

CITY OF DOVER, N.H. ZONING ORDINANCE

ORDINANCE 10-63

CORRECTED TO: 6-30-1976

ZONING ORDINANCE

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THE CITY OF DOVER ORDAINS:

TO AMEND CHAPTER 14 OF THE REVISED ORDINANCES OF THE CITY OF DOVER BY STRIKING ALL AFTER THE TITLE AND INSERTING IN PLACE THEREOF THE FOLLOWING PROVISIONS.

ARTICLE I. TITLE, AUTHORITY, PURPOSE, REPEALER, PRECEDENCE, INTERPRETATION SEVERABILITY, APPLICATION AND DATE OF EFFECT.

Section 1.1 TITLE. This ordinance shall be known as the Dover Zoning Ordinance.

Section 1.2 AUTHORITY. This Ordinance is adopted under the authority of New Hampshire Revised Statutes Annotated 1955, Chapter 31, Sections 60 through 89 and Chapter 36, Section II.

Section 1.3 PURPOSE. This ordinance is adopted for the purpose set forth in the above noted New Hampshire Revised Statutes Annotated, Chapter 31, Section 62.

Section 1.4 REPEALER. All Ordinances or sections of ordinances inconsistent with this Ordinance are hereby repealed.

Section 1.5 PRECEDENCE. Whenever the regulations established under this Ordinance differ from those prescribed by any ordinance or other regulation, the provisions of this Ordinance shall control.

Section 1.6 INTERPRETATION. In its interpretation and application, the intent of this Ordinance will be held to be the promotion of the public health, safety, comfort, convenience, general welfare and the maintenance of property values.

Section 1.7 SEVERABILITY. If any section, paragraph, subdivision, clause or provision of the Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

Section 1.8 APPLICATION. No building or land in the City of Dover shall hereafter be used or occupied and no building or part thereof shall be erected, moved or structurally altered except in accordance with the regulations specified herein.

Section 1.9 DATE OF EFFECT. This Ordinance shall be effective upon passage.

ARTICLE II. ZONING DISTRICTS.

Section 2.1 LIST OF DISTRICTS. The City of Dover is hereby divided into the classes of districts listed below;

AGRICULTURE.....A
LOW DENSITY RESIDENCER-1
MEDIUM DENSITY RESIDENCE.....R-2
MEDIUM DENSITY RESIDENCE.....R-2B

SECTION 2.1 LIST OF DISTRICTS. CON'T.

HIGH DENSITY RESIDENCE.....R-3
OFFICE..... O
NEIGHBORHOOD BUSINESS..... B-1
CENTRAL BUSINESS..... B-2
THOROUGHFARE BUSINESS..... B-3

RESTRICTED INDUSTRIAL..... I-1
INDUSTRIAL..... I-2

SECTION 2.2. ZONING MAP. The boundaries of zoning districts are hereby established as shown on the official Zoning Map, City of Dover, dated May 27, 1964* which with all explanatory matter thereon is hereby adopted in the office of the City Clerk of the City of Dover and shall have precedence over all other zoning maps of the City of Dover.

SECTION 2.3. DISTRICT BOUNDARIES. In determining the boundaries of districts shown on the map, the following rules shall apply:

- (a) Where district boundaries are along streets, waterways or railroad rights-of-way, such boundaries shall be constructed to follow center lines unless otherwise definitely depicted.
- (b) In all cases where a district boundary divides a lot in one ownership and not less than 50 percent of the area of such lot lies in the less restricted district, the regulations prescribed by this ordinance for the less restricted district may apply to the remainder of said lot up to a distance of not more than 50 feet from the district boundary, except that in no case shall such extension of the less restricted district be permitted closer than 100 feet to any street line in the more restricted district.
- (c) In all cases where a district boundary is located not further away than ten feet from a lot line of record, the boundary shall be construed to coincide with such lot line.

SECTION 2.4 DISTRICT REGULATIONS.

Two sets of regulations shall apply to all districts:

USE REGULATIONS.

BULK REGULATIONS.

ARTICLE III.

SECTION 3.1. USE REGULATIONS. The following table lists all of the uses allowed as a matter of right and those allowed with special provision in the various zoning districts. All uses permitted are subject to the regulations and provisions of other sections of this ordinance.

Y-- YES N--NO

	A	R-1	R-2	R-2B	R-3	O	B-1	B-2	B-3	1-1	1-2	R-4
<u>RESIDENTIAL</u>												
1-Family Res.	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N
2-Family Res.	N	N	Y	Y	Y	Y	N	N	N	N	N	N
3-4 Family Res.	N	N	Y	Y	Y	Y	N	N	N	N	N	Y
Multi-Family	N	N	N	14*	14	14	N	14	14	N	N	14
Rooming House	N	N	7*	N	7*	7*	N	7*	N	N	N	N
Mobilehome <i>PARK</i>	Y	N	N	N	N	N	N	N	N	N	N	N
<u>COMMERCIAL</u>												
Auto Service	N	N	N	N	N	N	N	N	N	N	Y	
Barber or Beauty shop	18*	18*	18*	N	18*	N	Y	Y	Y	N	N	
Banks	N	N	N	N	N	Y	Y	Y	Y	Y	N	
Com. Parking Facilities	N	N	N	N	Y	N	N	Y	N	Y	Y	
Com. Recreation Facilities	N	N	N	N	N	N	N	Y	Y	N	N	
Country Club	Y	N	N	N	N	N	N	N	N	N	N	
Drive-In Theaters	Y	N	N	N	N	N	N	N	N	N	N	
Eating and Drinking Est.	N	N	N	N	N	N	8*	8*	Y	N	Y	
Farm Produce	2*	N	N	N	N	N	N	N	N	N	N	
Fuel, Oil, Gas Storage	N	N	N	N	N	N	N	N	N	Y	Y	
Funeral Parlor	N	N	N	N	Y	Y	N	N	N	N	N	
Gas Service Station	N	N	N	N	N	N	N	N	15*	N	N	
Gravel Pit	Y	N	N	N	N	N	N	N	N	N	N	
Hotel	N	N	N	N	N	N	N	Y	Y	N	N	

SECTION 3.1 (USE REGULATIONS)

