

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted September 23, 2014

Adopted _____, 2014

Ordinance Number: **O – 2014. . . .**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

The City of Dover Ordains:

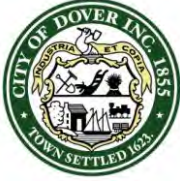
1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by updating the Code to create a new zoning district for one of the City's oldest residential neighborhoods which has a unique architectural heritage. The regulations are tailored to provide dimensional and use regulations that are consistent with the neighborhood's existing conditions, and to provide design standards for new construction to support the neighborhood's heritage.

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Urban Density Multi-Residential (RM-U) District to Heritage Residential (HR) District an area of approximately 70.9 acres located along Silver Street, Summer Street, Fisher Street, Elm Street, Locust Street, Spring Street, Trakey Street, Hamilton Street, Belknap Street, Cushing Street, Lexington Street, West Concord Street, Richmond Street, Washington Street, and Trask Drive, consisting of lots 10-22, 10-23, 10-24, 10-25, 10-26, 10-27, 10-28, 10-29, 10-29A, 10-30, 10-31, 10-32, 10-33, 10-35, 10-35A, 10-36, 10-37, 10-38, 10-39, 10-57, 10-58, 10-59, 10-60, 10-78, 10-79, 10-80, 10-81, 10-82, 10-83, 10-84, 10-85, 10-86, 10-86A, 10-87, 10-88, 10-104, 10-105, 10-106, 10-107, 10-108, 10-109, 10-110, 10-111, 10-112, 10-113, 10-114, 10-115, 10-116, 10-117, 10-118, 10-118A, 10-119, 10-120, 10-121, 10-122, 10-123, 10-124, 10-125, 10-126, 10-127, 10-128, 10-129, 10-130, 10-131, 10-132, 10-133, 10-134, 10-135, 10-136, 10-137, 10-138, 10-139, 10-140, 10-141, 10-142, 10-143, 10-144, 10-145, 10-146, 10-147, 10-147A, 10-148, 10-149, 10-149A, 10-150, 10-158, 10-159, 10-160, 10-165, 10-166, 10-167, 10-168, 10-169, 10-169A, 10-170, 10-172, 10-173, 10-174, 10-175, 10-176, 10-177, 10-178, 10-179, 10-180, 11-5, 11-6, 11-7, 11-8, 12-7, 12-8, 12-9, 12-10, 12-11, 12-12, 12-13, 12-14, 12-15, 12-16, 12-17, 12-17A, 12-18, 12-19, 12-22, 12-23, 12-24, 12-31, 12-32, 12-33, 12-35, 12-36, 12-37, 12-38, 12-39, 12-40, 12-41, 12-42, 12-43, 12-44, 12-45, 12-46, 12-47, 12-48, 12-49, 12-50, 12-51, 12-52, 12-53, 12-54, 12-55, 12-56, 12-57, 12-58, 12-59, 12-60, 12-61, 12-62, 12-63, 12-64, 12-65, 12-66, 12-67, 12-68, 12-69, 12-70, 12-71, 12-72, 12-73, 12-74, 12-75, 12-76, 12-77, 12-78, 12-79, 12-80, 12-82, 12-83, 12-84, 12-84A, 12-85, 12-86, 12-87, 12-88, 12-89, 12-89A, 12-90, 12-91, 12-92, 12-93, 12-94, 12-95, 12-96, 12-97, 12-98, 12-99, 12-100, 12-101, 12-102, 12-103, 12-104, 12-105, 12-106, 12-107, 12-108, 12-108A, 12-109, 12-110, 12-111, 12-



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112, 12-112A, 12-112B, 12-113, 12-114, 12-114A, 12-115, 12-116, 12-117, 12-118, 12-119, 12-120, 12-121, 12-122, 12-123, 12-124, 12-125, 15-40A*, 15-44, 15-45, 15-46, 15-46A, 15-47, 15-48, 15-49, 15-50, 15-51*, 15-52, 15-108, 15-109, and 15-110”

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

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Medium Density Residential (R-12) District to Heritage Residential (HR) District an area of approximately 22.1 acres located along Silver Street, Towle Avenue, Clifford Street, Fisher Street, Parker Street, Woodman Park Drive, Rutland Street, and West Concord Street, consisting of lots 10-161, 12-127, 12-128, 12-129, 12-130, 12-130A, 12-131, 12-131A, 12-132, 12-133, 12-134, 12-135, 12-136, 12-137, 12-138, 12-139, 12-140, 12-140A, 12-140B, 12-141, 12-141A, 12-141B, 12-141C, 12-142, 12-143, 12-144, 12-144A, 12-145, 12-146, 12-147, 12-147A, 12-148, 12-149, 12-151, 12-152, 12-153, 12-154, 12-155, 12-156, 12-157, 12-158, 12-159, 12-160, 13-1, 13-2, 13-3, 13-30, 13-31, 13-32, 13-33, and 13-3A.”

