBORHOOD of BUILDINGs to reinforce the fabric and richness of the community.

(e) Green roof technologies are encouraged in all districts. Use of this technology to cover thirty percent (30%) of the roof is required on commercial and mixed-use structures over 25,000 square feet in the CBD. Vegetative cover should be considered for flat roofed STRUCTUREs. Roofs that contain gardens or plants must be maintained per the approved maintenance agreement.

(f) Solar panels are desirable citywide.

i. In the CBD all buildings must be solar ready.

ii. Commercial and mixed-use buildings that are 25,000 sq ft or more must incorporate solar panels.

iii. Solar panels must be presented in an aesthetically pleasing pattern.

(g)

(4) STREET WALLS

(a) STREET WALLS establish a clear edge to the STREET in locations where the BUILDINGs do not. The CBD requirements include masonry walls that define outdoor spaces and separate the STREET from the private realm (parking LOTs, trash cans, gardens, and equipment). All STREET WALL façades shall be as carefully designed as the BUILDING façade, with the finished side out, i.e. the "better" side facing the STREET.

(5) Windows and Doors

(a) Windows should be divided by multiple, vertical panes of glass. This helps the window "hold" the surface of the façade, rather than appearing like a "hole" in the wall (an effect produced by a large single, horizontal sheet of glass).

(b) PRINCIPAL BUILDING entrances shall be clearly visible from the primary front STREET and create a safe and inviting space.

G. Incentives for Architectural Standards

(1) Any plan that demonstrates reasonable use of the optional architectural standards defined in Section F, may apply for the following incentive:

(a) Fast track review

The ~~Planning Director~~Director of Planning and Community Development shall give preference to projects in setting the PLANNING BOARD agendas and in other review processes.

(2) Reasonable use shall be considered demonstration of at least six (6) of the criteria or items mentioned under Section F. These criteria/items will be listed on a waiver application form.

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 two thousand 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.

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

170-21. ~~SMALL WIND~~ALTERNATIVE ENERGY SYSTEM. **[Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]**

A. Authority/Purpose:

This ~~SMALL WIND~~ALTERNATIVE ENERGY SYSTEMs ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate ~~SMALL WIND~~ALTERNATIVE ENERGY SYSTEMs in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for ~~SMALL WIND~~ALTERNATIVE ENERGY SYSTEMs to ensure compliance with the provisions of the requirements and standards established herein.

B. Procedure for Review:

(1) Building Permit: ~~SMALL WIND~~ALTERNATIVE ENERGY SYSTEMs and met TOWERs are an ACCESSORY USE permitted in all zoning districts where STRUCTUREs of any sort are allowed. No ~~SMALL WIND~~ALTERNATIVE ENERGY SYSTEM shall be erected, constructed, or installed without first receiving a BUILDING permit from the Building Inspector. A BUILDING permit shall be required for any physical MODIFICATION to an existing ~~SMALL WIND~~ALTERNATIVE ENERGY SYSTEM. Met TOWERs that receive a BUILDING permit shall be permitted on a temporary basis not to exceed three (3) years from the date the BUILDING permit was issued.

(2) Consumer Use. For the purposes of this Section, Alternative energy systems are intended to be incidental and subordinate to a use on the same parcel and shall supply electrical power principally for on-site consumption.

a. To the extent net metering is allowed, excess power may be contributed to the grid. Should the excess power contributed exceed 125% of the power required on site for one year, the use shall be considered no longer be incidental and subordinate, and shall require Technical Review.

~~(2)~~(3) Application: Applications submitted to the Building Inspector shall contain a site plan with the following information:

(a) Property lines and physical dimensions of the APPLICANT's property.

(b) Location, dimensions, and types of existing major STRUCTUREs on the property.

(c) Location of the proposed ~~SMALL WIND~~ALTERNATIVE ENERGY SYSTEM, foundations, guy anchors and associated equipment.

(d) TOWER foundation blueprints or drawings.

(e) TOWER blueprints or drawings.

(f) SETBACK requirements as outlined in this ordinance.

(g) The RIGHT-OF-WAY of any public road that is CONTIGUOUS with the property.

(h) Any overhead utility lines.

(i) SMALL WIND ENERGY SYSTEM

i. ~~specifications~~Specifications, including manufacturer, model, rotor diameter, TOWER HEIGHT, TOWER type, nameplate generation capacity.

ii. SMALL WIND ENERGY SYSTEMs that will be connected to the POWER GRID shall include a copy of the application for interconnection with their electric utility provider.

iii. Sound level analysis prepared by the WIND GENERATOR manufacturer or qualified engineer.

iv. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.

v. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.

(j) Solar Panel Systems

i. Specifications, including manufacturer, model, type, nameplate generation capacity.

ii. Solar Panels that will be connected to the POWER GRID shall include a copy of the application for interconnection with their electric utility provider.

iii. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code, as well as applicable Electric Code.

~~(i)~~(k) List of ABUTTERs to the APPLICANT's property.

~~(3)~~(4) ABUTTER and Regional Notification: In accordance with RSA 674:66, the Building Inspector shall notify all ABUTTERs and the local governing body by ~~certified mail~~Verified Mail upon application for a BUILDING permit to construct a ~~SMALL WIND~~ALTERNATIVE ENERGY SYSTEM. The public will be afforded 30 days to submit comments to the Building Inspector prior to the issuance of the BUILDING permit. The Building Inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Building Inspector shall follow the procedures set forth in RSA 36:57, IV.

C. Small Wind Energy Systems Standards:

(1) The Building Inspector shall evaluate the application for compliance with the following standards;

(a) SETBACK: The SETBACK shall be calculated by multiplying the minimum SETBACK requirement number by the SYSTEM HEIGHT and measured from the center of the TOWER base to property line, public roads, or nearest point on the foundation of an occupied BUILDING.

Minimum SETBACK Requirements			
Occupied BUILDINGs on Participating	Occupied BUILDINGs on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads

Landowner Property			
0	1.5	1.1	1.5

(i) SMALL WIND ENERGY SYSTEMs must meet all SETBACKs for principal STRUCTUREs for the zoning district in which the system is located.

(ii) Guy wires used to support the TOWER are exempt from the SMALL WIND ENERGY SYSTEM SETBACK requirements.

(b) TOWER: The maximum TOWER HEIGHT shall be restricted to thirty five (35) feet above the tree canopy within three hundred (300) feet of the SMALL WIND ENERGY SYSTEM. In no situation shall the TOWER HEIGHT exceed one hundred fifty (150) feet.

(c) Sound Level: The SMALL WIND ENERGY SYSTEM shall not exceed sixty (60) decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

(d) SHADOW FLICKER: SMALL WIND ENERGY SYSTEMs shall be sited in a manner that does not result in significant SHADOW FLICKER impacts. Significant SHADOW FLICKER is defined as more than thirty (30) hours per year on abutting occupied BUILDINGs. The APPLICANT has the burden of proving that the SHADOW FLICKER will not have significant adverse impact on neighboring or adjacent uses. Potential SHADOW FLICKER will be addressed either through siting or mitigation measures.

(e) SIGNs: All SIGNs including flags streamers and decorative items, both temporary and permanent, are prohibited on the SMALL WIND ENERGY SYSTEM, except for manufacturer identification or appropriate warning SIGNs.

(f) Code Compliance: The SMALL WIND ENERGY SYSTEM shall comply with all applicable sections of the New Hampshire State BUILDING Code.

(g) Aviation: The SMALL WIND ENERGY SYSTEM shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to

airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.

(h) Visual Impacts: It is inherent that SMALL WIND ENERGY SYSTEMs may pose some visual impacts due to the TOWER HEIGHT needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.

(i) The APPLICANT shall demonstrate through project site planning and proposed mitigation that the SMALL WIND ENERGY SYSTEM's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, WIND GENERATOR design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.

(ii) The color of the SMALL WIND ENERGY SYSTEM shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

(iii) A SMALL WIND ENERGY SYSTEM shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the APPLICANT shall provide a copy of the FAA determination to establish the required markings and/or lights for the SMALL WIND ENERGY SYSTEM.

(i) Approved WIND GENERATORS: The manufacturer and model of the WIND GENERATOR to be used in the proposed SMALL WIND ENERGY SYSTEM must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.

(j) Utility Connection: If the proposed SMALL WIND ENERGY SYSTEM is to be connected to the POWER GRID through NET METERING, it shall adhere to RSA 362-A:9.

(k) Access: The TOWER shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum HEIGHT of eight (8) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(l) Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the SMALL WIND ENERGY SYSTEM and as otherwise prescribed by applicable laws, regulations, and ordinances.

D. Solar Panel Standards

a. Lot Coverage: solar systems do not constitute an increase to lot coverage unless the panel(s)/collector(s) and supporting structures constitute a building.

b. Placement of solar systems:

i. The height of a roof mounted solar panel shall not be counted towards the maximum permitted height of the structure it is affixed to the zoning district.

ii. Ground-mounted solar panels, shall not be located in the front yard and shall meet or exceed required side and rear yard setbacks for accessory buildings.

iii. In no case shall a ground mounted unit exceed 20 feet in height.

iv. When solar storage batteries are included as part of the solar energy system, they must be housed in a secure space or enclosure meeting the requirements of the City's building and electrical codes when in use and, when no longer used, shall be disposed of in accordance with all applicable City, state and federal laws and regulations.

~~D.~~E. Abandonment:

(1) At such time that a SMALL WIND ENERGY SYSTEM is scheduled to be abandoned or discontinued, the APPLICANT will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

(2) Upon abandonment or discontinuation of use, the owner shall physically remove the SMALL WIND ENERGY SYSTEM within ninety (90) days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Inspector. "Physically remove" shall include, but not be limited to:

(a) Removal of the WIND GENERATOR and TOWER and related above-grade STRUCTUREs.

(b) Restoration of the location of the SMALL WIND ENERGY SYSTEM to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

(3) In the event that an APPLICANT fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous twelve (12) month period. After the twelve (12) months of inoperability, the Building Inspector may issue a Notice of Abandonment to the owner of the SMALL WIND ENERGY SYSTEM. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. After review of the information provided by the owner, the Building Inspector shall determine if the SMALL WIND ENERGY SYSTEM has been abandoned. If it is determined that the SMALL WIND ENERGY SYSTEM has not been abandoned, the Building Inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

(4) If the owner fails to respond to the Notice of Abandonment or if, after review by the Building Inspector, it is determined that the SMALL WIND ENERGY SYSTEM has been abandoned or discontinued, the owner of the SMALL WIND ENERGY SYSTEM shall remove the WIND GENERATOR and TOWER at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the SMALL WIND ENERGY SYSTEM after the Notice of Abandonment procedure, the Building Inspector may pursue legal action to have the SMALL WIND ENERGY SYSTEM removed at the owner's expense.

~~E.~~F. Violation:

It is unlawful for any person to construct, install, or operate a SMALL WIND ENERGY SYSTEM that is not in compliance with this ordinance. SMALL WIND ENERGY SYSTEMs installed prior to the adoption of this ordinance are exempt from this ordinance except when MODIFICATIONs are proposed to the SMALL WIND ENERGY SYSTEM.

~~F.~~G. Penalties:

Any person who fails to comply with any provision of this ordinance or a BUILDING permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by RSA 676:17.

170-22. Telecommunication Facilities. [Amended on 03-18-98 by Ord. No. 02-98; Amended on 10-20-99 by Ord. No. 13-99; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]

A. Authority. By the authority granted under RSA 674:16 and 674:21 and procedurally under the guidance of 675:1, II, this section creates an ordinance establishing a telecommunications program and amending the zoning code to add regulations pertaining to wireless communications facilities.

B. Purpose and Intent. This ordinance is enacted in order to establish general guidelines for the siting of telecommunication TOWERs and ANTENNAs and to enhance and fulfill the following goals:

(1) Preserve the authority of the City to regulate and to provide for reasonable opportunities for the siting of TELECOMMUNICATIONS FACILITIES while ensuring that telecommunications providers service remains effective and efficient.

(2) Reduce or eliminate adverse impacts such facilities may create. Adverse impacts may include, but are not limited to, impacts on aesthetics, impacts on environmentally sensitive areas, impacts to historically significant locations, impacts on flight corridors, reduction in property values, and health and safety concerns.

(3) Provide for co-location and minimal impact siting options through an assessment of technology, current locational options, future location availability, innovative siting techniques, and siting possibilities beyond the geographic boundaries of the City.

(4) Permit the construction of new TOWERs only where all other reasonable alternatives have been exhausted, and to encourage the owners and users of TOWERs and ANTENNAs to configure them in a manner that minimizes visual impacts of said STRUCTUREs.

(5) Require ANTENNA co-location on existing TOWER STRUCTUREs through cooperation and agreements between providers.

(6) Provide for documentation of scheduling of recurring maintenance and safety inspections for all TELECOMMUNICATIONS FACILITIES and appurtenances.

(7) Provide for the demolition and removal of abandoned facilities. Provide a procedure for the City to remove abandoned TOWERs to provide for the health and safety of citizens.

(8) Provide for the removal or upgrade of technologically outmoded facilities.

C. Location. TELECOMMUNICATIONS FACILITIES shall be allowed in accordance with the following:

(1) On parcels situated in the City of Dover known as:

General Location	Map-LOT Number
Finch Lane	K-35A
Middle Road	M-57
Blackwater Road	A-29
	A-1
Parsons Lane	A-36
Venture Drive	D-7
	D-5A
Glen Hill Road	C-2012
	C-7
	C-8
	C-20
	C-19
	C-22
Tolend Road	C-27
French Cross Road	F-14

(2) In other areas within the City of Dover only as a co-location on existing TOWERs, ANTENNAs, and ALTERNATIVE TOWER STRUCTUREs.

D. TELECOMMUNICATIONS FACILITIES Procedural Requirements.

(1) Location or replacement of TELECOMMUNICATIONS FACILITIES on existing TOWERs, ANTENNAs or ALTERNATIVE TOWER STRUCTUREs.

(a) The location or replacement of TELECOMMUNICATIONS FACILITIES on existing TOWERs, ANTENNAs or ALTERNATIVE TOWER STRUCTUREs may be approved by the ~~Planning Department~~Planning and Community Development Department provided the following information is submitted in an application:

~~(a)~~(1) A scaled plan detailing exact size and location of the telecommunication devise including a scaled elevation view.

~~(b)~~(2) Submission of proof that the telecommunication device is needed to service City of Dover residents.

~~(c)~~(3) Proof that the device meets all other technical requirements of this ordinance.

(b) Any application denied by the ~~Planning Department~~Planning and Community Development Department may be appealed to the PLANNING BOARD.

(2) Proposed construction of New TELECOMMUNICATIONS FACILITIES.

An application for construction of any new TELECOMMUNICATIONS FACILITIES shall be approved by the PLANNING BOARD. Public hearing

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requirements as outlined in the Site Review Regulations shall apply. The following application requirements shall be provided:

(a) A scaled plan in accordance with Site Review Regulations shall be submitted including the following additional information; a scaled elevation view, topography, radio frequency coverage, TOWER HEIGHT requirements, SETBACKs, drives, parking, fencing, landscaping, adjacent land uses (up to two hundred (200) feet away), and any other information deemed necessary by the ~~Planning Director~~Director of Planning and Community Development.

(b) Written proof that the proposed use/facility complies with FCC regulations on radio frequency (RFD) exposure guidelines, and FAA regulations on TOWER lighting requirements.

(c) The APPLICANT shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEAP) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an Environmental Impact Statement (IS) is required under the FCC rules and NEAP, submission of the EA or IS to the PLANNING BOARD prior to the beginning of the federal thirty (30) day comment period, and the City's site review process, shall become part of the application requirements.

(d) Each APPLICANT for an ANTENNA and/or TOWER shall provide to the PLANNING BOARD an inventory of its existing TOWERs that are within the jurisdiction of the City and those within two (2) miles of the border thereof, including specific information about the location, HEIGHT, design of each TOWER, as well as economic and technological feasibility for co-location on the inventoried TOWERs. The PLANNING BOARD may share such information with other APPLICANTs applying for approvals or special exception permits under this ordinance or other organizations seeking to locate ANTENNAs within the jurisdiction of the governing authority, provided, however that the PLANNING BOARD is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

The APPLICANT shall submit written evidence demonstrating that no existing STRUCTURE can accommodate the APPLICANT's proposed ANTENNA. This evidence shall consist of one or more of the following:

(i) Adequate evidence that no existing TOWERs or STRUCTUREs are located within the geographic area required to meet the APPLICANT's

engineering requirements, provided that a description of the geographic area required is also submitted.

(ii) Adequate evidence that existing TOWERs are not of sufficient HEIGHT to meet the APPLICANT's engineering requirements, and why.

(iii) Adequate evidence that the existing TOWERs or STRUCTUREs do not have sufficient structural strength to support APPLICANT's proposed ANTENNA and related equipment.

(iv) Adequate evidence that APPLICANT's proposed ANTENNA would cause electromagnetic interference with the ANTENNA on the existing TOWERs or STRUCTUREs, or the ANTENNA on the existing TOWERs or STRUCTUREs would cause interference with the APPLICANT's proposed ANTENNA.

(v) Adequate evidence that fees, costs, or contractual provisions required by the owner in order to share the existing TOWER or STRUCTURE are unreasonable. Costs exceeding new TOWER development are presumed to be unreasonable.

(vi) Adequate evidence that the APPLICANT can demonstrate other limiting factors that render existing TOWERs and STRUCTUREs unsuitable.

(e) The APPLICANT proposing to build a new TOWER shall submit an agreement with the City that allows for the maximum allowance of co-location upon the new STRUCTURE. Such statement shall become a Condition to any Approval. This statement shall, at a minimum, require the APPLICANT to supply available co-location for reasonable fees and costs to other telecommunication providers. All agreements shall outline a procedure requiring all disputes on terms and conditions of co-location be submitted to a recognized commercial arbitration board for their review. The arbitration board's decision shall become final and binding. Failure to provide such an agreement is evidence of the APPLICANT's unwillingness to cooperate with the orderly and well-planned development of the (City), and grounds for a Denial.

(f) The APPLICANT shall submit the engineering information detailing the size and coverage required for the facility location. The PLANNING BOARD may have this information reviewed by a consultant for verification of any claims made by the APPLICANT regarding technological limitations and feasibility for Alternative locations. Cost for this review shall be borne by the APPLICANT in accordance with RSA 676:4(g).

(g) Each APPLICANT for a TOWER, monopole, or Alternative STRUCTURE shall submit a design certified by a competent engineer that the STRUCTURE has been engineered to accommodate the maximum number and type of all compatible telecommunication media ANTENNAE, but in no event shall the APPLICANT provide fewer than three additional co-locations from three additional providers. This provision may be modified based on visual or aesthetic impacts.