	<u>A</u>	<u>R1</u>	<u>R2</u>	<u>R2B</u>	<u>R3</u>	<u>O</u>	<u>B1</u>	<u>B2</u>	<u>B3</u>	<u>11</u>	<u>12</u>
<u>JUNK YARD</u>	10*	N	N	N	N	N	N	N	N	N	N
<u>LIQUOR STORE</u>	N	N	N	N	N	N	N	Y	N	N	N
<u>MOTEL</u>	N	N	N	N	N	N	N	Y	Y	N	N
<u>MOTOR VEHICLE JUNK YARD</u>	N	N	N	N	N	N	N	N	N	N	12*
<u>NEW CAR SALES PLACE</u>	N	N	N	N	N	N	N	Y	Y	N	Y
<u>OFFICES</u>	5*	5*	5*	5*	5*	Y	N	Y	Y	Y	Y
<u>OPEN STORAGE</u>	N	N	N	N	N	N	N	N	Y	19*	19*
<u>PER.SERV. EST.</u>	N	N	N	N	N	N	Y	Y	Y	Y	N
<u>REC. CAMPS</u>	Y	N	N	N	N	N	N	N	N	N	N
<u>RETAIL STORES</u>	N	N	N	N	N	N	Y	Y	Y	N	N
<u>SERVICE CLUB</u>	N	N	N	N	11*	Y	Y	Y	Y	N	N
<u>THEATRES</u>	N	N	N	N	N	N	N	Y	Y	N	N
<u>TRUCKING TERM.</u>	N	N	N	N	N	N	N	N	N	Y	Y
<u>USE CAR SALES PLACE</u>	N	N	N	N	N	N	N	9*	9*	N	Y
<u>WAREHOUSING</u>	N	N	N	N	N	N	N	N	N	Y	Y
<u>WHOLESALING</u>	3*	N	N	N	N	N	N	N	N	Y	Y
<u>INDUSTRIAL</u>											
<u>INDUSTRY</u>	N	N	N	N	N	N	N	N	N	N	Y
<u>LIGHT INDUSTRY</u>	N	N	N	N	N	N	N	N	N	Y	Y
<u>PUBLIC & SEMI-PUBLIC</u>											
<u>CHURCH</u>	Y	Y	Y	Y	Y	N	N	N	Y	N	N
<u>CLINIC</u>	Y	N	N	N	N	Y	N	N	N	N	Y
<u>HOSPITAL</u>	Y	N	N	N	N	Y	N	N	N	N	N
<u>NON PROF. ED. INSTITUTE</u>	Y	Y	Y	Y	Y	N	N	N	N	N	N
<u>NURSING HOME</u>	Y	N	N	N	Y	Y	N	N	N	N	N

SECTION 3.1. USE REGULATIONS

	<u>A</u>	<u>R-1</u>	<u>R-2</u>	<u>R-2B</u>	<u>R-3</u>	<u>O</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>1-1</u>	<u>1-2</u>
<u>PROFIT ED. INST.</u>	Y	5*	5*	N	5*	Y	N	Y	N	Y	N
<u>PUBLIC REC.</u>	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
<u>PUBLIC UTILITY</u>	Y	13*	13*	13*	13*	13*	13*	13*	13*	Y	Y
<u>AGRICULTURE:</u>											
<u>GENERAL FARMING</u>	Y	N	N	N	N	N	N	N	N	N	N
<u>GREENHOUSES</u>	Y	6*	6*	N	N	N	N	N	Y	N	N
<u>ACCESSORY:</u>											
<u>ACCESSORY USE</u>	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
<u>SWIMMING POOL</u>	4*	4*	4*	4*	4*	4*	4*	4*	4*	4*	Y
<u>OPEN STORAGE</u>	N	N	N	N	N	N	N	N	N	19*	19* (Ord. 23-7)
<u>PUBLIC & SEMI PUBLIC COUNTY BLDG.</u>	Y	N	N	N	N	Y	N	Y	N	N	N (Ord. 24-72)

1A* Mobile Home Parks shall be permitted only as a Special Exception to be granted by the Zoning Board of Adjustment subject to the following conditions;

1. The proposed mobile home park must conform to the Mobile home Ordinance;
2. The plans for the proposed mobile home park must have been granted preliminary approval by the Dover Planning Board;
3. A determination by the Zoning Board of Adjustment that the proposed mobile home park is in conformance with the general character of developed land uses within the neighborhood;
4. A determination by the Zoning Board of Adjustment that the proposed mobile park will not adversely affect overall land values in the neighborhood;
5. A determination by the Zoning Board of Adjustment that the proposed mobile home park will not result in the creation of hazardous traffic conditions.

- 1B* Individual mobile homes shall be permitted on individual lots only in duly licensed mobile home parks which have been established in accordance with the provisions of footnote 1A* above. There is no need to apply to the Zoning Board of Adjustment for the placement of mobile homes in a duly licensed mobile home park. Existing individual mobile homes on individual lots outside of a mobile home park shall have the status of a non-conforming use. (Ord. 14-76'6-23-76)
- 2* If at least 75% of the produce offered for sale is raised on the farm on which it is sold.
- 3* If storage of farm products.
- 4* SWIMMING POOLS. Pools used for swimming or bathing shall be in conformity with the following requirements;

1. FENCING. Every outdoor swimming pool shall be completely surrounded by a fence or wall not less than four feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension shall not exceed four inches.

A dwelling house or accessory building may be used as part of each enclosure.

2. GATES All gates or doors opening through such enclosure shall be equipped with a self closing and self latching device for keeping the gate 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.
3. APPLICABILITY. The requirements of this code 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 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.
4. 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 therefor, provided 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.
5. STATE REQUIREMENTS. Swimming pools shall conform to all requirements of the New Hampshire Department of Health and Welfare.
6. 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.
(ORDINANCE 10/72 - ADOPTED July 26, 1972)

5* If customary home occupation.

6* If an accessory use to a residence and provided that the use shall not constitute a nuisance to any adjacent property.

7* For the renting out of not more than five rooms to not more than ten persons.

8* If fully enclosed with no drive-in service.

9. If an accessory use to a franchised new car dealership.

- 10* In agricultural districts the use of land for the establishment and operation of a junk yard may be permitted by the Zoning Board of Adjustment as a Special Exception. Prior to granting such Special Exception the Zoning Bd. of Adjustment shall advertise and hold a public hearing concerning such application for such Special Exception at which Public Hearing any person having interest in such application shall be permitted to speak concerning such application. Following said public hearing the Zoning Bd. of Adjustment may deny such application for Special Exception or may grant such application subject to such conditions as the Board shall determine are necessary for the protection of property values in the vicinity of the proposed use. Said conditions may include but need not be limited to the provision of adequate and properly maintained screening around land so used.
- 11* If said service club does not involve the sale or consumption of alcoholic beverages on the premises.
- 12* If completely surrounded by a solid fence or wall not less than seven feet in height and if no part of the yard is located less than two hundred feet from the near right of way of any road.
- 13* If a utility substation necessary to serve the needs of the area fenced for public safety, landscaped if necessary to be in keeping with the surrounding area.
- 14* Provided that the lot upon which such multi-family residence is constructed in an R-3 Office, or B-2 zone shall contain at least 2,000 sq. feet of lot area for each dwelling unit contained in the multi-family residence. In R-2B zones, the lot upon which such multi-family residence is to be constructed shall contain at least 4,000 sq. feet of lot area for each dwelling unit contained in the multi-family residence. All rights of way shall be deleted from the lot area when calculating the maximum permitted number of units. In R-4 zones, the lot upon which such multi-family residence is to be constructed shall contain at least 600 sq. feet of lot area for each dwelling unit contained therein.

Note: The provisions of this section shall not apply to any subdivision previously approved by the Planning Board, nor to any subdivision application on file with the Planning Board Office as of August 17, 1972.

- 15* In thoroughfare Business (B-3) District, the use of the land for a gasoline service station may be permitted by the Zoning Bd. of Adjustment as a "Special Exception". Prior to granting such special exception the Zoning Bd. of Adjustment shall advertise and hold a public hearing concerning each application for such special exception at which public hearing any person having interest in such application shall be permitted to speak concerning such application. Following said public hearing, the Zoning Bd. of Adjustment may deny such application for special exception or may grant such application subject to such conditions as the Board may determine are necessary for the protection of property values in the vicinity of the proposed use.

