

ZONING

# 352

Dover

## ZONING

Zoning is the creation by law of districts in which regulations, differing in various districts according to conditions, prohibit injurious or unsuitable structures and uses of structures and land to ensure future progress and growth in accordance with the Comprehensive Development Plan. In New Hampshire, cities and towns are given authority to adopt zoning regulations under Chapter 31, New Hampshire Revised Statutes Annotated.

Essentially, zoning controls three items: the use of land and structures, the location of structures, and the bulk of structures. It does not regulate the materials or cost of the construction of buildings and has no effect on the discontinuance of existing uses and structures.

Zoning differs from the future land use plan in three major ways. First, and most basically, is the difference in intent. The future land use plan depicts a development objective which the city hopes to attain. Zoning is one of the methods a city may use to attain that objective. Secondly is the difference in time frame. The future land use plan is long-range in its application, while zoning, which reflects the existing market for land, is short range. Thirdly is the difference in the legal bases. The future land use plan, per se, has no legal basis and cannot be enforced, while zoning, by the power granted by the state, can be enforced.

In Dover the Zoning Ordinance is administered and enforced by the City Building Inspector. Appeals and applications for variances and special exceptions are heard by the Zoning Board of Adjustment. Any new or proposed changes in the zoning regulations or map must be made by the City Council either on its own initiative, that of the Planning Board or upon a properly executed citizen petition. Proposed amendments must be referred to the Planning Board, which in turn, must hold a public hearing and issue a report with its recommendations to the City Council.

### Existing Zoning Ordinance

In 1964, zoning was first adopted in Dover. This Ordinance with minor amendments is presently in effect.

### Adequacy of Existing Ordinance

As last amended, the Dover Zoning Ordinance provides the city with basic protection against inappropriate and incompatible land uses, while permitting a variety of development densities and land use types. However, there are some major deficiencies which should be corrected if Dover is to control its development in a way which is beneficial to its citizens and also will facilitate management of the city. These deficiencies are listed below.

1. Organization

- a. The lack of a logical organization of the Ordinance hinders understanding and administration.
- b. Fragmentation of similar regulations and lack of cross-referencing of associated regulations contributes to difficulty in comprehension and administration.
- c. Recent amendments to the Ordinance have not been incorporated into the text.

2. Zoning Map

- a. District boundaries are not definitely identified.
- b. District boundaries are improperly located. Some boundaries split parcels and even structures and in most cases are not located along physical barriers which might readily distinguish adjacent districts.
- c. Spot zoning is prevalent.
- d. Strip zoning is also prevalent, encouraging only linear development of valuable street frontage properties.

3. Zoning Regulations

- a. The thoroughfare business zone allows major retail operations such as department stores and highway commercial facilities such as service stations to exist together. These are district uses which should be allowed in separate districts.
- b. The usefulness of the office zone is questionable. There are other, more effective ways to control this type of development and still provide flexibility to developers.
- c. The table of use regulations is not very comprehensive. The list of uses in the proposed ordinance has been increased from 49 to 89.
- d. The table of use regulations allows incompatible uses in the same district, such as single-family housing in the thoroughfare business zone.
- e. The minimum lot areas do not reflect public sewer service areas and suitability of soil for on-lot sewer systems.

- f. The combination of a floor area ratio and height ratio to control required open space, height, and setback is difficult to compute and administer.
  - g. Parking and loading requirements have not been updated to reflect the Circulation study of the Comprehensive Development Plan.
  - h. There are no provisions for buffers to isolate residential districts from adjacent industrial districts.
  - i. Sign regulations need revision. Area of wall signs should be controlled not by floor area or frontage, but the area of the building face upon which the sign is located.
4. Administration, Enforcement, and Appeal
- a. Zone district boundaries are not drawn on assessor's maps, leading to confusion in administering the ordinance near the boundaries. It is strongly recommended that zone districts drawn on the revised zoning map herein, be transferred to the assessor's maps.
  - b. There are no specific guidelines for the Zoning Board of Adjustment regarding the meeting procedures and the granting of variances and special exceptions.
  - c. The list of definitions is not extensive enough. The list in the proposed ordinance has been increased from 57 to 80.
  - d. Presently there is a separate city ordinance which governs mobile home parks. Applicable regulations of this ordinance should be incorporated in the proposed zoning ordinance.
5. Lack of New Planning and Zoning Techniques
- a. The use of special exception to allow planned developments from which both the city and developers might benefit is not specified.
  - b. New techniques for planned developments such as cluster development, planned unit development, planned industrial and commercial development, are either not allowed or not encouraged.
  - c. Standards for environmental protection do not exist.