E. Performance Standards.

The uses listed in this section are deemed to be permitted uses, and at the discretion of the PLANNING BOARD, may require further review under this Chapter in accordance with Chapter 149, Site Review Regulations, and all other applicable ordinances and regulations of the City of Dover.

(1) Principal or Secondary Use.

~~(1)~~(a) Subject to this ordinance, an APPLICANT who obtains site review approval to site under this ordinance as a secondary and permitted use, may construct TELECOMMUNICATIONS FACILITIES in addition to the existing principal use. ANTENNAs and TOWERs may be considered either principal or secondary uses. A different existing use or an existing STRUCTURE shall not preclude the installation of an ANTENNA or TOWER on such LOT.

(b) For purposes of determining whether siting of an ANTENNA or TOWER complies with zoning district development regulations, including, but not limited to area, SETBACK, LOT COVERAGE, FRONTAGE, and other dimensional requirements, the dimensions of the entire LOT shall control, even though the ANTENNAs or TOWERs may be located on leased parcels within such LOTs. TOWERs that are constructed, and ANTENNAs that are installed in accordance with the provisions of this ordinance, shall not be deemed the expansion of a non-conforming use or STRUCTURE. Further, said facilities shall not be considered an ACCESSORY USE.

(2) HEIGHT Requirements.

- (a) New TOWER Construction – one hundred eighty (180) feet maximum.
- (b) Co-location on Existing TOWER and ANTENNAs – current HEIGHT plus fifteen percent (15%) (not to exceed two hundred (200) feet)
- (c) Co-location on ALTERNATIVE TOWER STRUCTUREs – current HEIGHT plus twelve (12) feet

(d) The HEIGHT requirements and limitations outlined above shall preempt all other HEIGHT regulations as required by the City of Dover Zoning

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Ordinance, and shall apply only to TELECOMMUNICATIONS FACILITIES. A Conditional Use Permit may be granted by the PLANNING BOARD to waive the HEIGHT limitations only if the intent of this Chapter is preserved (e.g. when it can be shown that there would be no increase in adverse impact) and the increased HEIGHT would provide a greater opportunity for co-location provided that:

~~(a)~~(1) The granting of the permit will not be detrimental to the public safety, health or welfare or injurious to other property, and will promote the public interest.

~~(b)~~(2) A written narrative identifying a particular hardship or special circumstance that warrants granting the permit. Factors to be considered, but not limited to, in determining a hardship or special circumstance shall include:

~~(i)~~(a) topography and other site features

~~(ii)~~(b) availability of Alternative site locations

~~(iii)~~(c) property location as relates to required coverage area

~~(iv)~~(d) size/magnitude of project and availability of co-location

~~(c)~~(3) Necessary federal approvals and/or recommendations have been received.

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(3) SETBACKs and Separation. The following SETBACKs and separation requirements shall apply only to TELECOMMUNICATIONS FACILITIES, and shall supersede all other such standards found elsewhere in this Chapter or other applicable City Ordinances and Regulations.

(a) TOWERs shall be set back a distance equal to one hundred percent (100%) of the HEIGHT of the TOWER from any boundary line, or other principal use STRUCTURE located on the property the TOWER is sited upon. This provision may be waived by the PLANNING BOARD provided the intent of this Chapter remains intact.

(b) TOWER guys, and all other accessory facilities shall conform with the minimum SETBACK requirement of the zoning district in which said facilities and appurtenances are located.

(4) Security Fencing. TOWERs shall be enclosed by appropriate security fencing not less than six (6) feet in HEIGHT, and shall be equipped with an appropriate anti-climbing device.

(5) Landscaping.

(a) TOWERs shall be landscaped with a buffer of suitable vegetation that effectively screens the view of the TOWER compound from abutting

residential property. The minimum standard buffer shall consist of a landscaped strip ten (10) feet wide outside the perimeter of the TOWER compound. Existing (natural) vegetation is preferred.

(b) The requirement for landscaped screening may be reduced or waived entirely by the PLANNING BOARD in locations where the visual impact of the TOWER compound to abutting residential uses is deemed to be minimal.

(c) Existing mature tree growth and natural land forms present on the site shall be preserved to the maximum extent possible. Natural growth on the site may be deemed a sufficient buffer on large, remote, wooded LOTs.

(6) Aesthetics and Lighting. The guidelines in this subsection shall govern the location of all TOWERs, and the installation of all ANTENNAs. However, the PLANNING BOARD may waive those requirements, via Conditional Use Permit, only if it determines that the goals of this Chapter are served thereby.

(a) TOWERs shall either maintain a galvanized steel finisher, subject to any applicable standards of the FAA, or be painted a neutral color, so as to reduce visual obtrusiveness.

(b) At a TOWER site, the design of BUILDINGs and related STRUCTUREs shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the TOWER facilities with the natural setting and previously developed environment. These BUILDINGs and facilities shall also be subject to all other Chapter 149 Site Review Regulations requirements.

(c) If an ANTENNA is installed on a STRUCTURE other than a TOWER, the ANTENNA and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting STRUCTURE so as to make the ANTENNA and related equipment as visually unobtrusive as possible.

(d) TOWERs shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

(e) TOWERs shall not contain any permanent or temporary SIGNS, writing, symbols, or any graphic representation of any kind.

(7) Federal Requirements. All TOWERs must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government

with the authority to regulate TOWERs and ANTENNAs. If such standards and regulations are changed, then the owners of the TOWERs and ANTENNAs governed by this Chapter shall bring such TOWERs and ANTENNAs into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring TOWERs and ANTENNAs into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with this Chapter 170-22.I of the TOWER or ANTENNA, as abandoned, at the owner's expense through the execution of the posted security.

(8) BUILDING Codes – Safety Standards. To ensure the structural integrity of TOWERs and ANTENNAs, the owner of a TOWER shall ensure that it is maintained in compliance with standards contained in applicable local BUILDING codes and the applicable standards for TOWERs that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a TOWER fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the TOWER, the owner shall have thirty (30) days to bring such TOWER into compliance with such standards. If the owner fails to bring such TOWER into compliance within thirty (30) days, such action shall constitute an abandonment and grounds for the removal, in accordance with this Chapter 170-22.I of the TOWER or ANTENNA, as abandoned, at the owners expense through execution of the posted security.

(9) Certification of safety standards and continued need. The owner of a TOWER or ANTENNA shall provide an annual certification to the ~~Planning Department~~Planning and Community Development Department verifying compliance with BUILDING codes and safety standards. The certification shall also verify that the STRUCTURE is still needed for the operation of the owners' network. Said certification shall be submitted to the ~~Planning Department~~Planning and Community Development Department prior to December 31st of each year. Any owner who has failed to submit an annual certification shall be notified of the violation. A thirty (30) day extension for submission of a certification may be approved at the discretion of the ~~Planning Department~~Planning and Community Development Department. After notification of a violation by the ~~Planning Department~~Planning and Community Development Department subsequent failure to submit an annual certification shall constitute abandonment and be grounds for removal in accordance with 170-22.I).

F. Exemptions.

(1) City Use. ANTENNAS or TOWERs owned, performing City functions, or otherwise controlled by the City shall be exempt from the requirements of this TELECOMMUNICATIONS FACILITY Ordinance. This exemption shall only be available if a license or lease authorizing such ANTENNA or TOWER has been approved by the City Council, and the City Council elects, subject to RSA's, to seek said exemption.

(2) Amateur Radio. This section shall not govern any TOWER, or the installation of any ANTENNA that is owned and operated by a federally-licensed amateur radio station operator and the TOWER or ANTENNA is used for the exclusive purpose of amateur radio operations. This application adopts the provisions and limitations as referenced in RSA 674:16,IV.

(3) Citizen Band Radios. This section shall not govern the installation of any ANTENNA that is used for the exclusive purpose of facilitating the use of a Citizen Band Radio, except any TOWERs in this section shall be limited to seventy (70) feet in HEIGHT.

(4) Receive-Only ANTENNAs. This section shall not govern any TOWER, or the installation of any ANTENNA that is used exclusively for receive-only ANTENNAs, except any TOWERs in this section shall be limited to seventy (70) feet in HEIGHT.

(5) Essential Services and Public Utilities. Henceforth, from the date of adoption of this ordinance, TELECOMMUNICATIONS FACILITIES shall not be considered as infrastructure, essential services, or public utilities, as defined or used elsewhere in the City's ordinances and regulations.

Siting for TELECOMMUNICATIONS FACILITIES shall be considered a use of land, and is addressed by this ordinance.

G. Restrictions for Siting on Garrison Hill

Notwithstanding the provisions outlined in Subsection C, the siting of additional TOWERs, monopoles, or use of Alternative STRUCTUREs shall be prohibited on Garrison Hill in the City of Dover. Placement of new ANTENNAE media on the existing TOWERs on Garrison Hill shall be allowed only after obtaining a Conditional Use Permit from the PLANNING BOARD. However, the replacement and/or repair of existing ANTENNAE media on TOWERs on Garrison Hill is allowed by the Building Inspector, provided that there is no increase in the size or visual impact of the ANTENNAE. Performance standards to ensure that vistas, view sheds and view corridors are protected shall include the following elements:

(1) The APPLICANT has demonstrated that the appearance, form or shape, color, and size of any ANTENNA media to be attached to preexisting TOWERs or monopole STRUCTUREs is concealed or camouflaged or otherwise is harmonious with the immediately surrounding environment at Garrison Hill;

(2) Any equipment shelters supporting such additional ANTENNA shall be designed consistent with one of the following design standards:

(a) Equipment shelter shall be located in underground vaults; or

(b) Equipment shelter shall be designed consistent with Northern New England architectural styles and materials, with a roof pitch of at least ten and a half (10 1/2) and wood clapboard, red brick or shingle siding; or

(c) Equipment shelters shall be camouflaged behind an effective year round landscaped buffer, equal to the HEIGHT of the proposed BUILDING and/or wooden FENCE. PLANNING BOARD shall determine the style of fencing and/or landscaped buffer that is compatible with the NEIGHBORHOOD.

(3) Any ANTENNA located on an existing STRUCTURE shall be concealed, to the extent technologically and commercially practicable, behind existing architectural features to limit the visibility of the ANTENNA from public ways.

H. Bonding and Security and Insurance.

(1) Recognizing the extremely hazardous situation presented by abandoned and unmonitored TOWERs, the PLANNING BOARD shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the TOWER is abandoned and the TOWER owner is incapable and unwilling to remove the TOWER in accordance with Subsection I) below.

(2) Bonding and surety shall be consistent with the provisions in the Chapter 155, Subdivision of Land. Furthermore, the PLANNING BOARD shall require the submission of proof of adequate insurance covering accident or damage.

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I. Removal of Abandoned ANTENNAS and Towers.

Any ANTENNA or TOWER that is not operated for a continuous period of twelve (12) months, or is no longer needed for the operation of the network, shall be considered abandoned and hazardous to the public health and safety. The owner shall remove the abandoned STRUCTURE within ninety (90) days of receipt of a declaration of abandonment from Zoning Administrator notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing notice per City regulations, with notice to ABUTTERS and the last known owner/operator of the TOWER. If the abandoned TOWER is not removed within ninety (90) days, the City may execute the security and have the TOWER removed. If

there are two or more users of a single TOWER, this provision shall not become effective until all users cease using the TOWER.

170-23. IMPACT FEE Ordinance. **[Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 06-22-2016 by Ord. No. 2016.06.08-010; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]**

A. Purpose: This ordinance is enacted pursuant to RSA 674:16 and 674:21, and in order to:

(1) Assist in the implementation of the Master Plan and Capital Improvements Program;

(2) Provide adequate public capital facilities necessitated by NEW DEVELOPMENT;

(3) Assess an equitable share of the cost of public capital facilities to NEW DEVELOPMENT.

B. Authority

(1) IMPACT FEEs may be assessed to NEW DEVELOPMENT to compensate the City of Dover and the School District for the proportional share of capital facilities generated by NEW DEVELOPMENT in the City of Dover. Any person who seeks approval for NEW DEVELOPMENT may be required to pay an IMPACT FEE in the manner set forth herein.

(2) The PLANNING BOARD may, as a condition of approval of any subdivision, site plan, or change of use, and when consistent with applicable Board regulations, require an APPLICANT to pay exaction for off-site improvements necessitated by the development.

(3) Nothing in this section shall be construed to limit the existing authority of the PLANNING BOARD to disapprove proposed development which is scattered or premature, or which would require an excessive expenditure of public funds, or which would otherwise violate applicable ordinances and regulations. Nothing in this section shall be construed to limit the PLANNING BOARD's authority to require off-site work to be performed by the APPLICANT, in lieu of paying an exaction for OFF-SITE IMPROVEMENTS, or the board's authority to impose other types of conditions of approval. Nothing in this section shall be construed to affect types of fees governed by other statutes, ordinances or regulations.

C. ASSESSMENT Methodology

(1) Proportionality: The amount of the IMPACT FEE shall be calculated by the PLANNING BOARD to be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. The PLANNING BOARD may prepare, adopt, or amend studies or reports that are consistent with the above standards, and which define a methodology for IMPACT FEE ASSESSMENT for public capital facilities and IMPACT FEE ASSESSMENT schedules therefore.

(2) Existing Deficiencies: Upgrading of existing facilities and STRUCTUREs, the need for which is not created by NEW DEVELOPMENT, shall not be paid for by IMPACT FEEs.

(3) In the case of NEW DEVELOPMENT created by conversion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee assessed for the new use as compared to the highest impact fee that was or would have been assessed for the previous use in existence on or after the effective date of this Ordinance.

D. Administration

(1) Accounting: In accord with RSA 673:16, II and RSA 674:21, V(c), IMPACT FEEs shall be accounted for separately, shall be segregated from the City's general fund, may be spent upon order of the City Council, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fee was collected to meet. In the event that bonds or similar debt instruments have been or will be issued by the City of Dover or the Dover School District for the funding of capital improvements that are the subject of IMPACT FEE ASSESSMENT, IMPACT FEEs from the appropriate related capital facility IMPACT FEE accounts may be applied to pay debt service on such bonds or similar debt instruments.

(2) ASSESSMENT and COLLECTION:

(a) Where subdivision or site plan approval is required for NEW DEVELOPMENT, IMPACT FEEs shall be assessed at the time of PLANNING BOARD approval of a subdivision PLAT or site plan. The amount of such ASSESSMENT shall be applicable to subsequent BUILDING construction within the approved subdivision or site plan for a period of four (4) years from the date of PLANNING BOARD approval. Once this four (4) year period has expired, remaining construction for which no BUILDING permit has been obtained shall be subject to the adopted fee schedule in force at the time the BUILDING permit application is made.

(b) With the exception of those PLATS and site plans meeting the conditions in A) above, and when no other PLANNING BOARD approval is required, or has been made prior to the adoption or amendment of the IMPACT FEE ordinance, IMPACT FEEs shall be assessed upon the issuance of a BUILDING permit. In such cases, the IMPACT FEE schedule in force at the time of the BUILDING permit application shall apply.

(c) IMPACT FEEs will be collected prior to or at the time of issuance of a Certificate of Occupancy, unless the PLANNING BOARD establishes an alternate , mutually acceptable schedule of payment of IMPACT FEEs imposed on an ASSESSED PROPERTY. If an alternate schedule of payment is established, the PLANNING BOARD may require security, in the form of a cash bond, letter of credit, or performance bond so as to guarantee future payment of IMPACT FEEs. In no case will an IMPACT FEE payment be allowed to be made after the issuance of a CERTIFICATE OF OCCUPANCY.

(3) Security: In the interim between ASSESSMENT and COLLECTION, the Building Inspector may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed IMPACT FEEs.

(4) Refund of Fees Paid: The current owner of record of property for which an IMPACT FEE has been paid shall be entitled to a refund of that fee, plus accrued interest under the following circumstances:

(a) When either the full or partial portion of the IMPACT FEE, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six (6) years from the date of the full and final payment of the fee; or

(b) When the City of Dover, or in the case of school IMPACT FEEs, the Dover School District, has failed, within the period of six (6) years from the date of the full and final payment of such fee, to appropriate their proportionate non-IMPACT FEE share of related capital improvement costs.

E. Appeals

(1) A party aggrieved by a decision made by the Building Inspector regarding the ASSESSMENT or COLLECTION of IMPACT FEEs authorized by this Section may appeal such decision to the PLANNING BOARD.

(2) In accord with RSA 676:5, III, appeals of the decision of the PLANNING BOARD in administering this ordinance may be made to Superior Court, as provided in RSA 676:5, III and RSA 677:15.

F. Waivers

~~(1)~~ The PLANNING BOARD may grant full or partial waivers of IMPACT FEEs where the PLANNING BOARD finds that one (1) or more of the following criteria are met with respect to the particular public capital facilities for which IMPACT FEEs are normally assessed:

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~~(a)~~(1) The PLANNING BOARD may agree to waive all or part of an IMPACT FEE ASSESSMENT and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of IMPACT FEEs under this provision that would involve a contribution of real property or the construction of capital facilities; the PLANNING BOARD shall submit a copy of the waiver request to the City Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of IMPACT FEE ASSESSMENT. The APPLICANT shall pay all costs incurred by the City for the review of such proposal, including consultant and counsel fees.

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170-24. ACCESSORY DWELLING UNITS. [Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 06-22-2016 by Ord. No. 2016.06.08-010.]

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 three hundred (300) square feet and no greater than eight hundred (800) square feet. 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 STRUCURE, 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 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~~Department of Environmental Services, Water 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, as amended annually, for ACCESSORY DWELLING UNIT certificates of use and renewals.

ARTICLE V

FLOODPLAIN DEVELOPMENT

170-25. ~~FLOODPLAIN DEVELOPMENT~~General Provisions. [Added on 08-12-2015 by Ord. No. 2015.07.22-017].

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]**

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 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 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 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.

(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 K(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.

(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 PLANNING 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 Department~~Community Services Departments have historic or other data that confirms the property is prone to FLOODING, the Department of Planning and Community

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

J. General Standards.

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

(1) Anchoring

(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)~~(1) 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;

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~~(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.

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~~(iii)~~(2) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

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~~(iv)~~(3) Any additions to the MANUFACTURED HOME shall be similarly anchored.

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(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 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.

(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;

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

(iii) Meet all standards of Subsection E.(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 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:

(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.

ARTICLE VIII

OVERRIDING DISTRICTS

170-26. Additional Regulations.

All overriding districts shall be superimposed upon other zoning districts established in this Chapter. The regulations stipulated by the overriding districts shall be in addition to the regulations of the underlying zoning districts and other applicable city ordinances.