Ord. 3-74 (Adopted 2/25/74) Amended this footnote by adding the following: Any gasoline service station which discontinues operations for a period in excess of ninety (90) days shall be required to file a new application for special exception with the Zoning Board of Adjustment before recommending operations

15* CONT.

Such conditions may include but need not be limited to the provision of adequate and properly maintained screening around land so used.

- 16* In Thoroughfare Business (B-3) districts, the use of the land for for multi family housing may be permitted by the Zoning Board of Adjustment as a "special exception" after public hearing. In acting upon an application for a special exception, the Board of Adjustment shall take into consideration whether:
- a. The specific site is an appropriate location for the use of structure;
 - b. The use will be detrimental, injurious, noxious or offensive to the neighborhood.
 - c. The use will create undue nuisance or serious hazard to vehicular or pedestrian traffic;
 - d. Adequate and appropriate facilities will be provided to insure the proper operation of the proposed use or structure; and
 - e. The proposed use or structure is consistent with the spirit and intent of the Zoning Ordinance.
- 17* It may be permitted as a special exception by the Zoning Bd. of Adjustment providing the following conditions are met;
- a. If such use is a reasonable use of the land.
 - b. Not more than twenty (20) acres shall be utilized for any one building and necessary allied uses such as parking space.
 - c. Such use is not objectionable to adjoining properties.
 - d. Shall not result in depreciation in value of surrounding properties.
 - e. Is within the spirit and intent of the ordinance.
 - f. Adequate water, sewer and utility services are available.
 - g. Adequate vehicular access. (Ord. 24-72)
- 18* May be permitted in this district as a special exception by the Zoning Board of Adjustment subject to the following conditions:
- a. No more than one (1) operator's chair is permitted.
 - b. No assistants are to be employed; and all operators are to be members of the immediate family who reside in the home.
 - c. All other standards established, except #2 for customary Home Occupations are complied with (11 pg. 22 of the Zoning Ordinance).

19* Open storage of raw materials and finished goods is permitted provided:

1. That any necessary safety precautions have been implemented to prevent spilling, evaporation, falling, flying through the air or other occurrence which might endanger the health, property or safety of the general public without the confines of said storage area, and
2. These items are screened from outside view by a solid fence or wall and gate at least six feet in height, or a solid wall of evergreens are to be of vertical habit and are to be maintained.

The elevation of items in open storage shall not be greater than the elevation of the top of any screening fence or wall.
(Adopted November 14, 1973)

AGRICULTURE (A)

The intent of this zone is to establish an area within the bounds of the City of Dover in which the activities of general farming may be pursued. Other uses permitted within this zone shall be so regulated as to preclude their interference with this primary purpose of this zone.

LOW DENSITY RESIDENCE (1)

The intent of this zone is to establish an area within the bounds of the City of Dover wherein those conditions best suited to a low density residential atmosphere shall be encouraged. This restriction shall be achieved by limiting the use of the land to single family dwellings surrounded by sufficient land to meet the other requirements of the ordinance.

MEDIUM DENSITY RESIDENCE (R-2)

The intent of this zone is to establish areas within the bounds of the City of Dover wherein a greater density of land use shall be permitted than in a single family residence district but which density shall be controlled. It is further intended to encourage in this area those conditions most beneficial to a residential atmosphere.

MEDIUM DENSITY RESIDENCE (R-2B)

The intent of this zone is to establish areas within the bounds of the City of Dover wherein a greater density of land use shall be permitted than in a single residence district but which density of land use shall be so controlled as to afford maximum protection to adjacent low density residence areas. It is further intended to encourage in this area those conditions most beneficial to a residential atmosphere.

HIGH DENSITY RESIDENCE (R-3)

The intent of this zone is to establish an area within the bounds of the City of Dover wherein those conditions most beneficial to a residential atmosphere will be encouraged but wherein a high density use of land will be permitted.

OFFICE (O)

This zone is established with the intent of meeting the need within the City of Dover for an area in which professional and business offices may be established and in which the proper atmosphere for such office use may be maintained.

NEIGHBORHOOD BUSINESS (B-1)

The intent of this zone is to establish areas within the bounds of the City of Dover wherein certain restricted business uses designed to serve the neighborhood area within which they fall may be permitted.

CENTRAL BUSINESS DISTRICT (B-2)

The intent of this zone is to establish an area within the City of Dover wherein a wide diversity of services may be provided with

as dense a use of land as is conversant with the requirements of health safety. The further intent of this zone is to encourage such uses as shall be mutually beneficial.

THOROUGHFARE BUSINESS (B-3)

This zone is established with the intent of meeting the needs of certain types of business activities for proximity to major traffic routes and large areas of parking.

RESTRICTED INDUSTRIAL (I-1)

The intent of this zone is to establish areas within the City of Dover wherein certain select industrial uses not involving outside storage may be permitted under such conditions as shall minimize adverse effects upon adjacent properties.

INDUSTRIAL I-2.

It shall be the intent of this zone to establish an area within the City of Dover wherein industrial uses not otherwise permitted within the City may be established. Such uses shall not be construed to include any use which by noise, odor, glare or other nuisance factor shall have an unduly adverse effect upon adjacent property. It is further the intent of this zone to restrict uses within the zone to such as shall most favor the establishment and industrial uses providing employment and reasonable reimbursement for the citizens of Dover.

URBAN DENSITY RESIDENCE (R-4)

The intent of this zone is to establish a section within the bounds of the City of Dover wherein high rise residential structures can be erected in Urban Renewal Projects located in the Downtown Area." (May 22/74)

ARTICLE IV. BULK REGULATION

DISTRICT	MIN. LOT SIZE (1) AREA LOT IN SQ. FT.	WIDTH	FRONT	REAR	MIN. SIDE YARDS:			MAX. COV. OF LOT	MAX FLOOR RATIO	MAX HEIGHT RATIO
					ABUTT	ABUTT	ABUTT			
A-AGRICULTURE	10,000	100	20	15	12	20	10%	.1	0.4	
R-1 LOW DENSITY RESIDENCE	10,000	100	20	15	12	20	30%	.2	.6	
R-2 MED. DENSITY RESIDENCE	8,000	80	15	12	10	15	40%	.5	0.8	
R-2B MIN LOT SIZE	20,000 (4)	150	25	20	20	25	40%	.5	0.8	
R-3 HIGH DENSITY RESIDENCE	6,000	60	12	10	10	12	50%	1.0	1.5	
R-4 URBAN DENSITY HOUSING	6,000	60	12	10	10	12	50%	1.0	1.5	
O-OFFICE	10,000	100	12	15	10	12	50%	2.0	2.0	
B-1 NEIGHBORHOOD BUSINESS	10,000	100	15	15	10	15	50%	0.5	0.6	
B-2 CENTRAL BUSINESS	_____	_____	_____	12	_____	_____	70%	2.0	2.0	
B-3 THOROUGHFARE BUSINESS	10,000	100	20	15	12	20	50%	1.0	0.6	
I-1 RESTRICTED INDUSTRY	20,000	100	25	25	15	25	50%	1.0	1.0	
I-2 INDUSTRY	10,000	100	15	15	12	15	50%	2.0	2.0	

ARTICLE IV. BULK REGULATIONS (FOOTNOTES CON'T)