## 6. General

The zoning ordinance is not directed toward any long-range objective and is not based on a future land use plan.

### Proposed Revised Zoning Ordinance

The proposed revised zoning ordinance for Dover (text and map) is presented in the following section of this report. The purpose of the proposed revised ordinance is to eliminate the weaknesses in the existing regulations, including those mentioned above; and to put the regulations into a format which is easily understood and more easily administered.

In the proposed revised zoning ordinance there are some changes and additions to the existing ordinance. These are noted below:

1. The office zone has been eliminated and a general business zone has been added.
2. Zone district names have been revised although the intent of the districts remains generally the same.
3. Regulations for accessory uses have been expanded considerably.
4. Dimensional and density regulations have been expanded to include minimum frontage, maximum height, and minimum open space. The height ratio has been eliminated.
5. Minimum lot sizes in unsewered areas have been increased to reflect suitability of soils for on-lot sewerage systems.
6. Vehicle sight distance regulations controlling development along major streets and intersections have been added to incorporate recommendations of the Circulation study.
7. Sign regulations have been expanded and provision for the elimination of signs which are nonconforming because of location has been added.
8. Parking and loading requirements have been expanded, and the number of spaces required for various uses has been changed.
9. A one-year time limit has been set to require completion of work under a building permit before it is revoked, and provision for a Notice of Violation and Order has been

added for the purpose of stopping construction in violation of the zoning ordinance.

10. Procedures and guidelines for the Zoning Board of Adjustment have been added.
11. Environmental protection standards have been added to control uses which might adversely effect the environment.
12. The use of special exception has been expanded to encourage planned development which can be controlled to some degree by the Zoning Board of Adjustment and Planning Board. Provisions are included for cluster residential development, planned unit development, mobile home subdivisions, mobile home parks, planned apartment, research and office development, planned business development, and planned industrial development.
13. The proposed zoning map generally reflects the present zoning policies. However, the following are the major exceptions:

<u>Location</u>	<u>Existing zoning</u>	<u>Proposed zoning</u>
a. Southerly tip of Dover Point	Thoroughfare business and single-family residential	Highway business
b. Sawyer's Mill Area	Industrial	Industrial and highway business
c. Area between Back River Road, Mast Road, and Durham Road (southerly portion of area)	Medium-density residential (garden apartments)	Single-family residential
d. Area between Littleworth Road, Knox Marsh Road, and Bellamy Road	Single-family residential	Highway business

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Location	Existing zoning	Proposed zoning
e. Downtown Dover along Central Avenue, Washington Street, and Sixth Street	Central business	Highway business
f. Area at intersection of Rochester Road and Old Rochester Road	Thoroughfare commercial	Neighborhood commercial

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PROPOSED REVISED ZONING ORDINANCE

CITY OF DOVER, NEW HAMPSHIRE

TABLE OF CONTENTS

<u>Article/Section</u>	<u>Page</u>
I. TITLE, AUTHORITY, AND PURPOSE	
1.01 Short Title	
1.02 Authority	
1.03 Purpose	
II. DEFINITIONS	
III. ESTABLISHMENT OF ZONING DISTRICTS	
3.01 Division into Districts	
3.02 Zoning Map	
3.03 Changes to Map	
3.04 Boundaries of Districts	
IV. INTERPRETATION AND APPLICATION	
4.01 Interpretation	
4.02 Application	
4.03 Existing Buildings and Land	
4.04 Mixed Uses	
V. USE REGULATIONS	
5.01 Applicability of Use Regulations	
5.02 Permitted Uses	
5.03 Uses Subject to Other Regulations	
5.04 Table of Use Regulations	
VI. DIMENSIONAL AND DENSITY REGULATIONS	
6.01 Applicability of Dimensional and Density Regulations	
6.02 Table of Dimensional and Density Regulations	
6.03 Lot Areas in District Not Served by Public Sewerage	
6.04 Reduction of Lot Areas	
6.05 Separation of Lots	
6.06 Vehicle Sight Distance Regulations	
6.07 Accessory Buildings	
6.08 Other General Dimensional and Density Provisions	
VII. SIGN REGULATIONS	
7.01 General	
7.02 Signs Permitted in Any "R" District	
7.03 Signs Permitted in Any "B" District	