170-27. Conservation District. **[Amended on 5-13-87 by Ord. No. 11-87; Amended on 9-14-88 by Ord. No. 15-88; Amended on 08-01-90 by Ord. No. 8-90; Amended on 02-17-99 by Ord. No. 25-98; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 06-22-2016 by Ord. No. 2016.06.08-010; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]**

A. Purpose. In the interest of environmental quality, public health, resource conservation and the general welfare of the public, the regulations of this district are designed to guide development activities in areas with extended periods of high water table, with susceptibility to flooding and with unique or fragile geologic, ecological or nature features as follows:

(1) To prevent the development of STRUCTUREs and land uses on naturally occurring wetlands and flood- prone areas which would contribute to pollution of surface and ground water by sewage or other contaminants.

(2) To prevent the destruction of natural wetlands or aquifer areas which provide flood protection, recharge of groundwater supply and augmentation of stream flow during dry periods.

(3) To prevent unnecessary or excessive expenses to the city to provide and maintain essential services and utilities which arise because of inharmonious use of wetlands and other environmentally sensitive areas.

(4) To encourage those uses that can be most appropriately and safely located in wetland and other environmentally sensitive areas.

(5) To preserve existing natural drainage systems and the vegetation and wildlife habitats therein.

(6) To preserve wetlands and other environmentally sensitive areas for other ecological reasons inter alia, those cited in RSA 483-B.

(7) To preserve and enhance those aesthetic values associated with waterways and the natural shoreline.

(8) To protect public health and safety by minimizing hazards, including soil erosion, storm water runoff, SLOPE instability risks, and environmental degradation associated with development on steep and/or unstable SLOPEs.

B. Location. The Conservation District is hereby determined to consist of the following:

(1) Those areas within a minimum of one hundred (100) feet of the reference line (as defined in RSA 483-B:4, XVII) of any water body, river, stream, swamp or marsh subject to tidal action and those areas within a minimum of one hundred (100) feet of the reference line (as defined in RSA 483-B:4, XVII) of any freshwater river or natural pond.

(2) Those areas within a minimum of fifty (50) feet of the reference line (as defined in RSA 483-B:4, XVII) of any stream, brook or other freshwater body.

(3) Those areas owned by and situated in the City of Dover and known as LOTs:

Map 28, LOT 32; Map D, LOT 1; Map C, LOTS 5, 7 and 12; Map H, LOTS 58 and 63; Map 40, LOTS 10A, 13, and 17; Map F, LOTS 14 and 42; Map A, LOT 29A-1; and Map 37, LOT 40.

(4) Those areas with SLOPEs in excess of twenty percent (20%), (e.g. four (4) feet vertical in twenty (20) foot horizontal distance) and totaling more than two thousand (2,000) square feet of CONTIGUOUS area.

C. Conditional Use Permits. Conditional Use Permits may be granted by the PLANNING BOARD for the following uses within the Conservation District:

(1) STREETs, roads and other access ways and utility rights-of-way, communications equipment, easements, including power lines and pipe lines, if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands or other

environmentally sensitive areas, where it is physically impossible to locate such ways over land not so zoned. Economic advantage alone shall not be deemed a sufficient reason for such a routing.

(2) The undertaking of a use not otherwise permitted in the Conservation District, which may include the erection of a STRUCTURE, dredging, filling, draining or otherwise ALTERING the surface configuration of the land, provided that:

(a) The APPLICANT shall demonstrate that the proposed use is essential to the productive use of land not in the district; is located and constructed to minimize any detrimental impact of such use upon the surface waters or other environmentally sensitive areas, where it is physically impossible to locate such use on land not in the district; and economic advantage alone shall not be deemed a sufficient reason for such proposed use.

(b) A soil erosion and sedimentation control plan is submitted and followed to verify the planned avoidance of sediment pollutant runoff to bodies of water. This plan will address the following (if applicable), but should not be limited to:

(i) stabilization of exposed soils and soil stockpiles;

(ii) protection of steep SLOPEs from erosion;

(iii) construction site waste management;

(iv) inspection and maintenance of runoff control measures (BMPs);

(v) minimization of land clearing;

(vi) stabilization of drainage ways;

(vii) installation of perimeter controls;

(viii) installation of sediment trapping devices; and

(ix) storm drain inlet protection.

(c) Necessary state and federal approvals have been applied for. Said permits shall be received prior to the issuance of the Conditional Use Permit by the ~~Planning Department~~Planning and Community Development Department.

(d) A written review by the Conservation Commission of the environmental effects of the proposed use upon the area in question has been submitted. The Commission's review shall address the following, but is not limited to:

(i) attempted avoidance of the impact;

(ii) minimization of the impact;

(iii) planned mitigation of the effects of the impact; and

(iv) efficacy of the soil erosion and sedimentation control plan.

D. Procedures for subdivision. No subdivision of land shall be permitted which would create a LOT or parcel or leave as a remainder a LOT or parcel which does not have, outside the Conservation District, an area equal to the minimum LOT size required for the underlying zoning district if unless such a LOT or parcel is to be permanently dedicated to OPEN SPACE or natural uses and is to be dedicated to a public or private agency having as a purpose the holding of such land in a natural state in perpetuity. The lot area outside of the Conservation District may be non-contiguous.

E. Other provisions.

(1) Reference is hereby made to RSA 483-B, the Comprehensive Shoreland Protection Act which evidences a state concern over preservation of such lands. It is intended that the provisions of that statute shall apply and that in all cases the more restrictive law should apply.

(2) In all cases where the Conservation District is superimposed over another zoning district in the city, that district whose regulations are the more restrictive shall apply.

(3) The Conservation District adopted herein is hereby designated as OPEN SPACE under RSA 79-A, and all relevant provisions of RSA 79-A relating to current use ASSESSMENT of such property shall apply.

(4) The provisions of RSA 483-B:9,V(a) shall apply to the portions of the "Conservation District" as described in Subsections B (1) and B (2), that are within fifty (50) feet of the reference line (as defined in RSA 483-B:4, XVII) Limitations include restrictions on chemical and fertilizer use, preservation of rocks and stumps and their root systems, and restrictions on removal of ground cover, trees and saplings.

(5) The provisions of RSA 483-B:9,V(b) shall apply to the portion of the "Conservation District" as described in Subsection B (1), that is between fifty (50) and one hundred (100) feet of the reference line (as defined in RSA 483-B:4, XVII). Limitations include restrictions on the amount of vegetation that can be removed within the area.

(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), provided that:

(a) The LOT existed within the Conservation District, as recorded in the Strafford County Registry of Deeds, prior to the effective date of this subsection.

(b) The STRUCTURE cannot feasibly be constructed on a portion or portions of the LOT which are outside the one-hundred-foot (100) SETBACK of the Conservation District.

(7) Customary ACCESSORY STRUCTUREs shall be allowed within the Conservation District as described in Subsection B(1) but in no case closer than seventy- five (75) feet to the reference line (as defined in RSA 483-B:4, XVII).

(8) Projects which have been officially accepted by the PLANNING BOARD prior to the October 10, 1986, amendment posting date shall be exempt of all revisions herein.

(9) The PLANNING BOARD may assess the APPLICANT reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.

(10) The city shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

F. The provisions of the Conservation District adopted herein shall not be binding on Cochecho waterfront LOTs located in Urban Exemption Area, as approved by the NH Department of Environmental Services Commissioner on August 4, 2008, per File # 2008-2000372. (See map on file in the ~~Planning Department~~Planning and Community Development Department)

G. Boat Docks.

(1) A boat dock may be allowed on a residential LOT, provided that the following provisions are met:

~~(a)~~(1) The dock is for recreational and ACCESSORY USE only.
~~(b)~~(2) One (1) dock is allowed per LOT.
~~(c)~~(3) The beneficiary of an easement or right-of-way, recorded at the Strafford County Registry of Deeds prior to the October 10, 1986 amendment posting date for the purpose of providing water access to non-waterfront LOTs, shall be entitled to one (1) boat dock within the prescribed easement or right-of-way.

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~~(d)~~(4) All applicable state and federal approvals have been received.

~~(e)~~(5) A dock may be provided a maximum space for two (2) slips. Joint use or private docks by adjoining waterfront residents, not to exceed two (2) slips per LOT, shall be encouraged when appropriate.

170-27.1. Wetland Protection District. [Amended on 9-14-88 by Ord. No. 15-88; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15]

A. Authority. By the authority granted under RSA 674:16 and 17, this section is designed to protect the wetland areas and surface waters within the City of Dover from certain activities, the impact of which results in the ALTERATIONS or destruction of wetland areas.

B. Purpose and intent. It is intended that this section shall:

(1) Prevent the development of STRUCTUREs and land uses on wetlands, which will contribute to pollution of surface and ground water by sewerage, toxic substances or sedimentation.

(2) Prevent the destruction of, or Significant changes to, wetlands which provide flood protection, recharge the groundwater supply and augment stream flow during dry periods and filtration of water flowing into ponds and streams.

(3) Protect unique and unusual natural areas and rare, threatened, and endangered species.

(4) Protect wildlife habitats, maintain ecological balances and enhance ecological values such as those cited in RSA 482-A:1.

(5) Protect potential water supplies and existing aquifers (water-bearing stratum) and aquifer recharge areas.

(6) Prevent unnecessary or excessive expense to the city for the purpose of providing and/or maintaining essential services and utilities, which might be required as a result of misuse or abuse of wetlands.

(7) Encourage those low-intensity uses that can be harmoniously, appropriately and safely located in wetlands.

(8) Preserve and enhance the aesthetic values associated with wetlands in the City of Dover.

(9) Avoid the high costs of constructing heavy STRUCTUREs and prevent damage to STRUCTUREs and abutting properties caused by inappropriate development in wetland areas.

C. District boundaries

(1) The Wetlands Protection District is hereby determined to be all areas of wetlands as defined by RSA 482-A:2, X and New Hampshire Administrative Rule ~~Wt 101.103~~Env-Wt 101.113, which states a "'Wetland' means an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and similar areas.

For the purpose of this section, the delineation of wetland protection district boundaries shall be consistent with NHDES Wetlands Bureau Rules Env-Wt. 301.01 or successor regulations

(2) "Hydrophytic (water-loving) vegetation" is defined as those plants identified in the "1986 Wetland Plant List Northeast Region" of the United States Fish and Wildlife Service. The more common names associated with these vegetative communities are "bogs," "swamps," "marshes," (saltwater and freshwater) and "tidal wetlands."

D. Procedural requirements.

(1) Presence of Wetland Protection District on site.

(a) Where field investigation indicate that a Wetland Protection District is present on a proposed development site, those wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, (January, 1987) or successor document. The hydric soils component of wetlands delineations shall be determined in accordance with the manual Field Indicators for Identifying Hydric Soils in New England (Version 2, July 1998, published by the New England Interstate Water Pollution Control Commission) or successor document. Pursuant to RSA 310-A:75 through 310-A: 87, a Certified Wetland Scientist shall conduct this delineation.

~~(i)~~ A Certified Wetland Scientist is defined as: "a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and prepare wetland maps; to classify wetlands; to prepare wetland function and value assessments; to design wetland mitigation; to implement wetland mitigation; to monitor wetlands functions and values; and to prepare associated reports, all in accordance with standards for identification of

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wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified by the board." (RSA 310-A:76) If necessary, a botanist shall be used in conjunction with the wetlands scientist to identify wetland vegetation where required. The botanist shall have equivalent and practical experience to that of the wetlands scientist.

(b) Applications for a BUILDING permit, subdivision and site plan approval shall locate and depict on the survey/subdivision PLAT/site plan all Wetland Protection Districts on the subject parcel. Any APPLICANT seeking said approval(s) will be responsible for providing this information before the appropriate approval or permit can be granted.

(c) The entire length of the upland limit of the wetland shall be marked at regular intervals with pink and black striped construction tape prior to, and maintained for the full duration of, any construction-related activities. The APPLICANT may also be required to place and maintain wooden stakes and/or construction tape at appropriate intervals along the wetlands buffer boundary to provide sufficient visual evidence of the buffer boundary during construction, if development is proposed within twenty feet of the wetlands buffer. The APPLICANT may be required to affix some form of marker or tag acceptable to the City to permanently delineate the wetlands buffer boundary at appropriate intervals, as determined by the Conservation Commission and PLANNING BOARD, for the purpose of notifying future landowners of the presence of the wetlands buffer. The presence of wetlands on residential properties created as part of a major subdivision shall be documented in the parcel's deed.

(2) The ~~Planning Department~~Planning and Community Development Department shall notify the Conservation Commission of all projects and construction proposed in wetland districts for the purpose of allowing the Commission to make recommendations prior to approval. Consistent with RSA 482-A: 3I(d) and RSA 482-A:11 III, the Conservation Commission shall have up to 40 days to make recommendations relative to the wetlands impact application. The Conservation Commission, in acting on an application for a conditional use permit in the Wetlands Protection District, may attach conditions to its recommendations including but not limited to recommendations for more extensive buffers, additional plantings in areas to be re-vegetated, performance guarantees, impact mitigation measures, and a reduction in proposed impervious surfaces.

(3) In the event that the accuracy of the boundaries submitted by the APPLICANT is suspect, the PLANNING BOARD may call upon the services of a certified wetland scientist and/or botanist to reexamine said area and report the findings to

the PLANNING BOARD for a boundary determination. The APPLICANT shall pay the cost of said services.

(4) The Building Inspector shall not issue a BUILDING permit for construction and the PLANNING BOARD shall not approve a site plan or subdivision PLAT unless such construction activity or proposal conforms to the provisions of this Chapter.

(5) Standards established herein shall constitute the rules of overlay zones and shall be superimposed over other zoning districts or portions thereof. The provisions herein shall apply in addition to all other applicable ordinances and regulations. In the event of a conflict between any provision herein and any other regulation, the more-restrictive requirement shall control.

(6) The city shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

E. Permitted uses.

~~(1) Any use otherwise permitted by this Chapter, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under Section E (1) must first receive conditional use approval as provided for in Section F before any BUILDING permit or subdivision/site plan can be approved.~~

~~(a) Crossing of a Wetland Protection District as provided for in Section F(1).~~

~~(b) The construction or reconstruction of FENCES, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:~~

~~(i) Said STRUCTUREs are constructed on posts or pilings so as to permit unobstructed flow of water and are designed in compliance with the New Hampshire Wetlands Board Code of Administrative Rules (WT 400 and 600).~~

~~(ii) The natural contour of the wetland is preserved.~~

~~(iii) All other applicable provisions of the city's Zoning Ordinance have been met.~~

E.Permitted Uses. Any use otherwise permitted by this Chapter, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under Section E (1) must first receive conditional use approval as provided for in Section F before any BUILDING permit or subdivision/site plan can be approved.

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(1) Crossing of a Wetland Protection District as provided for in Section F(1).

(2) The construction or reconstruction of FENCES, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:

a. Said STRUCTUREs are constructed on posts or pilings so as to permit unobstructed flow of water and are designed in compliance with the New Hampshire Wetlands Board Code of Administrative Rules (WT 400 and 600).

b. The natural contour of the wetland is preserved.

c. All other applicable provisions of the city's Zoning Ordinance have been met.

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F. Conditional use approval.

(1) Conditional use approval may be granted by the PLANNING BOARD (RSA 674:21II) after proper public notice and public hearing, for construction within the Wetland Protection District or buffer. Said construction may include, but is not limited to a road or other accessway, utility right-of-way, communication lines, power lines and pipelines, STRUCTUREs, and parking LOTs provided that the proposed construction complies with the following standards:

(a) *Demonstration of Need:* The proposed construction is essential to the productive use of land or water outside the Wetlands Protection District.

(b) *Avoidance:* The potential impacts have been avoided to the maximum extent practicable. The APPLICANT will demonstrate by plan and example that the proposed construction represents the least impacting alternative.

(c) *Minimization:* Any unavoidable impacts have been minimized. No reasonable Alternative to the proposed construction exists which does not impact a wetland or which has less detrimental impact on a wetland. Design, construction and maintenance methods will be prepared by a registered engineer to minimize detrimental impacts to the wetlands and will include restoration of the site as nearly as possible to its original grade.

(d) *Mitigation:* If the APPLICANT is required by State rules to prepare a compensatory mitigation plan, the APPLICANT shall provide the Conservation Commission and PLANNING BOARD with one copy each of said plan for their review.

(e) Approval for the wetlands impact has been received from the NHDES Wetlands Bureau pursuant to Section G (3), below.

(2) The burden of proof that the conditions specified in Subsection F (1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the conditional use approval, except as herein provided.

(3) The conditional use approval shall apply only to the project specified at the time of approval and shall not be transferable to a different project.

(4) If deemed necessary by the PLANNING BOARD, prior to the granting of a conditional use approval, the APPLICANT shall agree to submit a performance security to ensure that all operations are carried out in accordance with an approved design. This security shall be submitted in an amount sufficient to complete all specified work and repair damage to any wetland area in which no work has been authorized. The security shall be submitted in an amount, with surety and conditions satisfactory to the PLANNING BOARD. The security shall be submitted and approved prior to issuance of any permit authorizing construction.

(5) The PLANNING BOARD may assess the APPLICANT reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.

G. Specific provisions.

(1) Wetland Buffers.

(a) *Buffers Established.* Buffers are hereby established around and encircling all wetlands other than those that were created as legally permitted sedimentation/detention basins or roadside drainage ditches. The minimum width of the wetland buffers shall be fifty (50) feet horizontal distance as measured outward from the perimeter edge of the wetland. Wherever a permit to fill a wetland has been issued by either the New Hampshire Department of Environmental Services (NHDES) or the U.S. Army Corps of Engineers (USACOE), the perimeter of the wetland shall be deemed to be the new edge between the fill as placed in accordance with the permit and the remaining wetland. If there is no remaining wetland, there is no buffer. All other wetland edges shall be determined in accordance with Section D (1) above

(b) *Natural Conditions to be Maintained within Buffers*. Where wetland buffer disturbance is allowed pursuant to a state or federal permit, or a conditional use permit, restoration of the disturbed area is required. Restoration is defined as filling of ruts or excavated area with similar soils while maintaining

original grade. Applications for a City of Dover BUILDING permit that includes a temporary disturbance of wetlands buffers, pursuant to Section G (1) (e) (iv) below, shall include a "Wetlands Buffer Encroachment and Restoration Plan." Said plan shall be submitted, reviewed and approved by Building Inspector, in consultation with City staff, prior to the disturbance. Replanting to restore buffers shall be with native non-invasive species specified in the "Wetlands Buffer Encroachment and Restoration Plan". Implementation of the plan shall include the clear delineation of the boundaries of wetland buffers in the field using construction tape or other clear marking devise. Mowing to maintain an existing lawn or field within a wetland buffer area is allowed without a permit, as specified in Section G (1)(e), below, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.