- 1) Except that in any district where municipal sewer and water facilities are not available within the distance wherein it is mandatory to tap into the sewer and water system, no residential structure shall be permitted to exist on a lot less than 20,000 sq. ft. in an area consisting of gravel or sandy subsoil, nor less than one acre in an area consisting of clay subsoil. In any district where municipal sewer facilities are not available but municipal water facilities are available, no residential structure shall be permitted to exist on a lot less than 20,000 sq. ft. in area except that where a percolation rate of three minutes or less is established, the minimum lot size shall be 15,000 sq. ft. and

Except that the erection of a building for any purpose in districts where such purpose is permitted shall not be prohibited on a lot, the status of which on passage of this ordinance was as follows:

- a) No adjacent property was owned by the owner of such land.
 - b) It has a minimum area of 5,000 sq.ft. and a minimum width of 50 ft. In such cases the following side yard restrictions shall apply: A/ For a lot with a width less than 100 ft. but at least 75 feet, the minimum side yard shall be eight (8) ft. B/ For a lot with a width less than 75 ft. but at least 50 feet, the minimum side yard shall be six (6) ft.
- 2) Except that where a non-residential district abuts a residential district, the minimum side yard requirement shall be 20 feet unless a greater distance is specified in this table. And except that in subdivisions the required lot width shall be measured across the foremost point of that face of the building nearest the street and between points equidistant from the street line. Minimum street frontage at the street line shall be sixty (60) feet.
 - 3) Provided that no side yard abutting a street shall measure less than the required front yard of lots fronting on said street.
 - 4) Except that a single family residence may be constructed within this area under the same bulk regulations as control in an R-1 low Density Residence District.

ARTICLE V. OFF STREET PARKING AND LOADING REQUIREMENTS.

SECTION 5.1. CONDITIONS. The following conditions shall apply to all parking and loading spaces provided in conformance with this ordinance.

- A. All spaces shall have a suitable graded surface, be drained and maintained in good usable condition.
- B. All required spaces in residential zones shall be upon or adjacent to the lot which they are designed to serve. In all other zones, such parking shall be provided within a 500 foot radius of the structure.
- C. Where a parking area is provided to serve two or more structures, the total number of spaces provided shall be not less than the sum of the individual total numbers of spaces required.
- D. Where parking spaces are provided for non-residential structures and this parking area adjoins a residential use, suitable screening at least seven feet in height shall be provided and maintained.
- E. Municipal parking lots shall not be substituted for the requirements of this section.

SECTION 5.2. OFF STREET PARKING REQUIREMENTS.

The following number of spaces shall be required according to the use of the structure. Each space shall be provided with adequate and maneuvering space. In thoroughfare Business Districts, access and egress ways shall be limited to not more than two ways, neither to exceed thirty five feet in width.

STRUCTURAL USE

PARKING REQUIRED

RESIDENTIAL:

Single family to four family	1 space per dwelling unit.
Multi family.....	1.5 spaces per dwelling unit.
Multi family public housing for the elderly.....	.3 spaces per dwelling unit.
Hotel or Motel.....	1 space per rental unit.
Hospital or nursing home.....	1 space per each four beds.
Theatre, church, auditorium	
Stadium or place of assembly.	1 space for each eight seats.
Restaurant or club	1 space for each 150 sq.ft. of gross floor area.
Mortuary or funeral home	8 spaces for each chapel with a minimum total of 10 spaces.

STRUCTURAL USE

PARKING REQUIRED

Non-Medical professional offices.

One and one-half spaces for each professional or one space for each 300 sq. ft. of gross floor area, whichever is greater.

Medical Office or Clinic.

Four spaces for each doctor or dentist or one space for each 300 sq. ft. of gross floor area, whichever is greater.

Warehousing or Wholesaling in enclosed building.

One space for each 1,000 sq. ft. of gross floor area.

Open storage.

One space for each 1,000 sq.ft. of lot devoted to such use.

Neighborhood Business Dist.

One sq.ft. of parking for each one sq. ft. of gross floor area.

Retail use in Thoroughfare Business District.

Three sq.ft. of parking for each one sq. ft. of gross floor area.

Industrial use in Industry district.

One space for each 500 sq.ft. of gross area.

SECTION 5.3 OFF STREET LOADING REQUIREMENTS.

USE - NUMBER OF LOADING BERTHS REQUIRED BY GROSS FLOOR AREA.

	<u>5,000-50 Sq. ft.</u>	<u>50,000-100,000</u>	<u>OVER 100,000 sq.ft.</u>
RETAIL TRADE	1	2	1 additional loading bay for ea. addition 50,000 sq. ft. of gross floor area or part thereof.
<u>WAREHOUSING OR WHOLESALING</u>	1	2	1 additional loading bay for each addition 50,000 sq.ft. of gross floor area or part thereof.
<u>ALL OTHER</u>	1 (May be included in driveway)	1	1 additional loading bay for each additional 50,000 sq. ft. of gross floor area or part thereof.

ARTICLE VI. STREET INTERSECTION AND OPEN SPACE REQUIREMENTS.

SECTION 6.1. STREET INTERSECTIONS.

At no street intersection in any district other than the central business, shall any obstruction to vision exceeding thirty inches in height hereafter be placed or permitted to grow on any lot within the triangle formed by the lot lines abutting the intersecting streets and the lane connecting points on these lot lines at a distance of twenty feet from the point of intersection of the lot lines.

At street intersections within the central business districts no obstruction to vision within ten feet of street grade shall be placed or permitted to grow on any lot within the triangle formed by the lot lines abutting the intersecting streets and the line connecting point on these lot lines at a distance of ten feet from the point of intersection of the lot lines.

No driveway shall be permitted within 25 ft. of any street intersection.

SECTION 6.2. OPEN SPACE REQUIREMENTS

A. For each bedroom of a multi-family (greater than four dwelling units) residential structure there shall be provided at least 100 sq.ft. of useable open space. Half of this required open 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 open 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. Efficiency apartments shall be counted on the basis of 50 sq. ft. per unit.

Projects which are designed not to contain children (i.e. housing for the elderly) may eliminate the active recreational component of this requirement.

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 accessory structure shall be permitted closer to the property lines of any lot than the required yard depths permits.

- (D) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building.

ARTICLE VII SIGNS

Accessory signs identifying each non-residential activity conducted on any lot shall be permitted in all office, business and industrial districts subject to the following limitations.

SECTION 7.1 GENERAL RESTRICTIONS. The following restrictions shall apply to all signs.

- 1) All signs shall be located upon the same lot as the uses which they identify, except within the Central Business District.
- 2) No roof sign shall be permitted to rise more than 10 feet from the roof line.
- 3) At least one of the two dimensions of a sign shall not exceed eight feet.
- 4) Signs on structures other than buildings shall not extend more than thirty (30) feet above ground level.
- 5) Any business use having frontage on more than one street shall be permitted the full sign area permitted by the two frontages with the restriction that the total sign area displayed on any one street shall not exceed that area permitted by the frontage on that street.
- 6) Notwithstanding any other provisions of this article, political signs may be displayed in any district of the city subject to the following conditions.
 - (a) The candidate of whose behalf such signs are displayed, or his representative, shall, prior to the place of any signs, obtain written permission from the property owner.
 - (b) Each candidate shall be responsible for his signs, and all must be removed with the exception of primary elections, within two weeks following the election.
 - (c) Any candidate failing to comply with above conditions will be subject to a fine not to exceed \$20.00 per sign.
 - (d) No sign in any district other than General District shall be larger than 4 feet x 4 feet.