3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-7 “Establishment of Districts”, subsection A. “Districts”, by adding “Heritage Residential District (HR)” to the list of Residential Districts.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-7 “Establishment of Districts”, by revising subsection B. “District Purpose Statements,” subsection (1) “Residential Districts”, by adding the following new subsection:

(f) Heritage Residential District (HR)

These primarily residential neighborhoods surrounding the Silver Street area exhibit a rare collection of interesting architecture. While primarily Victorian and characterized by wide porches, bay windows, steep roofs, and intricate and involved woodwork, there are noteworthy Colonial buildings as well. In both instances their original occupants were likely community leaders, whether early tavern keepers, or later senior managers and foremen from the mill facilities that lined the Cochecho River, as well as other community professionals.



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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.

4. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by adding a new Heritage Residential District Table that reads as follows:

[SEE TABLE AT END OF DOCUMENT]

5. TAKES EFFECT

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

AUTHORIZATION

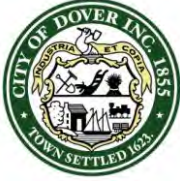
| | | | |
|----------------------------|-------------------------------------|---------------|--|
| Approved as to Funding: | Daniel R. Lynch Finance Director | Sponsored by: | Councilor William Garrison City Council Planning Board Representative, and Councilor Deborah Thibodeaux |
| Approved as to Legal Form: | Anthony Blenkinsop City Attorney | | |
| Recorded by: | Karen Lavertu City Clerk | | |

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

| VOTING RECORD | | |
|--------------------|-----|----|
| Date of Vote: | YES | NO |
| Mayor Karen Weston | | |



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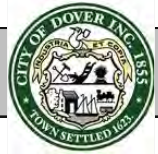
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| | | |
|--------------------------------------|--|--|
| Deputy Mayor Robert Carrier | | |
| Councilor John O'Connor, Ward 1 | | |
| Councilor William Garrison, Ward 2 | | |
| Councilor Deborah Thibodeaux, Ward 3 | | |
| Councilor Dorothea Hooper, Ward 4 | | |
| Councilor Catherine Cheney, Ward 5 | | |
| Councilor Jason Gagnon, Ward 6 | | |
| Councilor Anthony MacManus, At Large | | |
| Total Votes: | | |
| Resolution does does not pass. | | |

ORDINANCE BACKGROUND MATERIAL:

The City of Dover was awarded \$10,000 by New Hampshire Housing through a competitive grant process to examine the zoning regulations for the residential neighborhoods surrounding Silver Street. The project was an offshoot of the 2013 Gateway Rezoning Study which resulted in the rezoning of portions of Broadway, Portland Avenue, and Central Avenue to the Central Business District. As part of the Gateway Rezoning Study, the Planning Board considered rezoning Silver Street, however, residents at the public hearing on the amendments expressed concern that this would detract from the residential character of Silver Street, rather than enhancing it. Instead, it was suggested that the City take a broader view and examine not just the zoning along Silver Street, but to also consider the surrounding neighborhoods.

Based on this feedback, the Planning Department and the City's consultant, Jeffrey H. Taylor and Associates, worked over the course of several months to identify the areas around Silver Street which share a common heritage and which could benefit from a single zoning district designed to support and enhance their character. Based on data obtained from on the ground inventories, staff prepared draft zoning regulations specifically tailored for these neighborhoods. In order to engage residents and property owners in the preparation of the draft regulations, staff undertook substantial public outreach including mailings to all residents and business owners within the study area, and conducted three neighborhood meetings in April, June, and July to review and revise the draft zoning regulations and to develop consensus.