(c) *Certain Uses Prohibited in Buffers.* The following uses and activities are prohibited within a wetland buffer:

(i) The establishment or expansion of salt storage, JUNKYARDs, resource recovery facilities, transfer stations, landfills, or solid or hazardous waste facilities;

(ii) The BULK storage of chemicals, petroleum products, or toxic and hazardous materials;

(iii) The dumping or disposal of snow and ice collected from roadways and parking LOTs;

(d) *Uses Allowed Only With a Conditional Use Permit.* The following uses and activities are allowed within a wetland buffer only if a conditional use permit is obtained in accordance with Section F above:

(i) All uses not specifically prohibited in Section G (1) (c) above, or specifically exempted in Section G (1) (e) below.

(ii) The erection or construction of a BUILDING or STRUCTURE, excluding FENCEs that meet the requirements of 170-33, or the construction of parking LOTs or loading areas.

(iii) Timber harvesting, except as conducted in accordance with the terms and provisions of RSA 227-J, Timber Harvesting.

(iv) The removal of stumps and roots (grubbing), the recontouring or grading of the land, or the placement of impervious surfaces or creation of storm water detention ponds.

(v) The installation of water, sewer, or buried electrical or telecommunications cables.

(vi) The installation of water-supply wells.

(e) *Uses Allowed Without a Conditional Use Permit.* The following uses and activities are allowed within a wetland buffer with the noted conditions:

(i) Activities within wetlands jurisdictional areas that are allowed without a State of New Hampshire Dredge and Fill Permit, in accordance with NHDES Rules Env-Wt 303.05(a) – repair of an existing legal STRUCTURE; or successor rules.

(ii) The removal of vegetation in accordance with NHDES Rules Env-Wt 303.05(b), or successor rules, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.

(iii) The installation of monitoring or test wells completed in accordance with NHDES Rules Env-Wt 303.05(p) or successor rules.

(iv) Temporary disturbance of the wetland buffer to facilitate construction activities completed under a valid City of Dover BUILDING permit, provided the temporary disturbance is restored in accordance with Section G (1) (b) above.

(2) No septic tank or leach field may be constructed or enlarged closer than seventy-five (75) feet to any Wetland Protection District. In new subdivisions approved subsequent to adoption of this section, there must be sufficient LOT size to place a house, a state-approved septic system, where applicable, and a state-approved well, where applicable, without locating them in a wetland. This provision can be waived if a conditional use approval is obtained from the PLANNING BOARD.

(3) A state dredge and fill application shall be submitted for any proposed change to a wetland (RSA 482-A).

H. Filled lands and preexisting uses.

(1) Lands which may have been wetlands but were filled under properly issued federal, state and local permits granted prior to the adoption of this section will be judged according to the soils and flora existing at the time the application for BUILDING permit or subdivision is made.

(2) STRUCTUREs and uses existing at the time of the adoption of this section that do not comply with the rules stated herein shall be regulated in accordance with 170-40 and 170-41 of this Chapter.

I. Exemption for one- and two-family residential STRUCTUREs, existing LOTs, impoundments and maintenance dredging.

(1) Notwithstanding other provisions of this Chapter, the construction of additions and/or extensions to one- and two-family dwellings shall be permitted within the Wetlands Protection District or buffer, provided that:

(a) The dwelling(s) lawfully existed prior to the effective date of this section;

(b) The proposed construction conforms to all other applicable ordinances and regulations of the City of Dover; and any required State of New Hampshire Dredge and Fill Permit is obtained.

(c) The design and construction of the proposed use will be done in a manner which minimizes the impacts on the affected wetland, including storage of EXCAVATION and construction material outside the wetland and installation of siltation FENCE and/or hay bales to contain erosion of the construction site.

(2) Notwithstanding other provisions of the ordinance, a new one- or two-family dwelling shall be permitted in the Wetlands Protection District or buffer, on an existing LOT, provided that all of the following conditions are found to exist:

(a) The LOT for which an approval/permit is sought was an official LOT of record, as recorded in the Strafford County Registry of Deeds, prior to the date on which this amendment was posted and published in the city.

(b) The STRUCTURE for which the approval/permit is sought cannot be feasibly built on a portion or portions of the LOT, which are outside the Wetlands Protection District.

(c) Due to the provisions of the Wetlands Protection District, no reasonable and economically viable use of the LOT can be made without the exemption.

(d) The design and construction of the proposed STRUCTURE will, to the extent practical, be consistent with the purpose and intent of this ordinance.

(e) The proposed STRUCTURE will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater or other reason.

(f) The design and construction of the proposed STRUCTURE will be done in a manner which minimizes the impacts on the affected wetland, including storage of EXCAVATION and construction material outside the wetland and installation of siltation FENCE and/or hay bales to contain erosion of the construction site.

(3) Maintenance dredging for navigational purposes (where a dredge spoil site has been approved by the PLANNING BOARD) are exempt from the regulations stated herein. Notwithstanding, copies of permits where required by the New Hampshire Department of Environmental Services and the United States Army Corp. of Engineers shall be submitted to the PLANNING BOARD prior to construction.

(4) The burden of proof that the conditions specified in Subsection I (1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the approval/permit.

J. Separability. Should any provision of this section be declared invalid by a final court decision, the same shall not affect the validity of this section as a whole or part thereof, other than the part declared to be invalid.

170-27.2. TRANSFER OF DEVELOPMENT RIGHTS. **[Amended on 10-31-90 by Ord. No. 16-90; Amended on 01-22-2003 by Ord.35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]**

A. Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring DEVELOPMENT RIGHTS (TDR) within said districts.

B. Purpose and Intent. Within the City of Dover there are certain lands that possess significant conservation features, including but not limited to wetlands, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic viewsheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition.

Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission who are active in protecting and preserving OPEN SPACE.

C. Applicability. Upon request by an APPLICANT for development approval and at the discretion of the PLANNING BOARD, the provisions of this subsection may apply to the district(s) defined in this subsection E below.

D. Districts Defined.

(1) The Industrial TDR DISTRICT is hereby determined to be any ~~I-4~~IT or ~~B-4~~CM zoning district as shown on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be OPEN SPACE and related SETBACKs as defined by the City of Dover Wetland Protection District, Chapter 170-27.1, which are located in any IT or CM ~~I-4 or B-4~~ zoning district. The RECEIVING AREA is defined to be all remaining land in be any IT or CM ~~I-4 or B-4~~ zoning district.

(2) The Residential TDR DISTRICT is hereby determined to be Residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R-20 residential zoning districts. The RECEIVING AREA is defined to be all non-R-40 or R-20 zoning districts east of the Spaulding Turnpike which allow residential development.

a. If the units created are purchased, the receiving area may be any zoning district that allows residential development.

E. Procedural Requirements.

(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 Subsection 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 Subsection G below.

(2) A certified boundary survey of the associated land in the SENDING AREA shall be submitted as a supplement to the site plan or subdivision plan for development within the RECEIVING AREA.

(3) The owner of the subject OPEN SPACE within the SENDING AREA of the TDR DISTRICT shall SIGN all application materials as a co- APPLICANT of the development application. For residential application, proof of an agreement to sell DEVELOPMENT RIGHTS must be provided by the Conservation Commission.

(4) A sketch plan estimating layout of the development site and identifying the OPEN SPACE associated with the plan shall be submitted to the PLANNING BOARD for review at a regularly scheduled meeting. The PLANNING BOARD, within thirty (30) days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections G and H below. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section.

a. The determination of whether a proposed TDR project requires a sketch plan review shall be made by the Director of Planning and Community Development based on initial discussions with the applicant. The determination, made in writing, shall be made prior to the submittal of any plans and shall specify the Director's reasoning, including a review of known conditions, including: traffic, existing layout/topography, environmental. This determination shall be included in the staff report to the Board. If the applicant does not agree with the Director's determination, they may appeal the decision to the Board at its next meeting.

b. If the sketch plan requires an environmental Conditional Use Permit to develop homes, the applicant must appear before the Conservation Commission for review and endorsement prior to the Planning Board's review.

~~(4)~~(5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated OPEN SPACE within the SENDING AREA. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and access crossings in accordance with subsection I below. The designation of the land protection agency to hold the easement shall be approved by the PLANNING BOARD.

F. Industrial Performance Standards.

(1) Land within a SENDING AREA, when surveyed, approved by the PLANNING BOARD and preserved by easement or covenant as specified in Subsection 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~~IT and ~~B-4~~CM 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.

(2) The minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.

(3) The minimum FRONTAGE requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.

(4) SETBACKs for parking, paved areas, and BUILDINGs may be waived by the PLANNING BOARD, and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, BUILDINGs shall be at least one hundred fifty (150) feet from residential STRUCTUREs that exist on the date of enactment of the ~~I-4~~IT and ~~B-4~~CM Zoning districts, and seventy five (75) feet from the LOT LINE of a disagreeing residential ABUTTER.

(5) The developer shall record covenants that address architectural considerations for STRUCTUREs, SIGNAGE and lighting that are designed to promote the highest possible aesthetic quality of the development site.

(6) A landscaping plan shall be submitted with a development application that depicts landscaping or OPEN SPACE around the perimeter of the site, near the proposed BUILDINGs, and within the parking LOT that promotes the highest possible aesthetic quality of the development.

G. Residential Performance Standards.

(1) Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve OPEN SPACE within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission. This cost shall become the value at which DEVELOPMENT RIGHTS may be purchased.

(2) Proceeds from the purchase of DEVELOPMENT RIGHTS, shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.

(3) A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERING DEVELOPMENT RIGHTS.

(a) Single Family Detached method

i. An applicant shall develop a baseline yield for the lot to be developed, through the following formula
   1. The square footage of the parent lot minus environmental constraints (wetlands, conservation areas etc) is the base lot size.
   2. The base lot size is then reduced by fifteen (15) percent to account for roadway, this creates the net area.
   3. The net area is then multiplied by a factor determined by the amount of wetlands over the parent lot. This is the developable area.

Percentage of Parcel that is wetlands	Factor
0<10%	0.85
10<20%	0.8
20<30%	0.75
30%<	.7

   4. The developable area is the divided by the minimum lot size, and the whole number value is the base number, with no rounding.
      a. This base number is not required to be restricted by the requirements in subsection iii, unless the formula defined in item ii 1. is utilized.
   5. The development plan shall be laid out in a design that meets the requirements for block length and cu de sac length.

ii. The transfer shall equate to one of the following calculations:
   1. For construction of units no larger than six hundred (600) square feet of total living area, including the base calculated units, there shall be no density limit. The monthly cost of said units shall conform to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, and there shall be no TDR fee collected for said unit(s).
   ~~1.~~2. For construction of units no larger than one thousand (1,000) square feet, of total living area, two (2) units per DEVELOPMENT RIGHT purchased shall be allowed.
   ~~2.~~3. For construction of units no larger than fourteen hundred (1,400) square feet, of total living area, one ~~and a half~~ (1~~.5~~) units per DEVELOPMENT RIGHT purchased shall be allowed. The unit count shall be the whole number value and not rounded up.
      ~~a.~~ Total living area shall mean the size of the home (in square feet) based upon the exterior dimensions, excluding unconditioned spaces. ~~If the math to devise the base number ends in more than half a unit but less than a whole, and a transfer is purchased, the result would be two (2) dwelling units.~~

iii. The units created, through the transfer must be:

~~1. Sold, and are not for rental purposes~~

~~2.~~1.Limited to the square footage originally constructed.

iv. A note shall be placed on the approved plan and any Building Permit shall note the adherence to this section of the Code.

v. A note shall be placed in the property/unit deed citing the restrictions listed above.

vi. The plan shall be considered a subdivision application. Prior to submission, a determination by the Director of Planning and Community Development shall be made whether to follow the minor or major subdivision regulations.

(b) ~~Attached~~ Single Family, Two family, three family and 4 or more method

(i) The transfer may be through the purchase of development rights, as described in G) (1) ~~and (2)~~, or through the protection of land via a permanent conservation easement as per section E) (5).

a. In mixed use or multi-family zones, the base density shall be derived from the underlying zoning, and not through a formula.

b. If the additional unit(s) resulting from TDR are restricted so that the rent of said units conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, there shall be no fee collected for said unit(s).

(ii) The transfer shall equate to one (1) unit per acre preserved, or purchased. If the end result is a village themed residential/~~commercial~~ nonresidential project, whereby 35% of the square footage being created is non-residential the transfer shall equate to one (1) unit per ~~tenth (10th)~~2,500 square feet ~~of an acre~~ preserved or purchased.

(iii) Any development approved by the Planning Board after July 1, 2020, which will create a manufacturing or assembly facility over 40,000 square feet, may create and transfer one (1) unit per 2,000 square feet of building approved. The transfer shall not be completed prior to the issuance of the Certificate of Occupancy for the additional space.

(iv) The plan shall be treated as a site plan application, unless otherwise determined by the Director of Planning and Community Development, prior to final submission.

(4) Regardless of the method utilized, the minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.

(5) Regardless of the method utilized, the setbacks shall be:

~~MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS~~		MINIMUM BUILDING SETBACKS FOR SUBDIVISION LOTS		
~~STREET Sides of Units~~	~~Between Units~~	Abutting A STREET	Abutting A Side LOT LINE	Abutting A Rear lot line
~~20 feet~~	~~20 feet~~	20 feet	10 feet	30 feet

(6) Regardless of the method utilized, the minimum FRONTAGE requirement may be waived by the PLANNING BOARD, to no less than forty feet (40') ~~for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved.~~ Paved access to all developed areas shall be suitable for emergency vehicles ~~is approved by the PLANNING BOARD~~.

~~(a) If lots are proposed, the minimum frontage allowed shall be forty (40) feet per unit~~

(7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty (30) foot no cut, no disturb buffer.

(8) Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity:

(a) Is consistent with the Master Plan

(b) Is not incompatible with the land uses on neighboring LOTs (eg a multifamily building in a single family neighborhood)

~~(b)~~(c) Is created on property served by public water and sanitary sewer.

170-28. Urban Renewal District.

The regulatory provisions contained in the so-called "Land Use Provisions and Building Requirements" for the Downtown Dover Urban Renewal Project No.1 shall apply to the project area, as approved by the Dover City Council.

170-28.1. Riverfront Residential Overlay District. [Amended on 02-17-99 by Ord. No. 25-98.]

A. Purpose. The purpose of this section is to promote the public health, safety and general welfare by protecting the shorelands which are valuable and fragile natural resources essential to maintain the integrity of public waters. By adopting this section, the City is striving to avoid uncoordinated, unplanned and piecemeal development of shorelands which could significantly impact public waters.

B. Location of District. The Riverfront Residential Overlay District is an overlay district that includes all land located within two hundred and fifty (250) feet of the reference line (as defined by RSA 483-B:4 – XVII) of any tidal water body or tidal river in a Single Family Residential District (R-12, R-20, and R-40).

C. Minimum LOT Size Requirement. The minimum LOT size for a LOT within the Riverfront Residential Overlay District shall be three times the minimum LOT size required by Section 170-12 – Applicability of Table of Dimensional Regulations for the underlying zoning district, but land classified as wetlands can be included for up to fifty percent (50%) of the minimum LOT area required in this district.

D. Minimum Shoreland FRONTAGE Requirement. Any new LOT created within the district shall provide a minimum of one hundred fifty (150) feet of river shoreland FRONTAGE per DWELLING UNIT for LOTs dependent on septic systems and a minimum of one hundred (100) feet of river shoreland FRONTAGE per DWELLING UNIT for LOTs served by municipal sewer.

E. Existing LOTs. Existing LOTs of record are exempt from the provisions of this Chapter. Only LOTs subdivided after the posting of this Chapter shall be subject to its provisions.

F. Other Provisions. Reference is hereby made to RSA 483-B, the Comprehensive Shoreland Protection Act, the provisions of which apply. It is intended that the more restrictive law shall apply. In all cases where the Riverfront Residential Overlay District is overlain other local zoning districts, the more restrictive regulations shall apply.

170-28.2 Residential-Commercial Mixed Use (RCM) Overlay District. [Amended on 01-22-2003 by Ord.35-02; Amended on 05-17-2006 by Ord. No. 03-06; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 09-13-2013 by Ord. No. 2013.08.14-12.]

A. Purpose and Intent

(1) The Residential-Commercial Mixed Use Overlay District is designed as an overlay district that allows a mixture of residential use and commercial uses

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on one parcel. In order for a developer to utilize these regulations, the PLANNING BOARD shall have granted a Conditional Use permit. The district includes options which enable and encourage greater flexibility in the design of residential housing for older persons with commercial projects. The overlay permits development of large tracts of land on a Development Plan basis which allows flexibility in internal road design, with reduced dwelling LOT sizes and modified dimensional requirements.

(2) The mixed residential and commercial uses are intended to be complementary of one another and to create a sense of community between the mixed uses. Housing and commercial uses can be developed to provide appropriate use of land, facilitate the economical and efficient provision of public services, promote OPEN SPACE conservation, protect the natural and scenic attributes of the land, and expand opportunities for the development of ~~housing for older persons, as defined under RSA 354-A:15~~, outside the traditional residential developments.

B. Conditional Use Permit

(1) Conditional use approval may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

(a) The APPLICANT demonstrates that the development complies with the design guidelines that are outlined in Chapter 149 14.2, Site Review Regulations. These guidelines encourage a context sensitive development, which encourages components that act as one project and not as two adjacent projects

(b) The APPLICANT demonstrates that the development poses no detrimental effects on surrounding properties. Potential areas of impact that need to be analyzed include, but are not limited to, vehicular traffic, noise, property value, visual blight, natural resources degradation, light pollution, and offensive emissions such as dust, odor, or smoke.

(c) The APPLICANT shall submit a Fiscal Impact Analysis as defined in Chapter 155.22.C (1) (b) Subdivision of Land. The Analysis shall demonstrate that the project is at least a cost neutral project for the City at present and ten years from the occupation.

(2) 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.

C. Location

The Residential-Commercial Mixed Use Overlay District shall include any parcel located within the ~~B-4~~CM, ~~I-4~~IT or ~~ETP~~ R-40 zone, which is greater than fifty (50) acres, and within five hundred (500) feet of a road maintained by the State of New Hampshire.