SECTION 7.2 DISTRICT RESTRICTIONS

- (1) OFFICE. Each tenant shall be permitted to display a sign not to exceed ~~four~~ (4) square feet in area.
- (2) NEIGHBORHOOD BUSINESS. Each business shall be permitted to display signs totalling in area not more than one square foot for each foot of building frontage.
- (3) CENTRAL BUSINESS. Each street level business shall be permitted to display signs totalling in area not more than three (3) square feet for each foot of business frontage.

CON'T.

3. CENTRAL BUSINESS.

Each business located on other than the street level in the same building shall be permitted to display a sign not to exceed four (4) square feet in area for each one hundred (100) square feet of floor space occupied by said business. Such floor space shall not be construed to include public or common hallways or other facilities. Each business not located within the building on which its sign is placed shall be permitted to display a sign not to exceed four square feet in area.

4. THOROUGHFARE BUSINESS.

Each business shall be permitted to display signs totalling in area not more than three sq.ft. for each one foot of building frontage.

5. CUSTOMARY HOME OCCUPATIONS.

Each customary home occupation recognized as such by this Ordinance shall be permitted to display a sign not to exceed two square feet in size.

6. RESTRICTED INDUSTRIAL AND INDUSTRIAL.

Each industry shall be permitted to display signs totalling in area not more than three (3) square feet for each one (1) foot of building frontage.

SECTION 7.3 ILLUMINATION.

In office or Neighborhood Business Districts no flashing intermittent lighting or moving devices shall be permitted. In residential Districts no sign shall be illuminated except by a constant indirect source of lighting which source shall be shielded and shall illuminate only the sign. No sign in any office, neighborhood business or residential district shall be illuminated after nine (9) pm.

ARTICLE VIII. COMMERCIAL GRAVEL, SAND, LOAM OR TOPSOIL PITS.

SECTION 8.1. APPLICABILITY.

The provisions of this article shall be applicable to only those operations conducted for a commercial use, or in conjunction with commercial use, which cause the substances included beneath to be removed from the lot on which they are found.

CON'T.
SECTION 8.1

Operations under this article conducted by a public body shall be excluded only from the requirement that a permit be obtained. All other requirements shall apply.

SECTION 8.2 REQUIREMENTS.

No excavation and/or removal of soil, loam, sand, gravel or other similar substance from land in the City of Dover shall be permitted except under the following provisions.

- 1) Before any excavation is begun subsequent to the adoption of this ordinance, the owner or lessee of the property upon which excavation is to take place shall obtain a permit for such operations from the Zoning Enforcement Officer of the City of Dover. Such permit shall be issued upon receipt of an application including:
 - a. A detailed statement of the proposed work and the condition in which the property will be left upon completion of the work.
 - b. A map drawn to scale 1" equals 50' showing the boundary lines of the property, the bounds of the area upon which it is proposed to work and the location of any public roads or waterways passing through or adjacent to the property within a distance of twenty (20) feet.
 - c. A written statement from the Tax Collector of the City of Dover that all current taxes levied against the property have been paid in full and that there are no unreleased tax liens encumbering such property.
 - d. The equivalent of a surety company performance bond written by a company licensed to do business in the State of N.H. made out to the City of Dover in such amount as shall, in the reasonable judgement of the Zoning Enforcement Officer, be sufficient to insure compliance with the requirements of this section to a maximum of \$1,000 per acre. After such bond has been posted for a period of not less than five years, this requirement may be waived at the discretion of the Zoning Enforcement Officer.
 - e. A permit fee of \$25.00 payable in cash or by a certified check to the order of the City of Dover.
- 2) All permits shall expire one year from date of issuance.
- 3) During the operation of the excavation.
 - a. The applicant shall provide for proper drainage of the area to prevent stagnation and harmful effects upon adjacent properties.

- b. No excavation shall be permitted less than twenty feet from any lot line or public road.
- 4) UPON COMPLETION OF THE OPERATIONS, THE APPLICANT SHALL:
 - a. Permit no grade resulting from the operation to remain at a slope rising in excess of one foot of vertical height for each two feet of horizontal distance.
 - b. Grade and provide drainage for the denuded area to prevent the accumulation of stagnant water.
 - c. Sow all land denuded by such operations with a suitable cover crop.

SECTION 8.3 ENFORCEMENT.

All operations which in the opinion of the Enforcement Officer have remained substantially unworked for a period in excess of twelve months shall be deemed completed and all provisions required upon completion of such operations enforced.

ARTICLE IX. NON-CONFORMING USES.

SECTION 9.1 CONTINUANCE.

Any lawful use existing at the time of the passage of this Ordinance and which becomes a non-conforming use through the provisions of this ordinance may be continued subject to the following provisions:

- 1) Its use will not be changed to another substantially different non-conforming use.
- 2) The operations included in the non-conforming use will not be expanded to cover a floor area greater than that in use at the time of passage of this ordinance.
- 3) Any non-conforming use which occupies a structure and which use has been discontinued for a period in excess of two years shall be deemed forfeit of the right to continue non-conformance, unless the owner actively offers such structure for sale or rent.
- 4) A non-conforming use of lot or land whereon there is no consequential structure devoted to such use shall be considered abandoned and thereby forfeited of the right to continue non conformance, when the use has been discontinued for a period in excess of one year.
- 5) A building or structure non-conforming either in terms of use or bulk, may be restored to its former bulk if destroyed by fire or other hazard provided that:

- a. The structure was not destroyed to an extent requiring destruction of the remainder prior to reconstruction.
 - b. Restoration of the structure is begun within twelve months after the act of destruction.
- 6) No non-conforming use, if voluntarily destroyed or removed may be replaced by a non-conforming use.
- 7) No non-conforming use which has been voluntarily changed to a conforming use shall be permitted to return to a non-conforming use.

SECTION 9.2 BUILDING PERMIT ON FILE.

Nothing contained in this Ordinance shall require any change in the plans, construction or designated use of a building for which a valid building permit is on file with the Building Inspector at the time of the passage of this Ordinance and the construction of which shall have been deligently prosecuted within 90 days.

SECTION 9.3 CONVERSION OF EXISTING RESIDENTIAL STRUCTURES.

Notwithstanding the area requirements of this Ordinance, any dwelling existing at the time of passage of this Ordinance may be converted in a low density residential district to not more than two dwelling units in a Medium Density Residential District to not more than four dwelling units and a High Density Residential District to an unlimited number provided that:

- a. All required parking and play space areas shall be provided.
- b. The structure and lot shall provide the following minimum areas respective district.

<u>DISTRICT</u>	<u>#D.U.'s PERMITTED</u>	<u>MIN. FLOOR AREA/d.u.</u>	<u>MINIMUM LOT AREA PER DWELLING UNIT</u>
R-1 & A	2	500 sq. ft.	4,000 sq. ft.
R-2	4	300 sq. ft.	2,000 sq. ft.
Any other	___	300 sq. ft.	2,000 sq. ft.

ARTICLE X. ADMINISTRATION, FEES, ENFORCEMENT AND PENALTIES.

SECTION 10.1 ADMINISTRATION.

This ordinance shall be administered by the Building Inspector in his capacity as Zoning Enforcement Officer.

No building or structure or part thereof shall be erected, altered or moved, or land used without a permit from the Building Inspector issued upon application, stating that the plans and included use indicate that the building or use is to conform in all respects to the provisions of this ordinance.