Permitted Uses***

- ACCESSORY DWELLING UNIT
- ADULT DAY CARE
- CHILD CARE HOME
- Conversion of Existing Dwelling to Accommodate not more than 2 units [5]
- CUSTOMARY HOME OCCUPATION
- Dwelling, 2 Family [5]
- DWELLING, SINGLE FAMILY
- FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [6]
- PUBLIC RECREATION
- Public Utility [7]
- ROADSIDE FARM STAND [8]

***See reverse side for architectural standards.

Uses Permitted by Conditional Use Permit***

- BED AND BREAKFAST (permitted on Silver Street only)
- CHILD CARE FACILITY
- Conversion of Existing Dwelling to Accommodate not more than 4 units
- Dwelling, 3 to 4 Family
- ELDERLY ASSISTED CARE HOME
- GROUP HOME FOR MINORS
- OFFICE

***See reverse side for architectural standards.

Sign Regulations

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

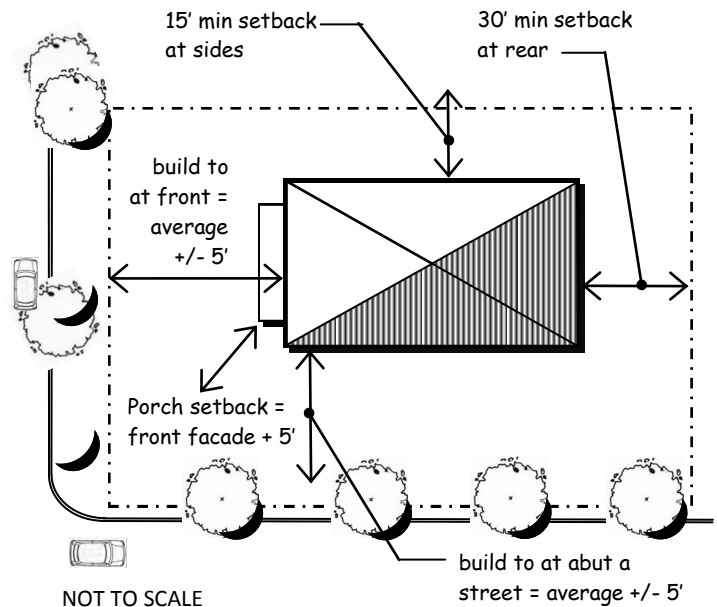
Dimensional Regulations* [1] [2]

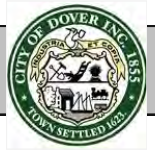
| LOT | |
|------------------------------|------------------------|
| Minimum LOT Size | 10,000 sf |
| Maximum LOT Coverage | 40% |
| Minimum FRONTAGE | 80 ft |
| PRINCIPAL BUILDING*** | |
| Front BUILD TO LINE | [3] |
| Abut a Street SETBACK | [3] |
| Side SETBACK | 15 ft |
| Rear SETBACK | 30 ft |
| OUTBUILDING/ACCESSORY USE*** | |
| Front SETBACK | [4] |
| Abut a Street SETBACK | [4] |
| Side SETBACK | 10 ft |
| Rear SETBACK | 10 ft |
| HEIGHT OF BUILDING | |
| PRINCIPAL BUILDING | 24 ft min**, 40 ft max |
| OUTBUILDING | 40 ft max |

*Deviations from these requirements are permitted by Conditional Use Permit, subject to the requirements of Section 170-20.B(1).

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

Principal Building Placement





Footnotes

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

Architectural Standards

- A. Applicants for new construction and applicants for any use permitted by Conditional Use Permit shall demonstrate compliance with the *Heritage Residential District Architectural Design Guidelines*, available at the offices of the Department of Planning and Community Development and on-line on the City of Dover webpage. The *Guidelines* are not required for renovations of existing buildings, additions to existing buildings, or ACCESSORY STRUCTURES.
- B. Additions to existing buildings shall be designed and constructed in the same architectural style and with the same or similar exterior materials as the existing building and at a HEIGHT not taller than the existing building.
- C. New construction ACCESSORY STRUCTURES shall be designed and constructed in the same architectural style and with the same or similar exterior materials as the existing building and at a HEIGHT not taller than the existing building.
- D. Deviations from these requirements are permitted by Conditional Use Permit, and are subject to the requirements of Section 170-20.B(1).

Conditional Use Permit Criteria

The requirements of 170-20.B(2) and (3) shall apply to all uses permitted by Conditional Use Permit, in addition to the requirements set forth below.

CHILDE CARE FACILITY: CHILD CARE FACILITIES shall be subject to the requirements set forth in the "CHILD CARE FACILITY" definition, Chapter 170-6.