D. Permitted Uses The following uses are permitted:

(1) Principal Uses

(a) Housing ~~for older persons as that term is defined under RSA 354-A:15 and 42 USCA §3607(b)(2) and the regulations adopted there under in the following settings~~:

~~(i)~~ [1] SINGLE-FAMILY DWELLING

~~a.~~Including the use of MANUFACTURED HOUSING

~~(i)~~ [2] Two-family dwelling

~~(ii)~~ [3]Three to Four family dwelling

~~(iii)~~ [4]MULTI-FAMILY DWELLING

~~(iv)~~ [5]MANUFACTURED HOUSING PARKs (permitted outright without a special exception)

(b) Public and private utilities

(c) Non-Residential uses as allowed as follows:

~~(i)~~ [1]Any use allowed in the underlying zone ~~that is compatible with housing for older persons~~

~~(ii)~~ [2] Barber or Beauty Shop

~~(iii)~~ [3] Bank

~~(iv)~~ [4] Eating/Drinking Establishments (no Drive thru Service)

~~(v)~~ [5] BED AND BREAKFAST

~~(vi)~~ [6] OFFICE

~~(vii)~~ [7] Retail store

~~(viii)~~ [8] Theater

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~~(ix)~~ [9] ADULT DAY CARE

~~(x)~~ [10] NURSING HOMEs ~~(In areas not serviced by City water and sewer utilities at a density of one bedroom per ten thousand (10,000) square feet of land; in areas serviced by City water and sewer utilities~~ at a density of one bedroom per seventy-five hundred (7,500) square feet of land~~)~~

~~(xi)~~ [11] CONGREGATE CARE FACILITIES ~~(In areas not serviced by City water and sewer utilities at a density of one unit per ten thousand (10,000) square feet of land; in areas serviced by City water and sewer utilities~~ at a density of one unit per seventy-five hundred (7,500) square feet of land~~)~~

~~(xii)~~ [12] Other uses compatible with housing ~~for older persons~~ may be approved via Conditional Use, using the criteria in 170-20 B(2).

~~(xiii)~~ [13] Non-residential uses in existence at the adoption of this ordinance on adjacent parcels shall be allowed to expand within the development if conceptually shown on the approved plan.

(2) ACCESSORY USEs

(a) Recreational facilities

(b) Community BUILDING

Defined as "A BUILDING used as a place of meeting, recreation or social activity typically for use by the residents of a particular development".

(c) Maintenance BUILDINGs

(d) Rental and sales OFFICEs

~~D.~~E. Procedural Concepts

(1) The developer shall prepare a Development Plan, which locates the proposed types of non-residential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership, but shall be treated as one development and shall be bound by the approval granted for the entire Development Plan. If approval is granted, individual LOTs must be developed as part of the larger Development Plan and phasing outlined below, and not separately. The Development Plan must identify the percentage of the non-residential uses, residential uses and OPEN SPACE. Non-residential and/or mixed use uses must comprise at least fifty-five percent (55%) of the total proposed FLOOR AREA for the development

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(outdoor display areas may be counted towards the minimum required FLOOR AREA); residential uses must not exceed forty-five percent (45%) of the total proposed FLOOR AREA for the development. Nonresidential uses within projects located in the CM district must be 90% manufacturing and assembly in nature. A BUILDING shall be considered "mixed use" provided that at least 50% of the FLOOR AREA of the first floor is reserved as commercial space and provided that such commercial space is located roughly in the front half of the BUILDING and extends the length of the BUILDING façade. Residential ACCESSORY USES (e.g. mechanical, storage, laundry, etc.) are permitted to be located within the back half of the first floor of any mixed use BUILDING.

(2) A minimum of twenty percent (20%) of the area of the original tract shall be reserved as OPEN SPACE and identified as such on the Development Plan. Fifty percent (50%) of the required OPEN SPACE (as defined in Chapter 155-60) must be usable uplands and reasonably accessible to all property owners in the project. Any OPEN SPACE provided above twenty percent (20%) may be mixed wetlands and upland.

(3) Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in Chapter 155-60, Subdivision of Land) applied to the Development LOT and not individually to the Internal Dwelling LOTs.

(4) For residential development that includes single family homes over1,001 square feet of total living area, ~~two (2) family~~, three (3) to four (4) family or MULTI-FAMILY DWELLINGs, density shall be based upon calculating one (1) unit per forty thousand (40,000) square feet of CONTIGUOUS upland, and using one hundred fifty (150) feet of FRONTAGE on a public roadway.

(5) For single family residential homes 1,000 or less square feet of total living area, development, or two family dwellings, density shall be based upon calculating one unit per ten thousand (10,000) square feet of CONTIGUOUS upland, and using one hundred (100) feet of FRONTAGE on public a roadway.

(6) The Development Plan may be phased for a term of five (5) years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Section 170-28.2.A. For the purposes of this section, development shall include:

~~(1)~~(a) construction of STRUCTUREs;
~~(2)~~(b) environmental remediation;
~~(3)~~(c) site preparation or demolition;
~~(4)~~(d) roadway utility or recreation and common area design and construction; and
~~(5)~~(e) bonding or other security for site development.

(7) The phasing plan shall provide that no more than fifty percent (50%) of the residential development may be occupied prior to completion of between twenty-five percent (25%) and fifty percent (50%) of the non-residential STRUCTUREs as negotiated between the PLANNING BOARD and the Developer, and included in the Conditional Use Approval.

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(8) Provided that the developer is making reasonable efforts to develop the site, the PLANNING BOARD may extend the initial five (5) year phasing period provided a request for extension is submitted before the expiration of the initial five (5) year phasing term.

~~(1)~~(9) Residential Development Plan Guidelines

(a) The developer shall be permitted to allocate permitted density among Internal Dwelling LOTs in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the Development LOT or Legal LOT, unless the additional density is derived from the Transfer of Development Rights Ordinance. Layouts may include individual LOTs or a cluster of units without LOT LINEs.

(b) Dwelling layouts shall be so designed that parking is screened from external roadways by garages, BUILDING locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external STREETs shall be preserved as much as possible.

(c) Where possible, it is desirable and encouraged to mix residential and non-residential uses. This may be achieved through situating the BUILDINGs close to each other, or though allowing STRUCTUREs to house residential – preferably on the second or above floor, with non-residential on the first floor. Creativity and flexibility is encouraged and the development plan may offer another option for mixing uses. ~~Units created through the TDR program are not required to be housing for the elderly, that term is defined under RSA 354-A:15 and 42 USCA §3607(b)(2).~~

(d) All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include STRUCTUREs with peaked roofs, and architectural shingles. The guidelines for this development are included in Chapter 149, Section 14.2, Site Review Regulations.

(e) All ~~MANUFACTURED HOUSE~~MANUFACTURED HOMEs shall adhere to the standards outlined in Chapter 126, MANUFACTURED HOME PARKS, with the exception of Sections 126-3, 126-4, 126-5, 126-6, and 126-7.H which shall be controlled by the provisions hereof and unless noted below. Where there is a difference in the requirements between this Overlay District and the provisions of Chapter 126, "MANUFACTURED HOME PARKS", the provisions of the Overlay District shall apply.

~~(2)~~(10) Nonresidential Development Plan Guidelines

(a) The general character of the nonresidential STRUCTUREs within the development LOT is intended to be a pedestrian friendly setting, with emphasis on the natural characteristics of the site. The site design should

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create a sense of character and cohesiveness through landscaping, façade treatment, and SIGNAGE.

(b) The guidelines for this development are included in Chapter 149, section 14.2, Site Review Regulations.

~~E.~~F. Standards and Regulations

(1) Internal Roads

As part of the approval of the Conditional Use permit, the PLANNING BOARD shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below roadways shall conform to the STREET design criteria laid out in the Code:

(a) Minimum Internal R.O.W.

~~(i)~~ [1] Maximum residential: 35 feet

~~(ii)~~ [2] Maximum non- residential: 50 feet

(b) Minimum Pavement Width

~~(i)~~ [1] Minimum residential: 20 feet

~~(ii)~~ [2] Minimum non- residential: 28 feet

~~(iii)~~[3] Minimum SIDEWALK pavement width: 5 feet

~~(iv)~~[4] Minimum bike/Segway/golfcart path width: 5 feet

(c) Minimum Tangent Length at Intersections = 75 feet

(d) Maximum STREET angle at Intersections = 60 degrees

(e) Minimum centerline radius = 100 feet

(f) Minimum Tangent Length between reverse curves = 50 feet

(2) Dimensional Requirements

(a) Non-residential/Mixed-Use BUILDINGs

~~(i)~~ [1] Minimum STRUCTURE SETBACK from external LOT LINE: 50 feet

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~~a.~~ Expanding existing non-residential uses are not held to this SETBACK.

~~(i)~~ [2] Minimum STRUCTURE SETBACK from external ROW: 50 feet

~~(ii)~~ [3] Maximum non-residential BUILDING HEIGHT: 55 feet

~~(iii)~~[4] For all other dimensional requirements for non-residential STRUCTUREs and parking SETBACKs refer to the ~~(iv)~~underlying zone.

(b) Residential Dwellings:

~~(i)~~ [1] Minimum STRUCTURE and parking SETBACK from external LOT LINE: 50 feet

~~(ii)~~ [2] Minimum STRUCTURE and parking SETBACK from external ROW: 100 feet

~~(iii)~~[3] Maximum residential BUILDING HEIGHT: 35 feet

~~(iv)~~[4] Minimum FRONTAGE on internal road: 40 feet

~~(v)~~ [5] Minimum SETBACKs:

a. FRONT YARD SETBACKs: 20 feet

b. Distance between BUILDINGs: 24 feet

~~b.~~c. There shall be no minimum lot size or frontage for internal lots created.

(3) Parking

(a) All DWELLING UNITs shall require two independently accessible PARKING SPACEs per unit, except that the CONGREGATE CARE and NURSING HOME requirements shall be as otherwise defined by the Zoning Chapter. Non-residential uses shall comply with parking requirements defined by the Zoning Chapter.

(b) Overnight parking shall not be permitted on internal roadways.

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(c) Parking shall be utilized and available to all components of the Development Plan, through the recording of access and parking easements.

170-28.3. Groundwater Protection. [Amended on 6-12-85 by Ord. No. 7-85; Amended on 1-30-88 by Ord. No. 24-88; Amended on 02-17-99 by Ord. No. 25-98; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]

A. Purpose. The purpose of this Section is to promote the public health, safety and general welfare by protecting and preserving the quality of existing and future groundwater supplies from adverse or detrimental land use, development or activities.

B. Location. These regulations shall apply to all lands within the Primary and Secondary Groundwater Protection Zones. The boundaries of the Primary and Secondary Groundwater Protection Zones are depicted on maps entitled "Groundwater Protection Zones," dated October 6, 1998. These maps shall be on file at the ~~Planning Department~~Planning and Community Development Department and the City Clerk's Office.

C. Applicability.

(1) All land use activities and development conducted within the Primary or Secondary Groundwater Protection Zones shall be regulated by the standards established herein.

(2) The standards established herein shall constitute the rules of an overlay zone and shall be superimposed over other zoning districts or portions thereof. The provisions herein shall apply in addition to all other applicable ordinances and regulations. In the event of a conflict between any provision herein and any other ordinance or regulation, the more restrictive requirement shall control.

(3) Pursuant to New Hampshire Code of Administration Rules ~~Env-Ws 421~~Part Env-Wq 401, land use activities within a four-hundred-foot radius of a municipal well, the Primary Groundwater Protection Zone, shall be subjected to more restrictive standards than the balance of the Groundwater Protection Zones.

(4) Any NONCONFORMING USE may continue, and may be maintained and repaired, unless such use is determined to be an imminent hazard to public health and safety by the City Council or the Health Officer.

D. Standards and regulations.

(1) The following land uses are allowed in the Primary Groundwater Protection Zones. All other land uses are prohibited:

(a) Construction, operation, and maintenance of wells, dams and water conservation apparatus.

(b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.

(c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not used or stored within said zone.

(d) Maintenance and repair of any existing STRUCTURE, provided that there is no increase in the area of impermeable surfaces.

(2) The following land uses are expressly prohibited from the Secondary Groundwater Protection Zones:

(a) Disposal or storage of solid waste that contains leachable toxic substances, except for temporary storage awaiting removal, provided that it is stored in a manner that avoids leaching and runoff.

(b) Disposal or storage of liquid waste, except for normal sanitary waste disposal from a domestic septic system approved in compliance with New Hampshire Department of Environmental Services (NHDES) Regulations, which may require a groundwater discharge permit under RSA 485-A:13. Land application of wastewater residuals (sewage sludge) subject to regulation under NHDES Rules Env 800-811 is prohibited.

(c) All on-site handling, disposal, storage or recycling of solid or liquid waste and hazardous or toxic materials, as defined in RSA 174A, except for the temporary storage of such materials when they are incidental to or byproducts of a manufacturing process. Such materials are to be stored and removed in accordance with Chapter 149, Site Review Regulations, and other applicable state and federal regulations.

(d) JUNKYARD - or salvage yard.

(e) Motor vehicle service or repair shops, except as a customary ACCESSORY USE designed to provide routine service to the vehicles operated by the principal use.

(f) Storage of petroleum or related products, exempting such products when they are a part of Subsection D.(2) (c) or (e) above and exempting normal heating oil. Notwithstanding, the facilities for storing and handling such products shall be designed to avoid groundwater contamination and shall be proposed for review and approval prior to construction.

(g) Storage of road salt and other deicers, except in a shelter constructed to avoid leaching and runoff for use on-site.

(h) The dumping of snow containing road salt or other deicers brought in from outside the Groundwater Protection Zone.

(i) Industrial uses that discharge contaminated wastewater on-site.

(j) Animal feedlots.

(k) Commercial storage of manure, fertilizers, herbicides, pesticides or other leachables, except for the temporary storage of such material when it is incidental to the principal use and stored in a manner that avoids leaching and runoff.

(l) The use of wood piling treated with creosote or other preservative.

(3) The following land uses are allowed in the Secondary Groundwater Protection Zones only if the PLANNING BOARD approves a Conditional Use Permit for the specific use per Chapter 170-28.E.(4):

(a) General service and repair shops, including but not limited to: furniture stripping, painting, and refinishing; photographic processing; printing; appliance and small engine repair; boat repair, service and refinishing; refrigeration, heating, ventilating and air conditioning shops.

(b) Metalworking shops, including, but not limited to: machine shops; metal plating shops; heat treating shops; smelting shops; and jewelry making shops.

(c) Manufacturing facilities, including but not limited to: electronics and chemical manufacturing, processing, and RECLAMATION; paper, leather, plastic, fiberglass, rubber, silicon and glass making; pharmaceutical production; pesticide manufacturing; and chemical preservation of wood and wood products.

(d) Laboratories and professional medical OFFICEs, including but not limited to: medical, dental, and veterinary OFFICEs; and research and analytical laboratories

(e) Cleaning services, including but not limited to: dry cleaner; laundromats; beauty salons; and car washes.

(4) The following land uses are allowed in the Secondary Groundwater Protection Zones:

(a) Construction, operation and maintenance of wells, dams, and water conservation apparatus

(b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.

(c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not commercially stored within said zone.

(d) All land use permitted in the applicable underlying zoning district, provided that they are not expressly prohibited in Subsection D.(2) or (3) above.

(5) In soils that are excessively drained, well-drained, moderately well-drained or somewhat poorly drained, as defined by a site specific soil survey completed in accordance with the standards of the Society of Soil Scientists of Northern New England, the development shall not make impervious to water more than twenty percent (20%) of the area of said soils except as provided for below. Any development in the Secondary Groundwater Protection Zone that proposes a total impervious surface greater than twenty percent (20%) shall only be permitted if the PLANNING BOARD grants a Conditional Use Permit, per Chapter 170-28.E (4). In reviewing a Conditional Use Permit application filed under this provision, the PLANNING BOARD shall require that the proposed development plan incorporates a stormwater drainage plan, approved by the PLANNING BOARD and prepared by a professional engineer certified to practice in the State of New Hampshire. The plan shall provide for the retention and percolation within the Secondary

Groundwater Protection Zone of all development-generated stormwater runoff from a ten (10) year storm. Furthermore, the stormwater drainage plan shall provide for the removal of oil and gasoline from parking LOT runoff by use of treatment swales, oil/gas separators or other device, prior to retention and percolation of the runoff.

(6) In addition to standards and requirements contained in other ordinances and regulations, a proposed site plan and BUILDING permit application shall be accompanied by a report that specifies the amount and composition of industrial or commercial waste that will be generated on-site and details the proposed method for disposal of such waste outside of the Groundwater Protection Zones.

(7) A hydrogeologic study may be required by the PLANNING BOARD to investigate the impacts a proposed development or land use activity will have on an existing or future groundwater supply. A qualified professional hydrologist or

geologist shall be chosen from a list of such professionals provided by the City of Dover, and the APPLICANT shall pay any costs incurred.

E. Administration.

(1) Development or land use activities proposed within the Groundwater Protection Zones that require subdivision or site plan approval from the PLANNING BOARD also shall be reviewed by the Dover Conservation Commission. The PLANNING BOARD and Conservation Commission shall verify that the proposed activity will comply with this Chapter before the PLANNING BOARD grants approval.

(2) The Building Inspector shall not issue a BUILDING permit for development or land use activities until such time as he verifies with the Zoning Administrator that the proposed development will comply with the provisions and standards established herein. The Building Inspector may consult with the Conservation Commission or ~~Planning Department~~Planning and Community Development Department as he deems necessary.

(3) Land use activities that do not require PLANNING BOARD approval or BUILDING permits are also subject to the requirements and standards established herein.

(4) Conditional use permits. The PLANNING BOARD, after receiving a recommendation from the Conservation Commission, may vary the provisions herein by granting a conditional use permit in accordance with RSA 674:21. Along with the conditional use permit application, the APPLICANT shall submit expert technical information from a professional engineer, hydrologist or geologist that documents that the requested relief is consistent with the stated purpose and intent of this Chapter. Such technical information shall include an environmental protection plan consistent with the regulated substance management requirements of the NHDES's, "Best Management Practices for Groundwater Source Protection" (~~Env-Ws 421~~Part Env-Wq 401). Said plan shall also include provisions for routine monitoring and reporting of environmental protection activities to be reported to the City of Dover. Any cost incurred by the city in reviewing the groundwater protection information shall be paid by the APPLICANT for the conditional use application.

F. Performance Standards

(1) Applicability. Within the Primary and Secondary Groundwater Protection Zones, the following performance standards shall apply to

(a) all new non-residential and multi-family development,

(b) Expansion of pre-existing non-residential and multi-family developments that expands the LOT COVERAGE of the existing STRUCTURE(s) by more than twenty percent (20%), and

(c) all subdivisions of four or more new LOTs:

(i) Post-development infiltration volumes shall be no greater than pre-development volumes as determined by use of the Development Review Model described in Section G, below.

(ii) Stormwater shall be treated by use of a stormwater treatment system designed to remove no less than eighty percent (80%) of the annual load of total suspended solids. The removal rate shall be accomplished using best management practices installed in advance of the final infiltration system.