1. No permit for erecting or remodelling any building or other structure will be issued until two copies of the plans and specifications and an estimate of the cost of such work has been submitted to and approved by the Building Inspector. One set of the approved plans will be filed in the Building Inspector's Office and the other approved set will be kept at the construction site for use during inspection by the Building Inspector.

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No premises or structures or part thereof which shall hereafter erected or altered wholly or partly, in use of structure or moved or the the open spaces of which shall be in any way reduced, shall be used until the Building Inspector shall have certified on the building permit, or in case none is required, shall have issued a certificate of occupancy specifying the use to which the premises or building may be put.

No permit shall be required for normal repairs and/or maintenance nor for remodelling where the total cost of such work, including materials, will not exceed four hundred dollars and where the use of the structure will not be changed.

"3. Building permits issued by the Building Inspector shall be void if proposed work is not commenced within ninety (90) days from the date the permit was issued. A building permit may be returned for cancellation to the Building Inspector prior to the expiration of the ninety (90) days from the date of issuance and the permit fee will be rebated upon request. No fee shall be rebated for a building permit returned for cancellation if the said ninety (90) day period has expired."

Section 2. Takes Effect - This ordinance shall be take effect upon passage.
Ordinance ~~21-76~~ (9-8-1976)

2. No permit for construction of building along existing roads shall be issued by the Building Inspector until the applicant has submitted site plans for review or driveway entrance surface drainage and other improvements as required in Chapter 19B of the City Ordinance.

SECTION 10.2 FEES. The fee for building permit to be paid by the applicant shall be determined as follows: A minimum fee of \$2.00 to which shall be added for estimated construction and alteration costs an amount to be determined from the following schedule:

From	\$0-50,000	\$2.00/1,000
Next	\$100,000	\$1.50/\$1,000
Next	\$300,000	\$1.00/\$1,000
Next	\$500,000	\$.50/\$1,000

The City of Dover and any entity thereof shall be excepted from payment of fees for building permits under this section.

3. SECTION 10.3 INSPECTIONS.

In order to carry out the purpose and provisions of the Ordinance,, the Building Inspector is hereby authorized to enter, examine and survey at all reasonable times and in an emergency at any time, all land and buildings in the City to inspect same for compliance with this ordinance. Upon refusal of a property owner to allow inspection of his property, the Building Inspector may seek a search warrant from proper authorities. The Building Inspector shall display proper and satisfactory identification prior to any demand for entry.

SECTION 10.4 ENFORCEMENT. It shall be the duty of the Building Inspector to strictly enforce all the provisions of this Ordinance. Upon written complaint of the Building Inspector, the Police Department shall enforce this Ordinance.

SECTION 10.5 PENALTIES. Where the Building Inspector is made aware of any violation of the provisions of this Ordinance, he shall issue a written notice requiring conformance with provisions of the Ordinance within reasonable length of time, such time to be determined by the Building Inspector. Any person who knowingly takes part in continuance of such violations upon the expiration of this time period shall, for each and every violation be liable to a fine not to exceed twenty dollars. Each day beyond the expiration of the aforementioned notice that such violation is permitted to exist shall constitute a separate offense.

ARTICLE XI. APPEALS: ZONING BOARD OF ADJUSTMENT.

SECTION 11.1 AUTHORIZED BODY. Appeals concerning the provisions of this Ordinance shall be heard by the Dover Zoning Bd. of adjustment established under and in conformance with the provisions of the New Hampshire Statutes Annotated, Chapter 31.

ORDINANCE 31-69

The City of Dover ordains that Chapter 14 of the Revised Ordinances of the City of Dover, also known as Ordinance 10-63 (Zoning Ordinance 10-63) as amended, be further amended as follows:

AN AMENDMENT CREATING A NEW ARTICLE TO SPECIFY PROCEDURE FOR APPLICATION.

ARTICLE XII: APPLICATIONS FOR REZONING:

SECTION 12.1 GENERAL:

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may by order, after receiving the recommendations of the Planning Board and subject to the procedures provided in this section, amend, supplement, or change the regulations, district boundaries, or classification of properties now or hereafter established by this ordinance.

It shall be the duty of said Planning Board to submit its recommendations regarding all applications or proposals for amendments or supplements within 31 days from the regularly scheduled meeting at which the matter is first considered.

An amendment, supplement, reclassification or change may be initiated by passing a resolution therefor by the City Council or by the Planning Board on its own motion, or by verified application of one or more of the owners or lessees of property within the area proposed to be changed or affected by said resolution.

SECTION 12.2: PROCEDURE FOR CHANGE: Application for any change of district boundaries or classification of property as shown on the Official Zoning Map shall be submitted to the Planning Board at its public office, upon such forms, and accompanied by such data and information as may be prescribed for that purpose by the Planning Bd. so as to assure the fullest practicable presentation of facts for the permanent record.

Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments initiated by the Planning Board or the City Council shall be accompanied by the respective motion or resolution pertaining to such proposed amendment.

SECTION 12.3 PUBLIC MEETING: Before submitting its recommendations on a proposed amendment to the City Council, the Planning Board shall hold at least one public meeting thereon, notice of which shall be as follows:

1. Courtesy notice to owners whose property lies within such proposed amendment by certified return receipt mail and notice to those adjacent property owners within 100' of the proposed amendment by first class mail. The mailing list of owners shall be obtained at the office of the City Assessor, being owners listed on Assessor's cards at the time of the application.
2. Publication in a newspaper of general circulation in the City at least fifteen (15) days before the date of such public meeting.
3. Notice of such public meeting posted in at least three conspicuous public places in the City.

The notice shall state the place and time of public meeting, the nature of the application and a general description of the property involved. The notice must indicate free public access to the application and/or resolution in the office of the City Clerk and the Planning Board office.

SECTION 12.4: ACTION REQUIRED: The Planning Board shall make a report and recommendations on amendments referred to it by the City Council within thirty one days after the next regularly scheduled meeting of the Board.

In the event that the Planning Board recommends disapproval of the proposed addition, amendment or change, the Council shall not have the right to overrule such recommendation unless by vote of not less than two thirds of its membership present and voting.

The Planning Board shall provide certification of notice of property owners included and adjacent property owners for use by the City Clerk.

Upon receipt of the recommendations of the Planning Board or upon expiration of the 31 day period extended for review and report by the Planning Board on proposed amendments, changes or additions, the Council must establish a date for public hearing and must publish and post notice of such hearing as specified in Section 12.3 of this Ordinance. If written notice has been given to property owners and abutters within 100' of the proposed amendment, change or addition in conjunction with a public meeting held by the Planning Board less than two months prior to the Council public hearing, the Council may waive issuance of further written notice to individual land owners with the exception of the applicants who must be notified of every public hearing upon their application.

In specific instances where circumstances warrant, the City Council may extend the period of consideration by the Planning Board not to exceed 90 days total.

SECTION 12.5: PROTEST:

In the event that a legal petition of protest is presented to the City Clerk on or before the date of public hearing considering a proposed addition, amendment, or change, which petition contains the signatures of 20 percent of the land owner within 100' of the proposed addition, change or amendment, the council must vote not less than a two thirds majority of its membership, present and voting, for passage of such addition, change or amendment.

SECTION 12.6: COURT REVIEW.