TABLE OF CONTENTS (Continued)

<u>Article/Section</u>	<u>Page</u>
7.04	Signs Permitted in Any "I" District
7.05	Illumination of Signs
7.06	Additional Sign Regulations
VIII.	OFF-STREET PARKING AND LOADING REGULATIONS
8.01	Off-Street Parking and Loading Requirements
8.02	Existing Spaces
8.03	Computation of Required Spaces
8.04	Combined Facilities
8.05	Continuance
8.06	Location of Parking Spaces
8.07	Size of Parking Spaces
8.08	Location of Loading Spaces
8.09	Size of Loading Spaces
8.10	Municipal Parking Lots
8.11	Parking and Loading Space Standards
IX.	NONCONFORMING USES, STRUCTURES, LOTS, AND SIGNS
9.01	Nonconformity by Initial Enactment or Amendment
9.02	Expansion and Alteration
9.03	Residential Lot of Record
9.04	Reduction or Increase
9.05	Change
9.06	Restoration
9.07	Abandonment
9.08	Moving
9.09	Unsafe Structure
9.10	Nonconforming Signs
X.	ADMINISTRATION AND ENFORCEMENT
10.01	Administrative Officer
10.02	Permit Required
10.03	Other Approvals Required
10.04	Plats
10.05	Previously Approved Permit
10.06	Certificate of Occupancy Required
10.07	Permit and Certificate Fees
10.08	Permit Time Limits
10.09	Violations
10.10	Prosecution of Violation
10.11	Violation Penalty
10.12	Board of Adjustment
XI.	ENVIRONMENTAL PROTECTION REGULATIONS
11.01	Environmental Performance Standards
11.02	Screening and Buffers

TABLE OF CONTENTS (Continued)

<u>Article/Section</u>	<u>Page</u>
11.03	Buildings in Floodline
11.04	Filling in of Any Water or Wet Area
XII.	SPECIAL EXCEPTION CONDITIONS
12.01	Special Conditions
12.02	Removal of Sand, Gravel, Quarry or Other Raw Material
12.03	Cluster Residential Development
12.04	Planned Unit Development
12.05	Planned Business Development
12.06	Planned Industrial Development
12.07	Planned Apartment, Research, and Office Development
12.08	Home Occupation
12.09	Mobile Homes
12.10	Mobile Home Subdivisions
12.11	Mobile Home Parks
XIII.	AMENDMENT, VALIDITY, AND EFFECTIVE DATE
13.01	Amendment
13.02	Validity
13.03	Effective Date

CITY OF DOVER, NEW HAMPSHIRE

ZONING ORDINANCE

ARTICLE I

TITLE, AUTHORITY, AND PURPOSE

The existing zoning ordinance titled "Zoning Ordinance, City of Dover, New Hampshire," Chapter 14 of the Revised Ordinances, adopted on May 27, 1964, and all subsequent amendments thereto, is hereby amended in total and the "Zoning Ordinance of the City of Dover, New Hampshire" is hereby adopted.

- 1.01 Short Title. This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Dover, New Hampshire," hereinafter referred to as "this Ordinance."
- 1.02 Authority. This Ordinance is adopted pursuant to the Authority granted by Chapter 31:60-89 New Hampshire Revised Statutes Annotated, 1955 as amended, herein called the Community Zoning Enabling Act.
- 1.03 Purpose. This Ordinance is made in accordance with the Dover Comprehensive Development Plan and is designed to lessen congestion in the streets; to secure safety from fires, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of the land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. It is made with reasonable consideration to the character of the various districts identified and to their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, and giving direction or effect to land development policies and proposals of the Planning Board.