(iii) No stormwater infiltration system shall be located within the two hundred (200) day travel time of an existing or proposed municipal well as depicted on the map referenced in Section 170-28.3.B, above. In absence of a defined two hundred (200) day travel time radius, the APPLICANT shall submit a technical evaluation from a professional engineer, hydrologist or geologist that documents that the proposed discharge is consistent with the stated purpose and intent of this requirement.

(2) Specific Requirements. Within the Primary and Secondary Groundwater Protection Zones, the following performance standards shall apply to specific activities which may impact the groundwater quality:

(a) Sand and gravel extraction operations shall not excavate below an elevation four (4) feet above the seasonal high water table observed when the associated water supply well has not been operating for at least two (2) weeks prior to the date of measurement. The operator of the sand and gravel extraction operation shall prepare for the City an annual report documenting compliance with the requirements of this section. Pursuant to RSA 155-E:11, II the requirements of this section may be waived if the APPLICANT demonstrates that such EXCAVATION will not adversely affect water quality and that written notice of such exception shall be recorded in the Registry of Deeds, and one copy filed with the NH Department of Environmental Services.

(b) Pursuant to Chapter 109-27, Fire Prevention and Life Safety, ~~and RSA 146-E:4,~~ on-premise use heating oil tank facilities shall comply with the provisions

of the National Fire Protection Association Standard NFPA 31, "Installation of Oil-Burning Equipment".

G. Development Review

All developments to which Section F Performance Standards, above, applies shall complete the calculations as specified in the Development Review Model, or a performance equivalent, incorporated herein by reference. A copy of this model shall be on file at the ~~Planning Department~~Planning and Community Development Department and the City Clerk's Office. The Building Inspector shall withhold a BUILDING permit until such time as he/she verifies that the proposed development will comply with the infiltration and nitrogen maximums set forth in Table 1, Sections A and B of said Development Review Model.

170-28.4. Scenic Road Overlay District. [Amended on 01-22-2003 by Ord. No. 35-02.]

A. Purpose. The purpose of this section is to promote the protection of natural woodlands located adjacent to the public right-of-ways of scenic roads as designated by the Dover City Council per the authority granted by Chapter 143, Scenic Roads. By adopting this section, the City is striving to maintain the scenic qualities of scenic roads both within the public right-of-way and in the privately-owned land adjacent to the scenic roads.

B. Location of District. The Scenic Road Overlay District is an overlay district that includes all land located within twenty-five (25) feet of the right-of-way of a scenic road, as designated by the City Council. At present the following roads have been designated as scenic roads: Old Garrison Road, David Tuttle Road and Rochester Neck Road.

C. Buffer Requirements. Within the Scenic Road Overlay District, the natural vegetative buffer, existing at the time of the adoption of this section, shall be maintained and preserved in its natural state, except as provided below:

(1) The removal of damaged, diseased or unsafe vegetation is permitted within the overlay district upon the approval of the City Arborist.

(2) The clearing of vegetation necessary for the construction of a driveway for access to a LOT is permitted. Such driveway shall be designed to minimize the amount of clearing of vegetation necessary.

(3) The clearing of vegetation for agricultural uses, as defined by RSA 21:34 is permitted.

D. Compliance with Other Requirements. Nothing in this section shall relieve the property owner from complying with the provisions of, Chapter 143, Scenic Roads.

170-28.5. Hazardous Waste Landfill District I. [Amended on 5-13-87 by Ord. No. 9-87.]

A. Purpose. In the interest of responsible planning, public safety and concern for the general welfare of the citizens of Dover, the regulations of this district are designed to alert the public and prohibit development activities in areas potentially affected by the storage of hazardous waste until such time as a final cleanup and proper closure of the site can be completed.

B. Location. The Hazardous Waste Landfill District I is hereby to consist of those City owned LOTs shown on the City of Dover's Assessor's Map C, LOT Nos. 16, 18 and 24.

C. Hazardous Waste Landfill District I criteria. All applications for further development, residential or commercial or industrial, in areas heretofore specified must contain a notation on the PLAT, site plan and application stating that the development site is within the Hazardous Waste Landfill District.

ARTICLE VIX

EXCAVATIONS

[Amended on 6-10-87 by Ord. No. 13-87; Amended on 09-17-2003 by Ord. No. 18-03.]

170-29. Authority.

RSA 155-E stipulates that, with some exceptions, all EARTH EXCAVATIONs in the State are subject to regulation from the local municipality in which the operation occurs. Pursuant to the authority vested in the PLANNING BOARD by the Code and RSA 155-E, the City adopts the following regulations to govern the EXCAVATION of EARTH materials in the City of Dover.

170-29.1. Purpose and Intent.

The goals of this regulation are to: provide for reasonable opportunities for EXCAVATION; minimize safety hazards which can be created by open EXCAVATIONs; ensure that the public health and welfare will be safeguarded; protect natural resources and the environment; and maintain the aesthetic features of the City. For the purpose of achieving these goals, no EARTH materials in the City shall be removed except in conformance with these regulations.

170-29.2. Reserved.

170-29.3. Applicability.

A. Projects Requiring a Permit

(1) Those that commenced operations since August 24, 1979 without first obtaining a permit, unless specifically exempted by Section 170-29.3.B below.

(2) Any EXCAVATION proposing to begin operation after the effective date of these regulations.

(3) Those that have lawfully operated prior to August 24, 1979 and wish to expand the EXCAVATION AREA.

(4) Those EXCAVATIONs from an area that on August 4, 1989 was CONTIGUOUS to or was CONTIGUOUS land in common ownership with stationary manufacturing and processing plants that were in operation as of August 24, 1979 and wish to expand.

B. Projects Exempt From a Permit

(1) The following projects do not require a permit, but are nevertheless subject to Sections 170-29.7, 170-29.8, and 170-29.9. In the event of a question regarding compliance, the PLANNING BOARD may require the owner/operator to come before the PLANNING BOARD and submit such information as may be necessary to demonstrate compliance with said standards.

(a) EXISTING EXCAVATIONs that lawfully existed as of August 24, 1979 from which EARTH materials of sufficient weight and volume to be commercially useful has been removed during the two (2) year period before August 24, 1979, provided that:

(i) At the time operation began it was in compliance with any local ordinances that may have been in effect;

(ii) The owner or operator of such an EXCAVATION AREA shall have filed an EXCAVATION report per RSA 155-E: I (d) with the PLANNING BOARD no later than August 4, 1991. Any EXISTING EXCAVATION that failed to file this report shall no longer be considered to be grandfathered and must obtain a permit from the PLANNING BOARD before continuing EXCAVATION of the site.

(2) The following projects do not require a permit, but are nevertheless subject to Sections 170-29.7, 170-29.8, and 170-29.9 of these regulations. Compliance with these standards is mandatory in order to retain the non-permit status. Loss of such non-permit status can occur only after the PLANNING BOARD has given written notice that the EXCAVATION is not in compliance and the owner has failed to bring it into compliance within thirty (30) days of receipt of such notice.

(a) EXCAVATIONs from a site that on August 4, 1989 was CONTIGUOUS to or was CONTIGUOUS land in common ownership with stationary manufacturing and processing plants which were in operation as of August 24, 1979 and which use EARTH obtained from such EXCAVATION SITE.

(b) EXCAVATIONs from a site that on August 4, 1989 was CONTIGUOUS to, or was CONTIGUOUS land in common ownership with stationary manufacturing and processing plants for which local or state permits have been granted since August 24, 1979 and before August 4, 1989, which used EARTH obtained from such site.

(c) An EXCAVATION performed exclusively for the lawful construction, reconstruction, or maintenance of a Class I, II, III, IV, or V highway. A copy of the pit agreement executed between the pit owner, the agent, and the governmental unit shall be filed with the PLANNING BOARD prior to the start of EXCAVATION. In addition, the provisions of Section 170-29.5 of this Chapter and the provisions of RSA 155-E:2, IV, (b) and (c) shall be complied with.

(3) The following projects are exempt from a permit and are not subject to regulation by the PLANNING BOARD:

(a) EXCAVATION that is exclusively incidental to the lawful construction or ALTERATIONs of a BUILDING or STRUCTURE, a parking LOT or way including a driveway on a portion of the premises where removal occurs. This EXCAVATION cannot be started, however, until all required state and local permits have been issued.

(b) EXCAVATION that is incidental to agricultural or silvicultural activities, normal landscaping or minor topographical adjustment. In the event of questions, the Zoning Administrator shall determine what is incidental in accordance with RSA 21:34-a.

(c) EXCAVATION from a granite quarry for the purpose of producing DIMENSION STONE, if such EXCAVATION requires a permit under RSA 12-E (Mining and RECLAMATION).

(4) A person owning land abutting a site that was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile EARTH taken from the construction site and may remove the EARTH at a later date after written notification to the City Engineer and Zoning Administrator.

170-29.4. Abandoned EXCAVATIONs.

A. Any EXCAVATION, except for those associated with STATIONARY MANUFACTURING PLANTS, whether subject to a permit under these regulations or not, for which the affected area has not yet been brought into complete compliance with the RECLAMATION standards of this regulation shall be considered abandoned if:

(1) No material of sufficient weight or volume to be commercially useful has been removed from the site during any two (2) year period either before, on, or after August 4, 1989. The time period may be extended if, prior to the end of the time period, the PLANNING BOARD approves a RECLAMATION timetable, and a bond or other surety is posted in a form and amount prescribed by the City Engineer sufficient to cover the costs of reclaiming the entire site, however, in no case shall the incremental bond amount be less than two thousand five hundred dollars ($2,500.00)/acre.

(2) The EXCAVATION SITE is in use and is not an EXCAVATION associated with STATIONARY MANUFACTURING PLANTS, but either has not been brought into compliance with the incremental RECLAMATION standards of this regulation, or a bond has not been posted and the PLANNING BOARD has not approved a RECLAMATION timetable.

(3) The owner or operator of the EXCAVATION has neither secured a permit pursuant to these regulations nor filed an EXCAVATION report with the PLANNING BOARD within the prescribed period.

B. In the event the Zoning Administrator determines that any abandoned EXCAVATION presents a hazard to the public health, safety or welfare, the owner may be required, following a public hearing, to comply with the timetable and bonding requirements outlined above, or to complete RECLAMATION within a reasonable period of time. Should RECLAMATION not be completed, the PLANNING BOARD may request the City to authorize RECLAMATION at the City's expense. The City's costs shall constitute an ASSESSMENT against the owner, and shall create a lien against the property on which the EXCAVATION is located. Such ASSESSMENT and lien may be enforced and collected in the same manner as provided for real estate taxes.

C. The provisions of 170-29.4.B above also apply to any EXCAVATION that ceased commercially useful operation prior to August 24, 1977, but for which the affected area has not been brought into compliance with the RECLAMATION standards, if the Zoning Administrator determines in writing that specified RECLAMATION measures are necessary to eliminate or mitigate an identified hazard to public health or safety.

170-29.5. Prohibited Projects.

The PLANNING BOARD shall not grant a permit:

A. Where the project cannot comply with the requirements of Sections 170-29.7, 170-29.8 and 170-29.9.

B. For EXCAVATIONs within fifty (50) feet of the boundary of a disapproving ABUTTER or within ten (10) feet of an approving ABUTTER unless approval is requested by said ABUTTER.

C. Where the EXCAVATION is not permitted by zoning or other applicable ordinances, provided, however, that reasonable opportunities for EXCAVATION exist in the City, as described in RSA 155-E: 4, III.

D. Where the issuance of the permit would be unduly hazardous or injurious to the public welfare. The Board shall give particular consideration to such factors as noise, traffic, dust, fumes, or danger from operation.

E. Where existing visual barriers would be removed, except to provide access to the EXCAVATION.

F. Where the EXCAVATION would substantially damage a known aquifer, as designated by the United States Geological Survey.

G. When the EXCAVATION cannot receive required necessary approvals from state or federal agencies, such as ALTERATIONS of Terrain or Wetlands permits.

170-29.6. Criteria For Non-conforming EXPANSIONs.

~~A.~~ EXPANSION of EXISTING EXCAVATIONs located in an area in which EXCAVATIONs are no longer permitted by zoning that was in effect on August 4, 1989 may be restricted or modified with conditions by the PLANNING BOARD, if after notice to the owner and a public hearing, the PLANNING BOARD finds that the EXPANSION will have a substantially different and adverse impact on the NEIGHBORHOOD. Impacts will vary depending upon the particular NEIGHBORHOOD; nevertheless, the following criteria will be taken into consideration:

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~~(1)~~A. The EXCAVATION will not cause a diminution in area property values or unreasonably change the character of the NEIGHBORHOOD.

~~(2)~~B. The EXCAVATION will not create any NUISANCE or create health or safety hazards.

~~(3)~~C. The EXCAVATION will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.

170-29.7. Operational Standards.

~~A.~~ For EXCAVATIONS not requiring a permit, the following standards apply. For those EXCAVATIONs requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the PLANNING BOARD.

~~(1)~~A. No EXCAVATION shall be permitted within fifty (50) feet of the boundary of a disapproving ABUTTER, within one hundred fifty (150) feet of a dwelling that either existed or for which a BUILDING permit has been issued at the time the EXCAVATION is commenced.

~~(2)~~B. No EXCAVATION shall be permitted below road level within fifty (50) feet of the right-of-way of any public highway as defined in RSA 229:1 unless such EXCAVATION is for the purpose of said highway.

~~(3)~~C. Vegetation or suitable BERM or combination of both shall be maintained or provided within the peripheral areas of items (1) and (2) of this section.

~~(4)~~D. No fuels, lubricants or other toxic or polluting chemicals shall be stored on-site unless in compliance with State laws or rules pertaining to the storage of such materials.

~~(5)~~E. Where temporary SLOPEs will exceed a one to one (1:1) grade, a FENCE or other suitable barricade shall be erected to warn of danger and/or to limit access to the site.

~~(6)~~F. Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods.

~~(7)~~G. EXCAVATION practices that result in continued siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited.

~~(8)~~H. No EXCAVATION shall be permitted within one hundred (100) feet of any great pond, navigable river, or any other standing body of water ten (10) acres or more in area, or within fifty (50) feet of any other stream, river or brook which normally flows throughout the year, or any naturally-occurring standing body of water less than ten (10) acres, prime wetland as designated in accordance with RSA 482-A: 15, I or any other wetland area as defined by the Department of Environmental Services (DES) and, Chapter 170, Zoning, Article VII, 170-27.1.C.

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~~(9)~~I. Sand and gravel extraction operations shall not excavate below an elevation four (4) feet above the seasonal high water table observed when the associated water supply well has not been operating for at least two (2) weeks prior to the date of measurement. Refer to section 170-28.3, Groundwater Protection, for monitoring report requirements.

170-29.8. Site RECLAMATION Standards.

A. For EXCAVATIONs not requiring a permit, the following standards apply. For EXCAVATIONs requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the PLANNING BOARD.

B. Within twelve (12) months following the expiration date of a permit issued under these regulations, or the completion of any EXCAVATION with the exception of agricultural activities, whichever occurs first, the excavated area shall be reclaimed in accordance with the following standards:

(1) Except for exposed rock ledge, all disturbed areas shall be spread with topsoil or any other soil capable of maintaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion. Areas visible from a public way, from which trees have been removed, shall be replanted with tree seedlings, set out in accordance with acceptable horticultural practices.

(2) All EARTH and vegetative debris resulting from the EXCAVATION shall be removed or otherwise lawfully disposed of.

(3) All SLOPEs, except for exposed ledge, shall be graded to natural repose for the type of soil of which they are composed so as to control erosion or at a ratio of horizontal to vertical proposed by the owner and approved by the PLANNING BOARD. Changes of SLOPE shall not be abrupt, but shall blend with the surrounding terrain.

(4) Any standing bodies of water created by the EXCAVATION that is judged to constitute a hazard to health and safety shall be eliminated.

(5) The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural proportions of flow. For EXCAVATION projects requiring a permit from the Division of Water Supply and Pollution Control, the provisions of RSA 485-A:17 shall supersede this regulation. Copies of all local, state and federal required permits shall be filed with the ~~Planning Office~~Planning and Community Development Department.

170-29.9. Incremental RECLAMATION.

Except for EXCAVATION SITEs operating STATIONARY MANUFACTURING PLANTS, any excavated area of five (5) CONTIGUOUS acres or more which is depleted of commercial EARTH materials, excluding bedrock, or any EXCAVATION operation from which EARTH materials of sufficient weight or volume to be commercially useful have not been removed for a two (2) year period, shall be reclaimed in accordance with Section 170-29.8. within twelve (12) months following such depletion or non-use, regardless of whether other EXCAVATION is occurring on adjacent land in CONTIGUOUS ownership. A RECLAMATION plan, including a RECLAMATION timetable for the depleted areas within the RECLAMATION site, shall be submitted to the PLANNING BOARD for review and approval by each operator, other than the operators of STATIONARY MANUFACTURING PLANTS that are exempt from permit requirements.

170-30. Performance Guarantee.

A. Prior to the granting of any permit or to the removal of topsoil or other overburden material from a new area within an EXISTING EXCAVATION SITE, the APPLICANT shall submit to the ~~Planning Department~~Planning and Community Development Department a bond with sufficient surety as determined by the City Engineer. In no case shall the incremental bond amount be less than two thousand five hundred dollars ($2500.00)/acre. The purposes of the bond are to guarantee RECLAMATION of the area, compliance with the permit, and to defray costs of any inspections. OFF-SITE IMPROVEMENTS for potential damage of City STREETs or facilities caused by the transportation of EARTH materials shall be discussed at this stage.

B. The surety may be in the form of a performance bond, property escrow, irrevocable letter of credit, or any other form approved by the PLANNING BOARD. The surety may be phased to coincide with the phasing of work, in an amount sufficient to guarantee RECLAMATION of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The surety shall not be released until the City Engineer is satisfied that all conditions of the site RECLAMATION plan have been complied with.

170-30.1. Waivers.

Due to the diverse nature of EXCAVATION operations that vary in scale and scope, and due to the varying conditions of the land to be excavated, the PLANNING BOARD may, upon application and following a duly-noticed hearing, grant any waiver in writing to the standards contained in Sections 170-29.7, 170-29.8, 170-29.9, and 170-30.for good cause shown. The written decision shall state specifically what requirements are being waived and include any reasonable alternatives.

170-30.2. Application Procedures.

Prior to the PLANNING BOARD rendering a decision for an EXCAVATION permit, a public hearing shall be held, with due notification of all ABUTTERS and the public. The procedure for holding these public hearings is as follows:

A. Filing of the Application

(1) Applications for new EXCAVATION permits shall be filed with the ~~Planning Office~~Planning and Community Development Department by April 1st. 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~~Planning and Community Development Department, 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.

B. Board Action on Application

(1) At the PLANNING BOARD's first meeting date in May, the PLANNING BOARD may vote to accept the application, and if accepted, will schedule a public hearing to be held within thirty (30) days.