Any persons aggrieved by any decision of the Planning Board and/or the City Council may petition the Superior Court as provided in the New Hampshire Revised Statutes Annotated.

SECTION 12.7 FEES:

Each application for a zoning amendment, change or addition, except those initiated by the Planning Board or City Council, shall be accompanied by a check payable to the City Treasurer or payment in cash in the amount of twenty five (25) dollars to cover the cost of publishing, posting and mailing notices of hearing or hearings as required by the foregoing provisions.

Adopted Dec. 29, 1969.

ARTICLE XIII. CONSERVATION DISTRICT.

SECTION 14.1 PURPOSE.

In the interest of the public health, convenience, safety and welfare, the regulations for this District are intended to guide the use of areas of land: (1) with extended periods of high water table, (2) with susceptibility to flooding; and (3) with unique or vulnerable geologic, ecological, or nature features in order:

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 ground water supply, and augmentation of stream flow during dry periods.
3. To prevent unnecessary of 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 along them.
6. To preserve wetlands and other environmentally sensitive areas for other ecological reasons inter alia, those cited in RSA 483B. (ORDINANCE 4-74) (ADOPTED APRIL 24, 1974)

SECTION 14.2 LOCATION.

The Conservation District is hereby determined to consist of the following:

1. Those areas identified and delineated on sheets 23,24,27,28, 31 and 34 in the Soil Survey of Strafford County, New Hampshire published by the U.S. Dept. of Agriculture Soil Conservation Service and issued in March 1973, as the following soil types:

<u>DESCRIPTION</u>	<u>SYMBOL</u>
Tidal (salt water marshes) Marshes	TA
Biddeford Silty Clay Loam	BE
Mixed Alluvial Land	ML
Muck & Peat	MP
Podunk Fine Sandy Loam	PO
Ondawa Fine Sandy Loam	ON

2. Those areas within a minimum of seventy-five feet (75') of the mean high water of any water body, river, stream, bog, swamp, or marsh subject to tidal action.

3. Those areas within a minimum of seventy five feet (75') of the mean high water of any river or pond, or within a minimum of fifty feet (50') of the mean high water of any stream, brook, bog, swamp, marsh, or other fresh water body.

4. Those areas owned by and situated in the City of Dover and known as lots:

<u>Lot #</u>	<u>General Location</u>
38-32	Garrison Hill
D-1	Smith Well - No bottom Pond
C-12	Hoppers Well
C-7	Hoppers Well
C-5	Covered Bridge
H-63	Well #107
H-58	Ireland Well
40-17, 40-13	Willand Pond
40-10, 40-10A, 10B	Willand Pond
F-42	Barbadoes Pond

SECTION 14.3 PERMITTED USES

Any use which does not result in the erection of any structure, or in the substantial alteration of the surface configuration by the addition or removal of fill, and is otherwise permitted by the Zoning Ordinance:

1. Forestry - Tree Farming, provided that not more than 25% of all standing mature trees be cut in a one-year period;
2. Agriculture;
3. Water impoundment and well supplies;
4. Drainage ways - streams, creeks, or other paths of normal runoff water;
5. Wildlife refuge; natural areas.

6. Parks and such recreation uses as are consistent with the purpose and intentions of Section 13.1.
7. Conservation Areas and Nature Trails;
8. Open space as permitted by the Subdivision Regulations and other sections of this Article and of the Zoning Ordinance.

SECTION 14.4 SPECIAL EXCEPTIONS.

Special exceptions may be granted by the Zoning Board of Adjustment 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, if it can be shown that such proposed use will not conflict with the purpose and intentions of Section 14.1; if such proposed use is otherwise permitted by the Zoning Ordinance; and if such proposed use receives any necessary State approvals. Proper evidence to this effect shall be submitted in writing to the Zoning Board of Adjustment by the applicant and shall be accompanied by the findings of a review by the Planning Board and the Conservation Commission of the environmental effects of such proposed use upon the area in question.

SECTION 14.5 PROCEDURES FOR SUBDIVISIONS.

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 Zoning District, an area equal to the minimum lot size or one acre, whichever is less. The Zoning Board of Adjustment may grant an exception to this rule if 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.

SECTION 14.6. OTHER PROVISIONS:

1. Reference is hereby made to RSA 483A, as amended, which evidences a state concern over preservation of such lands. It is intended that the provisions of that statute

SECTION 14.6 CON'T.

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. In the event an area is incorrectly designated on the Conservation District Map and evidence to that effect is satisfactorily presented to the Zoning Board of Adjustment, the appropriate uses will be permitted and/or prohibited. Such evidence may be obtained by adequate on-site soils investigation and analysis conducted by a soils scientist qualified in field analysis.
4. 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. (ADOPTED 4/24/74)

DEFINITION

FOR THE PURPOSE OF THIS ORDINANCE CERTAIN WORDS ARE DEFINED IN THIS ARTICLE. UNLESS THE CONTEXT CLEARLY INDICATES THE CONTRARY, WORDS IN THE PRESENT TENSE INCLUDE THE FUTURE. ANY SINGULAR NUMBER INCLUDES THE PLURAL AND THE PLURAL INCLUDES THE SINGULAR.

THE WORDS USE AND USED REFER TO ANY PURPOSE FOR WHICH LAND A LOT OR PART THEREOF IS ARRANGED. INTENDED OR DESIGNED TO BE USED, OCCUPIED, MAINTAINED, MADE AVAILABLE OR OFFERED FOR USE OR ERECTED, RECONSTRUCTED, ALTERED, ENLARGED, MOVED OR REBUILT WITH THE INTENTION OR DESIGN OF USING THE SAME.

THE WORD BUILDING INCLUDES THE WORD STRUCTURE. THE WORD LOT INCLUDES THE WORD PLOT.

1. ACCESSORY BUILDING. A building detached from and subordinate to the main use conducted on a lot.
2. ACCESSORY USE. A use customarily incidental and subordinate to the main use conducted on a lot.
3. ALTER, ALTERATIONS. Any change involving the structural frame of a building or the use of a building.
4. AUTO SERVICE. A place of business which offers as a service the repair of automobiles. Such auto service place shall not be construed to be a gasoline station.
5. BUILDING. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property or any kind and which is constructed and permanently affixed on the land. Such building includes open porches, open breezeways, and any other roofed areas. This in no way, is to be construed to include a trailer, mobilehome or any other like product.
6. BULK. A term used to indicate the size, setbacks and location of a building upon a lot.
7. CLINIC. A place in connection with a medical school or a hospital for the treatment of non-hospitalized patients.
8. COUNTRY CLUB. In this Ordinance the term Country Club shall mean a non-profit 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.