## ARTICLE II

### DEFINITIONS

For the purpose of this Ordinance certain terms and words shall have the following meanings. Words used in the present tense include the future; the singular number includes the plural, the plural the singular; the words "used" or "occupied" include the words "designed," "arranged," "intended" or "offered," to be used or occupied; the words "building," "structure," "lot," "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the Dover Building Code or Subdivision Regulations shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary, Third Edition. Uses listed in Article V, Use Regulations under the classes Retail and Service, Wholesale Trade, Transportation and Industrial, and Manufacturing shall be further defined by the Standard Industrial Classification Manual published by the U. S. Bureau of the Budget.

Abandonment: The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises; or the removal of the characteristic equipment or furnishing used in the performance of the nonconforming use, without its replacement by similar equipment or furnishings; or the replacement of the nonconforming use or building by a conforming use or building.

Administrative Officer: The Building Inspector, City of Dover, New Hampshire.

Alley: Any public thoroughfare less than 21 feet in width which has been legally dedicated or devoted to public use.

Alteration: Any construction, reconstruction or other action resulting in a change in the structural parts or height, number of stories or exits, size, use or location of a building or other structure.

Basement: A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is six feet or more above the finished grade.

Board: The Zoning Board of Adjustment of the City of Dover, as provided for in the New Hampshire Revised Statutes Annotated 31:66.

Building: A combination of any materials, whether portable or fixed, having a roof, and enclosed within exterior walls or

firewalls, built to form a structure for the shelter of persons, animals or property. For the purposes of this definition "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building, Accessory: A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building Area: The aggregate of the maximum horizontal cross-section area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies, and terraces, expressed as a percentage of total lot area.

Building, Attached: A building having any portion of one or more walls in common with adjoining buildings, with said walls being firewalls.

Building, Detached: A building having open space on all sides.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Cellar: A portion of a building, partly or entirely below grade, which has more than one-half of its height measured from finished floor to finished ceiling, below the average established finished grade of the ground adjoining the building. A cellar is not deemed a story.

Certificate of Occupancy: A statement signed by the Building Inspector, setting forth either that a building or structure complies with the Zoning Ordinance or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

Cluster Development: A division of land into lots for use as residential building sites where said lots are arranged into one or more groups having area and yard measurements less than the minimum required in Table 5, Dimensional and Density Regulations. These clusters or groups shall be separated from adjacent property and other groups of lots by intervening "common land." The number of lots over the entire tract of land shall not exceed the number of lots permitted under normal application of the area regulations of the zone in which the tract of land is located.

Community Facilities: Premises owned and operated by a governmental or chartered nonprofit organization, but not including fraternal, sports or similar membership organizations.

Community Sewerage System: A sewerage system consisting of sewer lines, treatment facilities, and appurtenant structures designed to serve a limited area of the community or a single development

or subdivision. The system shall be designed in conformance to state and local regulations, and the developer shall guarantee the operation, repair, and maintenance of said system for the duration of its design life.

Court: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

District: A zoning district as established by Article III of this Ordinance.

Drive-In Eating Establishment: A commercial establishment wherein food is usually served to or consumed by patrons while they are seated in parked cars.

Driveway: An area located on a lot, which is not more than 24 feet in width, and built for access to a garage, or off-street parking or loading space.

Dwelling: A privately or publicly owned, permanently fixed structure containing a dwelling unit or dwelling units. The terms "one-family," "two-family" or "multifamily" dwelling shall not include hotel, lodging house, hospital, membership club, portable mobile home or dormitory.

Dwelling Unit: One or more living or sleeping rooms arranged for the use of one or more individuals living as a single house-keeping unit, with cooking, living, sanitary, and sleeping facilities.

Dwelling, Multifamily: A building containing three or more dwelling units.

Dwelling, Two-Family: A building containing two dwelling units constructed on a single lot.

Essential Services: Services provided by public utility or governmental agencies through erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission and distribution systems; and collection, communication, supply or disposal systems. Facilities necessary for the provision of essential services include poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety or general welfare.