(2) Within twenty (20) days of the close of the hearing on the application, or any continuation thereof, the PLANNING BOARD shall make a decision. The Board may for good cause with proper notice, accept the application, hold the public hearing, and make a decision during the same meeting. Notice of this decision shall be recorded in the minutes of the meeting and placed on file in the ~~Planning Office~~Planning and Community Development Department within seventy two (72) hours.

(3) The APPLICANT shall receive a written copy of the minutes along with the decision. In the event the application is disapproved, the reasons for the disapproval shall be given.

C. Notices Required for Public Hearing

(1) All ABUTTERs will be notified by ~~certified mail~~Verified Mail, not less than fourteen (14) days prior to the meeting at which the application will be submitted for acceptance. Names and addresses of ABUTTERs must be taken from City records not more than five (5) days before filing the application.

(2) Public notice will appear in a newspaper of general circulation and in at least three public places not less than fourteen (14) days prior to the meeting.

(3) The notice must include the location and general description of the proposal, as well as the date, time and place of the meeting.

D. Fees

(1) A filing fee as contained within the Fee Schedule plus ABUTTER notification postage shall be paid upon submission of an application, to defray the costs of posting notice for the public hearing. Failure to pay such cost shall constitute grounds for the PLANNING BOARD to not accept the application.

(2) A permit fee as contained within the Fee Schedule shall be paid upon the issuance of a permit, to defray the costs of permit compliance.

(3) A fee payable to the Strafford County Register of Deeds (SCRD) shall be paid upon approval, for the filing of any new plan, if so required by the PLANNING BOARD.

(4) Additional reasonable fees shall be charged should the PLANNING BOARD require the advice of an engineer or other expert to review plans or inspect the site to determine permit compliance.

170-30.3. Application Submission Items. **[Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]**

The APPLICANT shall submit at least fifteen (15) copies of an EXCAVATION and a RECLAMATION Plan; one (1) additional copy shall be sent to the Conservation Commission. The plans shall be at a scale appropriate for the land area involved. The PLANNING BOARD may, upon good cause shown, waive any of the items in Paragraphs A or B below.

A. EXCAVATION Plan

The EXCAVATION plan shall address specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety of unauthorized persons. The plan shall show or be accompanied by the following items:

(1) Name and address of the owner, the excavator (if different) and all ABUTTERs.

(2) Name, address, and Signature with professional stamp of the person preparing the plan; date, bar scale and north arrow.

(3) Zoning district boundaries of the proposed area and within two hundred (200) feet of the boundary of the project.

(4) Sketch and description of the location and boundaries of the proposed and any EXISTING EXCAVATIONs; including the area in square feet and acre.

(5) The location of existing BUILDINGs, STRUCTUREs, septic systems and wells within two hundred (200) feet of the boundary.

(6) Public STREETs, driveways, intersections, rights-of-way, and all easements within two hundred (200) feet; road network to be affected; intended transportation routes to be used.

(7) Topography at contour intervals of five (5) feet or less.

(8) All surface drainage patterns including wetlands and standing water.

(9) Sketch and description of existing and proposed access roads, including width and surface materials.

(10) The breadth, depth and SLOPE of the proposed EXCAVATION and the estimated duration of the project.

(11) The elevation of the highest annual average ground water table within or next to the proposed EXCAVATION. Refer to Zoning Section 170-28.3., Groundwater Protection, for requirements of the annual report documenting compliance with the four (4) foot buffer rule.

(12) Test pits that extend to either the seasonal high water table, ledge, or a minimum of six (6) feet below the maximum proposed EXCAVATION depth, including location and soils data; boring logs may be submitted separately.

(13) Proposed fencing, buffers or other visual barriers, including HEIGHT and materials.

(14) All measures to control erosion, sedimentation, water pollution, air pollution, and any hazards to human safety.

(15) Plans for storm water management.

(16) Plans for storage, use, and disposal of petroleum products and other regulated materials.

(17) Methods to prevent materials from the site from being tracked onto public roadways.

(18) Copies of all necessary state and federal permits.

(19) All infrastructure and topographic information shall be submitted in an electronic format, as well as on paper.

B. RECLAMATION Plan

The RECLAMATION plan shall address the effects of the proposed EXCAVATION on soil, surface and groundwater, vegetation, overburden, topography, and fill material, and should address future land use consistent with the City's Master Plan. The plan shall show or be accompanied by the following items:

(1) Name, address, and signature with professional stamp of the person preparing the plan; date, bar scale and north arrow.

(2) All boundaries of the area proposed for RECLAMATION and the land within two hundred (200) feet of the boundary of this site.

(3) Final topography of the area proposed for RECLAMATION, at contour intervals of five (5) feet or less.

(4) Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities.

(5) Timetable as to fully depleted sites within the EXCAVATION AREA.

(6) Schedule of final RECLAMATION activities including seeding mixtures, cover vegetation, fertilizer types, and application rates.

C. Other Information

The PLANNING BOARD reserves the right, per RSA 155-E:3,VII to request any other information it deems necessary to make an informed decision, or to have plans reviewed by an outside agency. According to the authority vested in the PLANNING BOARD by RSA 676:4,I (g), any reasonable expenses incurred for such information or reviews shall be charged to the APPLICANT. Failure to pay such costs constitutes valid grounds for the PLANNING BOARD to deny the application. The following items shall accompany the application:

(1) An annual report documenting compliance with the requirements of Section 170-28.3, Groundwater Protection. Pursuant to RSA 155-E:11, the requirements of this section may be waived if the APPLICANT demonstrates that such exception shall be recorded in the Registry of Deeds, and one copy filed with the NH Department of Environmental Services.

(2) A written statement from the Tax Collector that all current property and EXCAVATION taxes levied against all properties in the operation have been paid in full and that there are no unreleased tax liens encumbering said properties

(3) A copy of the Notice of Intent to Excavate filed with the Assessor's Office.

(4) A copy of the surety bond or other form of performance guaranty as approved by the PLANNING BOARD.

170-30.4. Administration and Enforcement.

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 PLANNING 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 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.

(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 once every two (2) years. Inspections by the Zoning Administrator or their designee shall be scheduled in April to coincide with 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.

B. Amendments and Renewals

Permit holders wishing to ALTER the size or location of the EXCAVATION, the rate of removal or the plan for RECLAMATION shall apply for a renewal or amendment; following the same procedures as those required for the original EXCAVATION permit.

C. Inspections

The Zoning Administrator or his designee may make periodic inspections of all EXCAVATION SITEs to determine if the operations are in conformance with these regulations and the approved plans.

D. SUSPENSIONs and REVOCATIONs

The Board may suspend or revoke a permit if the Zoning Administrator determines that any provision of the permit has been violated, a material misstatement made in the application upon which a permit was granted, or any unsafe or hazardous conditions are determined by a site inspection to exist. Such SUSPENSION or REVOCATION shall be subject to a motion for rehearing thereon and appeal in accordance with these regulations to the ZONING BOARD OF ADJUSTMENT.

E. Appeals

Any person affected by the PLANNING BOARD'S decision to approve or disapprove an application or any amendment thereto or any SUSPENSION or REVOCATION of a permit, may appeal to the ZONING BOARD OF ADJUSTMENT for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall be filed within ten (10) days of such decision and shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable. The Zoning Board shall either grant or deny the request for rehearing within (10) days, and if the request is granted, a rehearing shall be scheduled within thirty (30) days. Any person affected by the Zoning Board's decision on a motion or rehearing may appeal in accordance with RSA 677:4-15.

F. Penalties

Fines, penalties and remedies for violations of this regulation shall be the same as for violations of RSA 676:15 and 17. Whoever violates any provision of this regulation, a permit or a valid order issued hereunder shall be guilty of a misdemeanor.

170-31. Reserved.

ARTICLE X

SIGNS AND FENCES

170-32. SIGN Review 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; on 08-19-2015 by Ord. No. 2015.07.22-017; Amended on 12-26-2016 by Ord. No. 2016.10.12-015]

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

A. Permitted SIGNs. 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 SIGNs.

B. Permit required. No SIGN, other than a residential nameplate or a SIGN exempted from the permitting requirements of this Section as described herein shall be erected or placed in the City of Dover without a 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 an application and 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 SIGNs and support STRUCTUREs, where the area, location or materials are being ALTERed, shall require a permit, and such replacement shall conform to the regulations of this Section.

C. General provisions. All SIGNs shall conform to the following regulations:

(1) SIGN Location. SIGNS shall relate only to the premises upon which they are located, excluding TEMPORARY SIGNs as regulated in Subsection Q.

(2) All SIGNs shall be constructed, erected and maintained so as not to present a hazard to persons and property.

(3) All SIGNs 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 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 of a motorist.

(a) FLASHING SIGNs are prohibited.

(b) Illuminance of the SIGN face shall not exceed the following standards:

(i) EXTERNAL ILLUMINATION: fifty (50) foot-candles as measured on the 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'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'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 or beacons, waving pennants or whirling devices are prohibited.

(9) TEMPORARY SIGNs are prohibited, except as otherwise provided in Subsection Q.

(10) All SIGNs are prohibited within the public right- of-way, except as otherwise provided in this Section.

(11) The terms of this Section shall not apply to SIGNs being necessary for the public welfare and, as such, are required by the municipal, State, or Federal government.

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

[‡‡]See Figure 1 of the SIGN Diagrams, Part I, included at the end of this Chapter

(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 Section.

(14) Essential directional SIGNs not exceeding four (4) square feet in area are permitted indicating entrance and exit driveways. Said SIGNs shall not be subject to the permitting requirements of this Section.

(15) SIGNs not exceeding two (2) square feet in area are permitted in parking LOTs indicating aisles or reserved areas or spaces. Said SIGNs shall not be subject to the permitting requirements of this Section.

(16) On a BUILDING or project under construction, or on a property currently for sale or rent, one additional SIGN is permitted and shall conform to the following additional regulations:

(a) One (1) SIGN not exceeding thirty-two (32) square feet is permitted on a BUILDING or project under construction. Such SIGN shall be removed upon the receipt of a CERTIFICATE OF OCCUPANCY or upon the expiration of the BUILDING permit. Said SIGN shall not be subject to the permitting requirements of this Section.

(b) One (1) SIGN not to exceed four (4) square feet may be erected on a property currently for sale or rent. Said SIGN shall not be subject to the permit requirements of this Section.

(17) WALL SIGNs 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 upon 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

[§§]See Figure 2 of the SIGN Diagrams, Part I, included at the end of this Chapter.
[***] See Figure 3 of the SIGN Diagrams, Part I, included at the end of this Chapter.

exceed four (4) square feet in area and shall not be illuminated. Said SIGN shall not be subject to the permitting requirements of this Section.

(18) All FREESTANDING SIGNs shall conform to the following regulations:

(a) No FREESTANDING SIGNs 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 SIGNs shall conform to the following additional regulations:

(a) PROJECTING SIGNs shall be attached to the main wall of the BUILDING.

(b) PROJECTING SIGNs 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 upon 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 SIGNs provided said letters, insignia or emblems do not exceed the square footage allowed for a WALL SIGN in the applicable zoning district.

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

(1) CUSTOMARY HOME OCCUPATION SIGNs shall identify only the name of each occupant and the STREET address. Said SIGN shall not exceed two (2) square feet and shall not be subject to the permit requirements of this Section.

[†††] 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.

(2) 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 BREAKFASTs.

(3) One (1) SIGN may be erected in connection with a lawfully maintained NONCONFORMING USE.

(4) All nonresidential SIGNs may only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m.

(5) One (1) SIGN not to exceed four (4) square feet may be erected in connection with a BED AND BREAKFAST.

(6) No SIGN shall be located greater than eight (8) feet above the ground, whether freestanding or attached to a BUILDING

E. SIGNs permitted in CBD and CWD Districts. ~~No SIGN in the CBD Downtown Gateway sub-district shall be illuminated after 9:00 p.m. or before 6:00 a.m.~~ (See table for overview of permitted SIGNs.)

(1) WALL SIGNs[§§§]

(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 O for applicable criteria.

F. SIGNs permitted in ~~B-3~~C district. (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 upon 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.

(c) Each FREESTANDING SIGN shall not exceed sixteen (16) feet in HEIGHT, except as provided for below, and shall be permanently affixed

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

to the ground. Notwithstanding, FREESTANDING SIGNs fronting on the Spaulding Turnpike shall not exceed thirty (30) feet in HEIGHT.

~~(b)~~(d) Notwithstanding, no FREESTANDING SIGN shall be allowed on Old Rochester Road.

~~G. SIGNs permitted in B-1 districts. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted SIGNs.)~~

~~(1) PROJECTING SIGNs~~

~~(a) All PROJECTING SIGNs shall only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN.~~

~~H.~~G. SIGNs permitted in O and Gateway district. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted SIGNs.)

(1) SIGNs shall only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN.

~~I.~~H. SIGNs permitted in ~~I-1, I-2~~CM~~, and I-4~~ district~~s~~. (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 upon each FRONTAGE, provided that the BUILDING complies with applicable SIGNAGE SETBACKs.

(b) Two (2) FREESTANDING DEVELOPMENT IDENTIFICATION SIGNs shall be permitted per approved industrial park, provided that the combined square footage of such SIGNs does not exceed five hundred (500) square feet in area, and that, if on a CORNER LOT, such SIGNs shall be set so as to not materially impede vision.

~~J.~~I. SIGNs permitted in ~~ETP~~ IT ~~and B-4~~ district~~s~~. (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 upon 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 District. (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 upon each FRONTAGE.~~

~~Notwithstanding, no FREESTANDING SIGN shall be allowed on Old Rochester Road.~~

~~L.~~J. Political advertising SIGNs. Political advertising SIGNs are permitted per the political advertising SIGN provisions of State law.

~~M.~~K. Obsolete SIGNs. Any SIGN which is located on property which becomes vacant and unoccupied for a period of more than six (6) months 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 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.~~L. 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. 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 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.~~M. 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 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) SIGN location.

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

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.

(3) SIGN composition.

(a) Lettering.

(i) No more than one (1) 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 required.

(iv) Lettering shall be located so as not to obstruct architectural detailing on the BUILDING face.

(v) Product trademarks are not permitted. Generic trade symbols (e.g., a shoe for a cobbler, a mortar and pestle for a druggist) are permitted.

(vi) Letter styles shall be limited to the classic genre, i.e., Copperplate 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, plus black and white. Differences in shade or hue are considered different colors. Lettering 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.

(i) INTERNAL ILLUMINATION and DIRECT IILLUMINATION are prohibited.

(ii) Only shielded EXTERNAL ILLUMINATION 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.

(ii) Wooden SIGNs shall be constructed of dense, clear wood that adapts to engraving/carving and paint or stain. The use of plywood shall be limited to overlay, exterior or marine plywood.

(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.

(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.

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

~~Q.~~O. 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~~Planning and Community Development Department, except as noted in Subsections (1)(b). The following regulations shall apply:

(1) TEMPORARY SIGNs are prohibited in all residential zoning districts (R-40, R-20, R-12, RM-SU, RM-U, HR, and CBD-R) ~~and the NEIGHBORHOOD Business~~

~~District (B-1)~~. Where permitted TEMPORARY SIGNS are subject to the following regulations:

(a) TEMPORARY SIGNs Allowed With One-Week Permit. A LOT or tenant may obtain a TEMPORARY SIGN permit for one week, provided that all of the following conditions are met:

(i) One-week 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) one-week TEMPORARY SIGNs per year. If the permit is not used in one (1) quarter, it shall not be carried over to the next quarter.

(ii) The TEMPORARY 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. Banner type TEMPORARY SIGNs are permitted only in the ~~B-3 and B-5~~C Zoning Districts.

(iii) The TEMPORARY SIGN shall be removed within twenty-four (24) hours after the end of the approved display period. If the TEMPORARY SIGN or banner is not removed within twenty-four (24) hours, the TEMPORARY SIGN or banner may be removed by the City of Dover.

(iv) If the TEMPORARY SIGN is located on a City SIDEWALK or within a public right-of-way directly in front of the BUILDING, the requirements in Subsection Q.(1)(d) must be met.

(b) TEMPORARY SIGNS Allowed Without a Permit. One (1) A-frame sandwich board TEMPORARY SIGN is permitted per LOT or tenant and does not require a permit, provided all of the following conditions are met:

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

(ii) The maximum size of the TEMPORARY SIGN is eight (8) square feet.

(iii) The TEMPORARY SIGN must be placed directly in front of the BUILDING 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) TEMPORARY 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 additional one hundred (100) feet of STREET FRONTAGE. See District Tables of Use for additional requirements.

(i) If the TEMPORARY SIGN is located on a City SIDEWALK or within a public right-of-way directly in front of the BUILDING, the requirements in Subsection Q.(1)(d) must be met.

(ii) The following additional regulations shall apply to TEMPORARY 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. TEMPORARY SIGNs with moveable slide-in plastic letters are not permitted.

4. TEMPORARY SIGNs using stencils or spray paint are not permitted.

5. TEMPORARY SIGNs may not be painted traffic yellow or construction-zone orange or use any reflective or fluorescent materials.

(d) TEMPORARY SIGNs Located on a City SIDEWALK or Within a Public Right-of-Way. TEMPORARY SIGNs located on a City SIDEWALK or within a public right-of-way shall meet the following requirements:

(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 ensure 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) TEMPORARY SIGNs shall only be displayed during business hours.

(iv) A five (5) foot, clear passageway must be maintained at all times.

(v) TEMPORARY SIGNs shall be located directly in front of the BUILDING or in front of the space within the BUILDING occupied by the TEMPORARY SIGN owner.

(2) Community SIGNS. With a permit, TEMPORARY SIGNs may be located in the public right of way at Central Square, Weeks Crossing, and the intersections of Durham Road and Back River Road, Sixth Street and Indian Brook Drive, and Knox Marsh Road and Littleworth Road provided that the following requirements are met:

(a) Community SIGNs shall be a-frame/sandwich board type and no larger than six (6) square feet in area and no greater than three (3) feet in height.

(b) No more than three (3) permits shall be issued per location, per display period.

(c) Each week of the year shall constitute one display period. No APPLICANT will be issued a community SIGN permit for more than twelve (12) display periods per calendar year.

(d) Applications for community SIGN permits will be accepted by the Planning and Community Development Department only during the week prior to the display period. Applications will not be accepted in advance unless an entire calendar year's display schedule and payment of fees are submitted by the APPLICANT. Permits will be granted on a first-come, first-served basis.

(e) Applications must be signed by the property owner (APPLICANT or APPLICANT's landlord) and shall include:

(i) A certificate of insurance in the amount of one hundred thousand dollars ($100,000.00) (bodily injury/property damage) to ensure sufficient liability coverage of the APPLICANT.