9. COVERAGE. 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.
10. COVER CROP. Vegetation designed to prevent erosion of the soil.
11. CUSTOMARY HOME OCCUPATION. An occupation carried on as a secondary use in a dwelling unit or accessory building by the occupant of such unit. For the use of a dwelling or accessory building in any Agricultural or "R" district for a home occupation, the following conditions shall apply:
 1. Home occupation shall include not more than one (1) of the following uses provided such uses are clearly incidental and secondary to the use of the principal building for residential purposes: dressmaker, artist, writer, teacher (providing not more than eight pupils simultaneously occupy the building) musician, antique dealer, lawyer, doctor, photographer, dentist architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.
 2. No more than one nonresident shall be employed therein.
 3. The use is carried on strictly by the owner of the principal building, who shall also reside in said building.
 4. Not more than 25 percent of the existing net floor area of the principal and any accessory buildings not to exceed 600 square feet is devoted to such use.
 5. There shall be no display of goods or wares visible from the street.
 6. No advertising on the premises other than a small non-electric sign not to exceed two square feet in area and carrying only the occupant's name and his occupation.
 7. The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood because of exterior appearance, traffic, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a multi-family dwelling, the use shall in no way become objectionable or detrimental to any residential use within the multi-family structure.
 8. Any such building shall include no feature of design not customary in buildings for residential use.
 9. Such uses as clinics, bakeries, gift shops, tea rooms tourist homes, animal hospitals, kennels and others of a similar nature shall not be considered as home-occupations.

11. CUSTOMARY HOME OCCUPATION.

10. 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 the City's Driveway Ordinance.
 11. Not more than one (1) commercial vehicle in connection with such home occupation shall be stored on the premises.
 12. A certificate of occupancy for the proposed use is issued by the Building Inspector verifying conformance with the preceding standards. (Ord. 8-73 - adopted May 22, 1973)
12. DRIVE-IN SERVICE. Service whereby the customer need not leave his vehicle in order to obtain the product offered for sale.
13. DWELLING UNIT. A building or entirely self-contained portion thereof containing complete housekeeping facilities not in common with any other dwelling unit, except for vestibules, entrance halls, porches or hallways.
14. DWELLING, SINGLE FAMILY. A detached building containing one dwelling unit only.
15. DWELLING, MULTI-FAMILY. A building containing more than four dwelling units.
16. EDUCATIONAL USE. Schools giving group instruction.
17. EXTENSION (USE). The enlargement of a business, industrial or residential activity beyond the limits in use at the time this ordinance was passed.
18. EXTENSION (BUILDING). Any action which shall cause the floor area or volume of a structure to be increased.
19. FLOOR AREA. 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:
- a. In dwellings, any basement space designed to be used for residential purpose.
 - b. IN other than dwellings, any basement or cellar space used for any purpose.
 - c. 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 feet.

20. FLOOR RATIO. The floor area of any building or buildings on a lot divided by the area of said lot.
21. GASOLINE STATION. An automobile service station, the basic function of which is to provide for the sale of gasoline and oil routine automobile maintenance.
22. GENERAL FARMING. The pursuit of these activities normally associated with raising of a crop or the care of animals for agricultural purposes.
23. HEIGHT OF BUILDING. The vertical distance measured from the grade level to the highest level of the roof surface or front parapet, whichever is greater. Church steeples shall not be included in this calculation.
24. HEIGHT RATIO. The height of a building divided by the horizontal distance of the foremost point of the building from the center line of the street, measured at right angles to said center line.
25. HOTEL. Any building in which more than five rooms are rented to more than ten persons, said rooms being rented for sleeping purposes for compensation and reached from hallways common to more than two.
26. JUNK YARD. An open area where waste, used or second hand materials are bought, sold, exchanged, stored, baled packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term junk yard shall not include uses established entirely within enclosed buildings.
27. JUNK YARD MOTOR VEHICLE. As defined in New Hampshire Revised Statutes Annotated, Chapter 267, as amended by Chapter 275, laws of 1955. The term Motor Vehicle Junk Yard as used herein shall include any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two 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 material shall be equal in bulk to two or more motor vehicles. Motor vehicle junk yard 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 material which are parts of a motor vehicle or cut up the parts thereof.
28. LIGHT INDUSTRY. In this ordinance the term light industry includes all manufacturing and assembly processes carried on completely within the walls of a structure and involving no outside storage of equipment or materials.

This term shall not be interpreted to include any industry the operations of which shall result in noticeable noise, glare, vibration, odor or other nuisance at the property lines of the property on which the use is situated.

29. LOADING BERTH. A berth designed for the on-loading and off-loading of trucks and other commercial vehicles.
30. LOT A parcel of land in one ownership.
31. LOT CORNER. A lot at the junction of and abutting on two (2) or more intersection streets when the interior angle of intersection does not exceed 135 degrees.
32. LOT DEPTH. The mean distance from the front street line of a lot to its rear line.
33. LOT WIDTH. The straight line distance between the points at which the required front yard depth line meets the side lot lines.
34. MOBILEHOME. Mobilehome shall mean any vehicle used or so constructed as to permit its being used as a conveyance or transported upon its own wheels upon the public streets or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons, and provided with a toilet and bathtub or shower.
35. MOBILEHOME OR TRAILER PARK. Mobilehome or trailer park shall mean any plot of ground upon which two or more mobilehomes, occupied for dwelling or sleeping purposes are located.
36. MOTEL (SEE HOTEL) A building or group of buildings containing rooms or apartments that are rented or hired out for sleeping purposes and which rooms have direct outside access.
37. NEIGHBORHOOD. A grouping of structures with more clearly evident relationship to one another than to other structures in the community.
38. NON-CONFORMING BULK. A building or use of land is non-conforming as to bulk if it does not conform to the prescribed bulk regulations of the district in which it is located.
39. NON-CONFORMING USE. A lawful use that does not conform to the prescribed use regulations of the district in which it is located.
40. NUISANCE. A factor generally recognized to be undesirable such as odor, noise, glare or vibration.
41. PARKING SPACE. An off-street area available with paved surface, accessible and suitable for parking one motor vehicle.

42. PERSONAL SERVICE ESTABLISHMENT. In this ordinance a personal service establishment shall mean 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 50% of the revenues from such commercial use shall be gained from the sale of products. Personal service establishment shall not be construed to include a gasoline service station.
43. PLANNING BOARD. In this Ordinance, Planning Board means Planning Board of the City of Dover as provided in the New Hampshire Revised Statutes Annotated 36.15.
44. ROOM. An unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, closets, hallways, and service porches.
45. ROOMING HOUSE. Any building in which not more than five rooms are rented to not more than ten persons, said rooms being for a sleeping purpose for compensation.
46. SERVICE CLUB. Service Club shall be defined as an establishment to to be used as a gathering place for a group of citizens organized for a non profit purpose.
47. SIGN. A sign as a name, identification, description, display or illumination which is affixed to, or painted or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.
48. SITE PLAN. A plan of the owner's property showing the property lines, location of buildings, means of ingress and egress (access to offstreet parking and curb cuts) on the owners property and the general relationship of this property to the abutting property.
49. STRUCTURE. A framework of support.
50. TOURIST HOME. A dwelling in which rooms are rented or hired out for sleeping purposes to transient guests.
51. USED CAR LOT. An unenclosed space on which three (3) or more used cars are stored or offered for sale.
52. WAREHOUSING. This term shall only include the activity of storing ware or goods by the occupant in his own behalf or for the benefit of others.
53. WHOLESALEING. This term shall only include the activity of storage repacking, sale and/or distribution of commodities in bulk quantities to jobbers, retailers, processors, and manufactures and shall not allow the sale and/or distribution of commodities to consumers on a retail basis.

54. YARD - FRONT. 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.
55. YARD - REAR. 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.
56. YARD - SIDE. 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.
57. ZONING BOARD OF ADJUSTMENT. In this ordinance, Zoning Board of Adjustment means the Zoning Board of Adjustment of the City of Dover as provided for in the New Hampshire Revised Statutes Annotated 31.66.