Family: An individual; two or more persons related by blood or marriage living together; or a group of individuals, of not more than six persons not related by blood or marriage, but living together as a single housekeeping unit. In the first two instances the family shall be understood to include necessary domestic help such as nurses or servants.

Floodline: The limits of flooding from a particular body of water caused by a storm whose frequency of occurrence is once in ten years as determined and certified by a registered professional engineer qualified in drainage.

Floor Area, Gross: The sum of the areas of the several floors of a building and its accessory buildings, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy, or any floor space intended and designed for parking of motor vehicles in order to meet the parking requirements of this Ordinance, or any mall within a shopping center utilized solely for pedestrian circulation and/or decorative purposes between individual shops of the center.

Health Officer: The legally designated enforcing agent of the Board of Health of the City of Dover.

Height: The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, or the mean level of the highest gable or top of the slope of a hip roof.

Home Occupation: An accessory use which by custom has been carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use, and which shall not occupy more than 25 percent or 400 square feet of floor area, whichever is less, of the dwelling units used. In connection with such use there is to be kept no stock in trade nor commodities sold on the premises which bring the total space occupied beyond the limits set above. Such use shall be carried on by the occupants of the dwelling unit with no more than one nonresident employee, and shall not in any manner change the residential character of the building. Refer to Section 12.08.

Hospital: A building providing 24-hour in-patient services for the diagnosis, treatment or other care of human ailments including a sanitarium, clinic, rest home, nursing home, and convalescent home.

Hotel: A building or any part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or entrances including an inn, motel, motor inn, and tourist court, but not including a boarding house, lodging house or rooming house.

Junk: Any worn out, cast off or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which unaltered or unchanged and without reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Junk Yard: The use of more than 200 square feet of the area of any lot, whether inside or outside a building or the use of any portion of any lot that joins any street, for the sale, storage, keeping or abandonment of junk.

Loading Space: An off-street space used for loading and unloading goods necessary for the activity undertaken on the property including a loading berth and access and maneuvering area for vehicles.

Lodging Unit: Rooms in a building in which not more than five rooms are rented to not more than ten persons, said rooms being for the use of one or more individuals not living as a single housekeeping unit and not having cooking facilities. A "Lodging Unit" shall include rooms in boarding houses, tourist houses or rooming houses. It shall not include convalescent, nursing or rest homes; dormitories of charitable, educational or philanthropic institutions; or apartments or hotels.

Lot: An area or parcel of land or any part thereof, not including water area, in common ownership, designated on a plan filed with the Building Inspector by its owner or owners as a separate lot. For purposes of this Ordinance, a lot shall have boundaries identical with those recorded in the County Court House.

Lot, Area: The total horizontal area within the boundaries of a lot, exclusive of any land designated for street or alley purposes.

Lot, Corner: A lot at the point of intersection of and abutting on two or more intersecting streets, the interior angle of intersection of the street lot lines, or in case of a curved street, extended lot lines, being not more than 135 degrees separation.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.

Lot Frontage: The horizontal distance measured along the front lot line between the points of intersection of the side lot lines with the front lot line.

Lot Line, Front: The property line dividing a lot from the street right-of-way. On a corner lot the owner shall designate one street line as the front lot line.

Lot Line, Rear: The lot line opposite from the front lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

Lot, Nonconforming: A lot lawfully existing at the effective date of this Ordinance or any subsequent amendment thereto, which is not in accordance with all provisions of this Ordinance.

Lot, Through: An interior lot, the front and rear lot lines of which abut streets, or a corner lot, two opposite lines of which abut streets.

Lot Width: The horizontal distance between the side lot lines as measured at the minimum front yard depth required by this Ordinance, and parallel to the street line.

Membership Club: A social, sports or fraternal association or organization which is used exclusively by members and their guests which may contain bar facilities.

Mobile Home, Fixed: Any vehicle which is used or constructed as to permit its being used as a conveyance and as a dwelling or sleeping place for one or more persons; except, it is not immediately portable by virtue of having its wheels removed, being placed on a permanent foundation, and having permanent utility connections.

Mobile Home Portable: Any vehicle which is immediately portable and is used or constructed as to permit its being used as a conveyance and as a dwelling or sleeping place for one or more persons.