(ii) A hold-harmless certification letter to relieve the City of Dover from bodily injury and property liability.

(f) A display period sticker will be issued with the community SIGN permit and shall be affixed to the lower right corner of the SIGN face.

170-33. FENCE Review and Regulations. **[Amended on 02-17-99 by Ord. No. 25-98; 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 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 06-22-2016 by Ord. No. 2016.06.08-010.]**

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 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. HEIGHT is measured from ground level.

B. FENCE design.

(1) The finished side of a FENCE shall face outward from the property on which the FENCE is located. The side of a FENCE containing the posts or poles and other bracing appurtenances shall face inward to the property being FENCED in or on which the FENCE is located. When erected on a property or LOT boundary line, all of the FENCE and any of its supporting STRUCTUREs or appurtenances shall be contained within the LOT or property of the person erecting said FENCE.

(2) On a CORNER LOT, no FENCE or vegetal elements shall be erected or placed in such a manner(s) as to materially impede vision between that area bounded by the STREET lines of such CORNER LOT and a straight line joining points along said STREET lines thirty (30) feet from the point to the intersection. For CORNER LOTs that are located on the inside curve of STREETs and at intersections that are not perpendicular, adequate and safe sight distances in both directions, as determined by the Zoning Administrator, shall be provided. Property owners shall maintain vegetation such that it does not grow to limit site distance.

C. Exceptions. The provisions described in Subsection A shall not apply in the ~~Industrial (I-2)~~Commercial Manufacturing (CM)~~, Restricted Industrial (I-1)~~, ~~Thoroughfare Business (B-3)~~Commercial (C), Central Business (CBD), Gateway (G) OFFICE (O), and Cochecho Waterfront (CWD) Zoning Districts, or whenever the ZONING BOARD OF ADJUSTMENT, as a condition attached to the granting of a variance or special exception to this Chapter, requires for screening purposes a FENCE exceeding eight (8) feet.

170-34 through 170-38 (Reserved).

ARTICLE XI

NONCONFORMING LOTS, USES AND STRUCTURES

170-39. Nonconforming LOTs. [Amended on 6-10-87 by Ord. No. 13-87; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]

In any district, STRUCTURES which are allowed by right, but not STRUCTURES that are allowed by special exception, may be erected on any nonconforming LOT of record even though such LOT fails to meet the requirements for area width or FRONTAGE. See 170-14 for exceptions to the dimensional regulations. Further, yard dimensions and requirements other than those applying to area, width and FRONTAGE shall conform to the regulations for the district in which the LOT is located.

170-40. NONCONFORMING USEs of Land. [Amended on 08-01-90 by Ord. No. 8-90; Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]

Where, at the time of passage of this Chapter, lawful use of land exists which would not be permitted by the regulations imposed by this Chapter, the use may be continued so long as it remains otherwise lawful, provided that:

A. No such NONCONFORMING USE shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Chapter with the exception of a single-family STRUCTURE. Said single-family STRUCTURE may be expanded up to twenty percent (20%) of its gross habitable floor space provided the addition conforms with all other applicable regulations and ordinances and no additional units are created.

B. No such NONCONFORMING USE shall be moved, in whole or in part, to any portion of the LOT or parcel other than that occupied by such use at the effective date of adoption or amendment of this Chapter.

C. If any such NONCONFORMING USE of land ceases for any reason for a period of more than twelve (12) consecutive months or for twenty-four (24) months during any three (3) year period, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located.

D. No additional STRUCTURE not conforming to the requirements of this Chapter shall be erected in connection with such NONCONFORMING USE of land with the exception of ACCESSORY STRUCTUREs associated with a single-family house provided they comply with all other applicable City ordinances and regulations.

E. The above notwithstanding, if a LOT meets the requirements of 170-14, any additions or ACCESSORY STRUCTUREs may be allowed to meet the SIDE YARD SETBACKs outlined therein.

170-41. Nonconforming STRUCTUREs. [Amended on 08-01-90 by Ord. No. 8-90; Amended on 02-17-99 by Ord. No. 25-98; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]

Where a lawful STRUCTURE exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, LOT COVERAGE, HEIGHT or yards, its location on the LOT or other requirements concerning the STRUCTURE may be continued so long as it remains otherwise lawful, subject to the following:

A. Except as provided for in 170-40.A and 170-41.D, no such nonconforming STRUCTURE may be enlarged or ALTERed in a way which increases its nonconformity, but any STRUCTURE or portion thereof may be ALTERed to decrease its nonconformity.

B. A BUILDING or STRUCTURE nonconforming either in terms of use or BULK may be restored to its former BULK if destroyed by fire, other hazard or if it is determined by the BUILDING OFFICIAL to be a hazard to persons or BUILDINGS abutting it, provided that restoration of the STRUCTURE is begun within twelve (12) months after the act of destruction. All such STRUCTUREs in use at the time of destruction for agricultural purposes shall be exempt from the provisions of this subsection, provided that such reconstruction, ALTERATIONs or repairs are in compliance with the provisions of subsection A.

C. Should such STRUCTURE be intentionally moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Additions to nonconforming single-family STRUCTUREs, that were made nonconforming by a zoning amendment that changed the front, side or REAR SETBACK requirements, shall be permitted within the front, side or REAR SETBACK areas provided that the addition is no closer to the LOT LINE than the existing nonconforming STRUCTURE, and no closer than ten (10) feet from the LOT LINE.

170-42. Repairs and Maintenance. [Amended on 08-22-2018 by Ord. No. 2018.08.08-009]

On any nonconforming STRUCTURE or portion of a STRUCTURE containing a NONCONFORMING USE, ordinary repairs may be made, subject to the following provisions: if a nonconforming STRUCTURE or portion of a STRUCTURE containing a NONCONFORMING USE becomes physically unsafe or unlawful due to lack of repairs and maintenance and is so declared by the Housing Standards Board to be unsafe or unlawful by reason of physical condition, an owner shall be able to restore, repair or rebuild it within six (6) months of said determination, in its existing location, unless an extension is granted by the Housing Standards Board. Otherwise, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. Any duly authorized

official charged with protecting the public safety may rightfully order a STRUCTURE to be secured to a safe condition.

170-43. Uses Permitted by Special Exception.

Any use which is permitted as a special exception in a district under the terms of this Chapter (other than a change through the ~~PLANNING BOARD of Adjustment~~Zoning Board of Adjustment action from a NONCONFORMING USE to another use not generally permitted in the district) shall not be deemed a NONCONFORMING USE in such district, but shall without further action be considered a conforming use.

ARTICLE XII

OFF-STREET PARKING AND LOADING

170-44. Applicability. **[Amended on 9-24-80 by Ord. No. 15-80; Amended on 3-30-83 by Ord. No. 5-83; Amended on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No. 8-90; Amended on 11-13-96 by Ord. No. 19-96; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]**

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

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

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 shall be provided and maintained.

C. In CBD/CWD municipal parking facilities may be substituted for the requirements of this Section.

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

170-45. Reserved. **[Removed on 12-2009-2009 by Ord. No. 2009.09.09-15.]**

170-46. Reserved. **[Removed on 06-22-2016 by Ord. No. 2016.06.08-010]**

ARTICLE XIII

ADMINISTRATION

170-47. Administrative Officer. **[Amended 12-09-2009 by Ord. No. 2009.09.09-15]**

A. This Chapter shall be enforced by the Zoning Administrator, who shall have the authority to make inspections necessary to carry out his/her duties in the enforcement of this Chapter.

B. The Building Inspector shall not approve an application or issue a BUILDING permit or CERTIFICATE OF OCCUPANCY for any purpose, except in compliance with the provisions of this Chapter.

170-48 – 170-150. Reserved. [Removed on 12-09-2009 by Ord. No. 2009.09.09-15]

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.

170-52. ZONING BOARD OF ADJUSTMENT. [Amended on 9-24-80 by Ord. No. 15-80; Amended on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No.8-90; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]

A. Purpose. The purpose of the ZONING BOARD OF ADJUSTMENT is to hear and decide appeals of any person(s) who are aggrieved by the administration, enforcement and application of this Chapter.

B. Authority. The ZONING BOARD OF ADJUSTMENT shall be duly constituted and shall have such duties and powers as specified under RSA 673:3 and 674:33 and this Chapter as set forth herein.

C. Powers and duties.

(1) Powers. The ZONING BOARD OF ADJUSTMENT shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made ~~by the~~ in the enforcement of this Chapter (interpretation of ordinance).

(b) To hear and decide special exceptions to the terms of this Chapter upon which the ZONING BOARD OF ADJUSTMENT is required to pass under this Chapter (special exception).

(c) To authorize, upon appeal in specific cases, such variance from the terms of this Chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Chapter will

result in unnecessary hardship and so that the spirit of this Chapter shall be observed and substantial justice done (variance).

(d) To hear and decide requests for equitable waivers from the dimensional terms of this Chapter upon where a STRUCTURE has been found to be in violation of said dimensional requirement.

(2) Interpretation of Chapter.

(a) On appeal from an order or decision made by any officer or board of the City, the ZONING BOARD OF ADJUSTMENT shall have the power to decide any of the following questions:

(i) Determination of the meaning of any provision of the text of this Chapter.

(ii) Determination of the exact location of any district boundary shown on the Zoning Map.[****]

(iii) ZONING BOARD OF ADJUSTMENT shall hear and decide appeals de novo and review on appeal any order, requirement, decision or determination made in the enforcement or application of this Chapter. Upon such appeal, the ZONING BOARD OF ADJUSTMENT may, in accordance with the provisions of this Chapter, reverse or affirm, wholly or partly, or may modify any such order, requirement or decision, as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(3) Special exceptions. ZONING BOARD OF ADJUSTMENT shall have the power to hear and decide on application for special exceptions. In applying a special exception, the APPLICANT need not demonstrate hardship, since the basis for the action is of general benefit to the city as a whole. In granting a special exception, the ZONING BOARD OF ADJUSTMENT, with due regard to the nature and condition of all adjacent STRUCTUREs and uses and the district within which the same is located, shall find all of the following general conditions to be fulfilled:

(a) The requested use is essential or desirable to the public convenience or welfare.

(b) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

[****] Said Zoning Map in on file in the office of the City Clerk, where it may be examined during regular business hours.

(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.

(d) Any special exception which has not been acted upon in accordance with the approval of the ZONING BOARD OF ADJUSTMENT within four (4) years of the date of said approval shall be considered null and void.

(4) Variances.

(a) The ZONING BOARD OF ADJUSTMENT may authorize a variance from the terms of this Chapter for:

(i) A particular use.

(ii) A parcel of land.

(iii) An existing/proposed BUILDING.

(b) Said variance shall only be granted where unusual difficulty or special hardship would be imposed by the literal application and rigorous enforcement of this Chapter.

(c) In granting variances, the ZONING BOARD OF ADJUSTMENT, if it deems it proper to the carrying out of the intent and purpose of this Chapter, may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purpose of the Chapter.

(d) Any variance which has not been acted upon in accordance with the approval of the ZONING BOARD OF ADJUSTMENT within four (4) years of the date of said approval shall be considered null and void.

(5) Other requirements. The granting of any appeal by the ZONING BOARD OF ADJUSTMENT shall not exempt the APPLICANT from any provision of this Chapter not specifically ruled upon by the ZONING BOARD OF ADJUSTMENT or specifically set forth as excepted in this particular case from a provision of this Chapter. It shall be unlawful for any owner or person to reconstruct, convert or ALTER a STRUCTURE or change the use, increase the intensity of use or extend or displace the use of any BUILDING, other STRUCTURE or LOT or change any required limitations or special conditions imposed by the ZONING BOARD OF ADJUSTMENT in authorizing a special exception or variance without appealing to the ZONING BOARD OF ADJUSTMENT as a new case, over

which the ZONING BOARD OF ADJUSTMENT shall have complete administrative power to deny, approve or modify.

(6) Public Hearing. The ZONING BOARD OF ADJUSTMENT shall fix a reasonable time for the hearing of an appeal in accordance to its By-Laws; and before any hearing is given either on an appeal or an application for variance or special exception of this Chapter, notice shall be given to all ABUTTERs of any portion of the LOT in question. Notice shall be given to ABUTTERs by ~~certified mail~~Verified Mail, and also placed in a newspaper of general circulation, not less than five (5) days before the date fixed for the hearing of the appeal. The costs of any notice shall be paid by the appellant or APPLICANT to the Department of Planning and Community Development

D. Appeal from the decision of the ZONING BOARD OF ADJUSTMENT.

(1) Rehearing. Within thirty (30) days after any order or decision of the ZONING BOARD OF ADJUSTMENT, any party to the action or proceedings or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding or covered or included in the order, specifying in the motion for rehearing the grounds therefor; and the ZONING BOARD OF ADJUSTMENT may grant such rehearing if, in its opinion, good reason therefor is said in such motion.

(2) Appeal to Superior Court. No appeal from any order or decision of the ZONING BOARD OF ADJUSTMENT shall be taken unless the appellant shall have made application for rehearing as provided above, and when such application shall have been made, no ground set forth herein shall be urged, relied on or given any consideration by the Court, unless the Court for good cause shown shall allow the appellant to specify additional grounds. Within thirty (30) days after the application for a rehearing is denied or, if the application is granted, then within thirty (30) days of the decision on such rehearing, the APPLICANT may appeal by petition to the Superior Court.

170-53. Amendment Procedure. **[Amended on 12-09-2009 by Ord. No. 2009.09.09-15]**

A. Power to Amend. In accordance with RSA 674:16, the City Council may, from time to time, amend the provisions of this Chapter.

B. Initiation of Amendments. Amendments may be initiated by the City Council, the PLANNING BOARD, or by petition from one or more property owners in Dover or citizens of Dover.

C. Procedure for Consideration of a Proposed Amendment.

(1) Amendments Initiated by the PLANNING BOARD. The PLANNING BOARD may, upon its own initiative, from time to time, consider amendments to this Chapter or Zoning Map, and submit recommendations for amendments to the City Council. Such amendments shall be developed pursuant to the public notice and hearing requirements contained in Section D below.

(2) Amendments Initiated by the City Council. The City Council may, upon its own initiative, from time to time, consider amendments to this Chapter or Zoning Map. All such City Council initiated amendments shall be referred to the PLANNING BOARD for its review and study. The referral shall be made in writing by the Mayor. The PLANNING BOARD shall, after following the public notice and hearing requirements contained in Section D below, submit written recommendations regarding the amendments to the City Council within sixty (60) days of their referral.

(3) Amendments Initiated by Dover Citizens or Property Owners. Dover citizens or owners of property in Dover submitting amendments to this Chapter or Zoning Map, shall forward their proposed amendments to the PLANNING BOARD for its consideration and recommendation. Such submission shall contain the information required by Section E below. The PLANNING BOARD shall have the petition placed on the agenda for its next regularly scheduled meeting that proper notice, as required in Section D below, can be met. After the public hearing, the PLANNING BOARD shall make its recommendations concerning the petitioned amendments to the City Council within sixty (60) days of the date of the initial public hearing.

D. Public Notice and Hearing Requirements.

(1) Public Notice. Public notice shall be given for the time and place of the public hearing at least ten (10) days before the hearing, not including the day the notice is posted or published or the day of the public hearing. Notice of the public hearing shall be placed in a newspaper of general circulation in the city and shall be posted in at least three (3) public places, including the City web-site.

(2) Notice to Landowners and ABUTTERs. Except as hereinafter provided, a letter of notification shall be sent to landowners whose property lies within that area affected by the proposed amendment and to landowners whose property lies within one hundred (100) feet of the subject area. All such notices shall be by first class mail and shall be sent at least ten (10) days prior to the scheduled public hearing date.

(3) Text of Notice. All letters of notification and public notices shall state the time and place of the public hearing, the nature of the amendment, a general

description of the property involved, where applicable, and designating a place where the full text of the amendment is on file for public inspection.

E. Submission Requirements for Petitioned Amendments.

A petitioned amendment proposal shall be accompanied by maps, data and narrative information describing the location, nature and purpose of the proposed amendment, as follows:

(1) A properly drafted ordinance containing the amendment in a form meeting the requirements of the City Clerk;

(2) A statement of the purposes and intent of the proposed amendment

(3) A statement of the impact of the proposed amendment on the City's economy, environment, municipal services, municipal facilities and NEIGHBORHOODs;

(4) A map showing the existing zoning districts and the amendments to these districts as proposed in the amendment, if applicable;

(5) The names, addresses, and telephone numbers of those submitting the petition and of any agents or representatives of the same;

(6) A list and address labels including the name, address, and tax map number of each property owner of the area proposed for rezoning and each property owner within one hundred (100) feet of the subject area. The list shall be current within ten (10) days of submittal; and

(7) A non-refundable fee as contained within the Fee Schedule to cover the cost of the newspaper notice, and a non-refundable fee as contained within the Fee Schedule per landowner and ABUTTER required to be notified per Section D (2).

F. Criteria for PLANNING BOARD Review of Proposed Amendments.

The PLANNING BOARD shall provide to the City Council a report on each proposed amendment. The report of the PLANNING BOARD shall include the PLANNING BOARD's findings and recommendations on the following:

(1) The consistency of the proposed amendment with the Master Plan;

(2) The consistency of the proposed amendment with other plans, studies, or technical reports prepared by or for the PLANNING BOARD and the City;

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

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

(5) The effect of the proposed amendment on NEIGHBORHOOD including the extent to which nonconformities will be created or eliminated;

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

(7) 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.

G. City Council Action on Proposed Amendments.

(1) Setting a Hearing Date. Upon receipt of the PLANNING BOARD's report and recommendations on the proposed amendment, or upon the expiration of the sixty (60) day study period, the City Council shall establish a date for a public hearing and shall further publish and post a notice of such hearing as specified in Section D.

(2) Wavier of Notice. In the event that the proposed amendment is comprehensive in nature, the aforementioned provisions requiring notice by first class mail to individual landowners and ABUTTERs may be waived by a majority vote of the full City Council, with respect to the public hearing to be held before it. An amendment shall be deemed to be comprehensive in nature if it affects more than one (1) of the zoning districts established by 170-7 of this Chapter. Under no circumstances may the provisions for publication of notice in a newspaper or posting of public notice contained in Section D.(1) of this section be waived.

(3) Action on the Proposed Amendment. After holding the duly noticed public hearing on a proposed amendment, the City Council shall approve or disapprove the amendment. The City Council shall not have the right to overrule the PLANNING BOARD recommendations unless by a vote of not less than two/thirds (2/3) of its membership present and voting.

(4) Protest Petition. If a valid protest petition, in accordance with RSA 675:5, has been filed against a proposed amendment, a favorable vote of two-thirds (2/3) of the City Council members present shall be required