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

- A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the HR District that are wholly or partly within two hundred (200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.
- B. Off-street parking, in accordance with Chapter 149, Site Review, shall be provided as to avoid vehicles backing into the street. Two (2) parking spaces per unit shall be required.
- C. Parking lots shall be at least five (5) feet from a side property line and ten (10) feet from a front property line.
- D. Parking areas shall be screened from the street and from abutting lots.
- E. Structures shall be at least twenty (20) feet from a front property line, thirty (30) feet from a rear property line and fifteen (15) from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet.
- F. For new construction, the building must be designed to look like a SINGLE FAMILY DWELLING. At a minimum, this shall mean that only one entrance shall be visible from a public street. For conversions, the building must retain its appearance as a SINGLE FAMILY DWELLING or a 2 family dwelling, whichever is the current use.

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

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

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

- A. The group home site shall be compatible with abutting uses.
- B. The group home shall be located in areas of transitional land use or mixed land uses.
- C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.
- D. Open space shall be maintained on the property in an amount comparable to the neighborhood.
- E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.
- F. Hours of operation shall be limited to 6 am to 9 pm Sunday – Thursday, and 6 am to 10 pm Friday and Saturday.

CITY OF DOVER

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Heritage Residential District Architectural Design Guidelines

The goal of the Heritage Residential District is to recognize, celebrate, and enhance the heritage of this area, in part by promoting architecture with a strong sense of place, fine detailing, quality materials, and designed with the site context and adjacent development in mind. To that end, the standards set forth below shall apply in the Heritage Residential District. Deviations from these standards are permitted by Conditional Use Permit.

A. General

- (1) Applicants for new construction shall refer to the Dover Historic Preservation Guide (June, 1991) for examples of architecture and design that is fitting for the Heritage Residential District. This document is available for viewing on the Planning Department webpage and at the offices of the Planning Department and Inspection Services, and is intended to serve as a guide to help encourage and inspire thoughtful and attractive development.

B. Design Elements

- (1) A minimum of ten (10) of the twenty-six (26) design elements set forth in Appendix A shall be utilized for new construction.

C. Windows

- (1) Horizontal windows are not permitted on the front façade of the building.
- (2) Windows must be divided by multiple, vertical panes of glass.



D. Roof Design

- (1) Sloped roof structures must maintain a pitch between 9:12 minimum (not including mansard roofs, dormers, entry canopies or similar elements).
- (2) Buildings with sloped roofs shall provide roof overhangs between six (6) and eighteen (18) inches deep.

- (3) Sloped roofing is required unless a mansard style roof is provided.



- (4) 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.

E. Principal Building Entrances

- (1) Principal building entrances shall be clearly visible from the street.
- (2) The building must contain one more of the following: covered porch, canopy, or other recessed front entry area.

F. Mechanical Equipment

- (1) Air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, dumpsters, storage tanks, and the like shall not be stored or located within any area considered a front yard or street frontage. All such equipment shall be screened by use of fencing and/or landscaping.
- (2) Roof-mounted mechanical equipment shall be located so as not to be visible from the street, public open space, parking areas, or from the ground level of adjacent properties. Screening features shall utilize similar building materials and forms to blend with the architectural character of the building.
- (3) Locate and screen utility meters, electrical conduit, and other service and utilities apparatus so as not to be visible from adjoining and nearby streets and minimize visual impacts from private internal streets, open spaces, and pedestrian walk.

APPENDIX A

- Steeply pitched roof



- Bay Windows



- Dentils



- Classical Columns



- Dormers



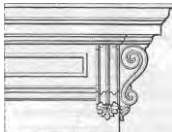
- Clapboard Siding



- Entablature



- Cornice



- Gables



- Pediment



- Lintels



- Portico



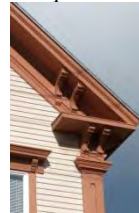
- Transom



- Round, square, or polygonal Turret



- Deep eave overhangs



- Asymmetrical façade



- Dominant front-facing gable, often cantilevered out beyond the plane of the wall below



- Porch covering part or all of the front façade



- Second-story porch or balcony



- Pedimented porch



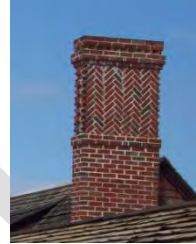
- Differing wall textures, such as patterned wood (or simulated wood) shingles or shaped into varying designs, including resembling fish scales, terracotta tiles, relief panels, or wooden shingles over brickwork, etc.