Mobile Home Park: A parcel of land containing at least 20 acres upon which one or more mobile homes or house trailers on leased or rented spaces are parked for living purposes.

Mobile Home Subdivision: The division of a lot, tract or parcel of land into two or more lots for individual sale on which fixed mobile homes shall be located.

Mobile Home Space: The plot of ground upon which an individual mobile home is harbored.

Open Space: The space on a lot unoccupied by buildings, unobstructed to the sky by man-made objects, not devoted to streets, driveways, off-street parking or loading spaces, and expressed as a percentage of total lot area.

Owner: The duly authorized agent, attorney, purchaser, devisee, trustee, lessee or any person having vested or equitable interest in the use, structure or lot in question.

Parking Space: An off-street space located inside or outside a structure for exclusive use as a parking stall for one motor

vehicle, and further being surfaced with durable pavement. The area of the space shall include area for vehicle access and maneuvering.

Planned Development: A development involving the construction of two or more principal buildings on the same lot for any permitted use.

Planning Board: The Planning Board of the City of Dover as provided in the New Hampshire Revised Statutes Annotated 36:15.

Sign: Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, streamer, display, emblem or representation used as, or which is in the nature of, an advertisement, announcement or direction, or is designed to attract the eye by intermittent or repeated motion or illumination.

Sign, General Advertising: A sign advertising an activity not undertaken on the premises on which the sign is located.

Sign, Identification: A sign used simply to identify the name, address, and title of an individual family or firm occupying the premises upon which the sign is located.

Sign, Surface Area Of: For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

For a sign consisting of individual letters, designs, and symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs, and symbols.

Site Plan: A plan of the owner's property showing property lines, location of buildings, means of ingress and egress (access to off-street parking and curb cuts) on the owner's property and the general relationship of the property in question to the abutting property plus any additional requirements for site plans as specified in this Ordinance.

Special Exception: A use of a structure or lot or any action upon a premise which may be permitted under this Ordinance only upon application to and approval of the Zoning Board of Adjustment and in accordance with provisions of Section 10.12, 6., C., and Article XII.

Story: That part of a building comprised between a floor and the floor or roof next above. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be

deemed to be a story. A basement shall be classified as a story when its ceiling is six or more feet above the finished grade. A cellar shall not be deemed to be a story. An attic shall not be deemed to be a story if unfinished and without human occupancy.

Story, Half: A story under a gable, hipped or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Street: A way which is over 21 feet or more in right-of-way width which is dedicated or devoted to public use by legal mapping or by any other lawful procedure.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole or the like.

Structure, Nonconforming: A structure lawfully existing at the effective date of this Ordinance or any subsequent amendment thereto, which does not conform to one or more provisions of this Ordinance.

Use: The purpose for which a structure or lot is arranged, designed or intended to be used, occupied or maintained.

Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure. Accessory use by area shall be interpreted not to exceed 40 percent of the area of the total use of the structure and/or lot on which it is located.

Use, Nonconforming: A use lawfully existing at the time of adoption of this Ordinance or any subsequent amendment thereto which does not conform to one or more provisions of this Ordinance.

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this Ordinance. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this Ordinance shall be considered an accessory use.

Use, Substantially Different: A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

Variance: Such departure from the terms of this Ordinance as the Board, upon appeal in specific cases, is empowered to authorize under the terms of Section 10.12, 6., d.

Yard: A portion of a lot upon which the principal building is situated, unobstructed artificially from the ground to the sky, except as otherwise provided herein. A court shall not be considered to be a yard or any part thereof.

Yard, Front: A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

Yard, Rear: A yard, except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

Yard, Side: Yard extending for the full length of a building between the nearest building wall and the side lot line.