- Spindle work



- Ornamental chimney



- Balustrade



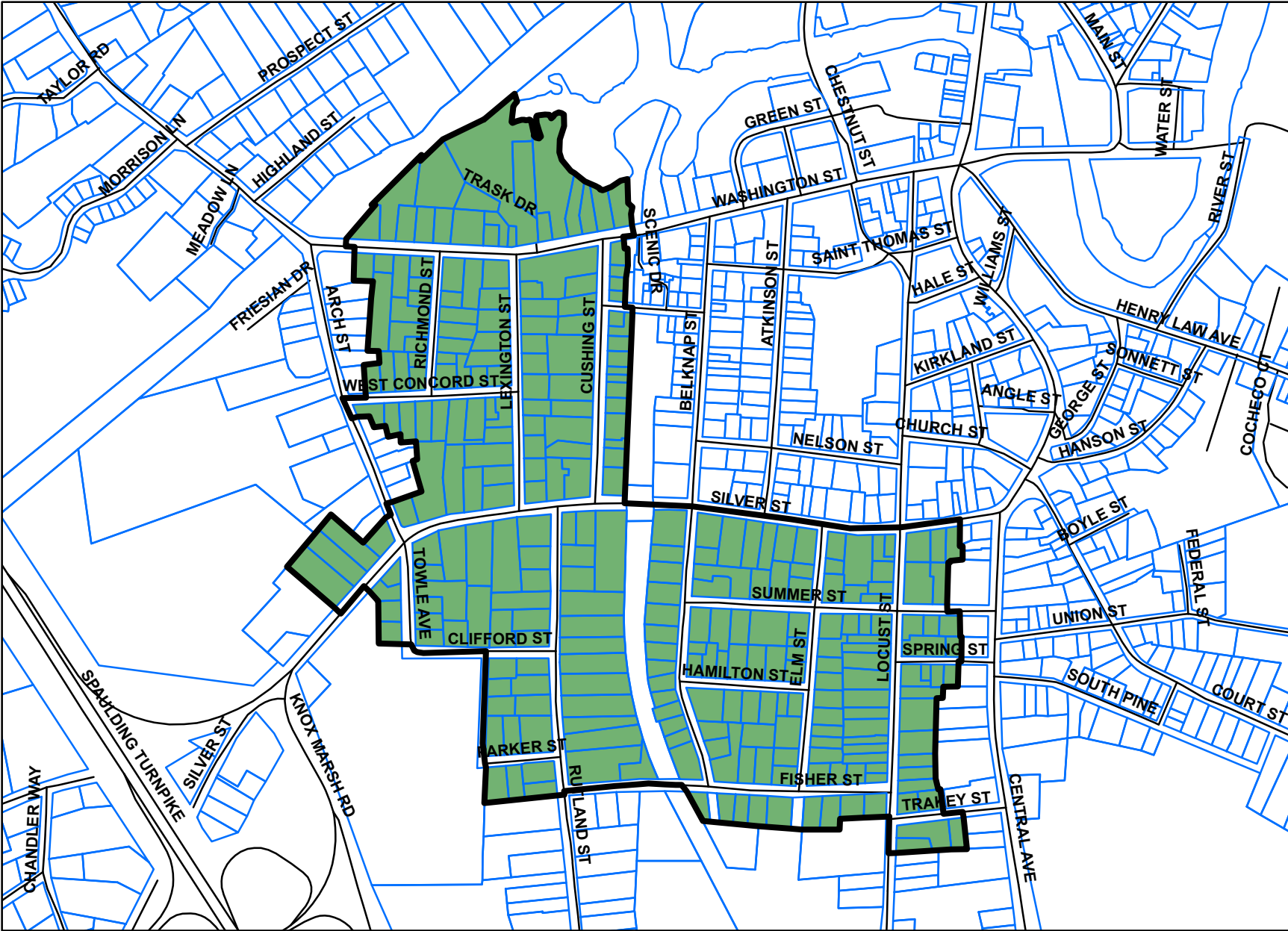
- Wooden (or simulated wooden) roof, or slate (or simulated slate) roof



- Wooden (or simulated wood) fence in front yard



Heritage Residential District



Prepared by the Department of Planning and Community Services

August 26, 2014