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS

3.01 Division Into Districts. The City of Dover, New Hampshire is hereby divided into eleven Zoning Districts to be designated as follows:

<u>Full Name</u>	<u>Class</u>	<u>Short Name</u>
Rural Residential	Residential/Agricultural	R-40
Suburban Residential-A	Residential	R-20
Suburban Residential-B	Residential	R-8
Urban Residential-A	Residential	R-A
Urban Residential-B	Residential	R-B
Neighborhood Business	Business	NB
General Business	Business	GB
Central Business	Business	CB
Highway Business	Business	HB
Limited Industrial	Industrial	LI
General Industrial	Industrial	GI

3.02 Zoning Map. The location and boundaries of the Zoning Districts are hereby established as shown on a map titled "Zoning Map of the City of Dover, New Hampshire" dated \_\_\_\_\_ which accompanies and is hereby declared to be a part of this Ordinance. The authenticity of the Zoning Map shall be identified by the signature of the City Clerk, and the imprinted seal of the city under the following words: "This is to certify that this is the Zoning Map of the City of Dover, New Hampshire, referred to in the Zoning Ordinance of the City of Dover, New Hampshire, which was approved by the City on \_\_\_\_\_."

3.03 Changes to Map. Any change in the location of boundaries of a Zoning District hereafter made through the amendments of this Ordinance shall be indicated by the alteration of such map, and the map thus altered as declared to be part of the Ordinance thus amended. The Zoning Map shall be drawn to a scale of 1" = 1,000' with ink on stable material, and shall be located in the office of the Building Inspector. Photographic reductions of this large-scale map may serve as copies of the Zoning Map.

3.04 Boundaries of Districts. Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules apply:

1. Where a boundary is indicated as a street, railroad, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a city boundary, then to the limits of the city boundary.
2. Where a boundary is indicated as following approximately or parallel to a street, railroad, watercourse or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning Map.
3. Where a dimensioned boundary coincides within ten feet or less with a lot line, the boundary shall be construed to be the lot line.
4. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, it shall be construed to intersect at right angles to said centerline, or in the case of a curved centerline, at right angles to the tangent to the curve at the point of intersection.

## ARTICLE IV

### INTERPRETATION AND APPLICATION

- 4.01 Interpretation. The provisions of this Ordinance shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals or the general welfare of the City of Dover, New Hampshire; and except for the Zoning Ordinance of the City of Dover dated May 27, 1964 and all amendments thereto, the provisions of this Ordinance are not intended to repeal, or in any way impair or interfere with any lawfully adopted ordinance, regulation or rule. Whenever the regulations made under the authority hereof differ from those prescribed by any ordinance or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.
- 4.02 Application. Except as herein provided, the provisions of this Ordinance shall apply to the erection, construction, reconstruction, alteration or use of buildings and structures or use of land. Except as herein provided, any existing conforming use, structure or lot shall not by any action become nonconforming and any existing nonconforming use, structure or lot shall not become further nonconforming.
- 4.03 Existing Buildings and Land. This Ordinance shall not apply to existing buildings or structures, nor to the existing use of any building or structure or of land, to the extent to which it is used at the time of enactment of this Ordinance, but it shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change, and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent.
- 4.04 Mixed Uses. In cases of mixed occupancy the regulation for each use shall apply to the portion of the building or land so used. Mixed uses shall not include lawful home occupation and lawful accessory uses.

ARTICLE V  
USE REGULATIONS

- 5.01 Applicability of Use Regulations. Except as provided in The Community Zoning Enabling Act or in this Ordinance, no building, structure or land shall be used except for the purposes permitted in the district as described in this Article. Any use not listed shall be construed to be prohibited.
- 5.02 Permitted Uses: In Table 4, Use Regulations, the uses permitted by right in the district shall be designated by the letter (P). Those uses that may be permitted by special exception in the district, in accordance with Section 10.10, 6., c., and Article XII, shall be designated by the letter (S). Uses designated (-) shall not be permitted in the district.
- 5.03 Uses Subject to Other Regulations. Uses permitted by right or by special exception shall be subject, in addition to use regulations, to all other provisions of this Ordinance.
- 5.04 Table of Use Regulations. For use regulations refer to Table 4 on accompanying pages which is declared to be a part of this Ordinance.

Table 4. Use Regulations

Principal uses	Residential					Business				Indus-	
	R-40	R-20	R-8	R-A	R-B	NB	GB	CB	HB	LI	GI
PLANNED DEVELOPMENTS SUBJECT TO SPECIAL EXCEPTION CONDITIONS SPECIFIED IN ARTICLE XII											
1. Cluster residential development (see Section 12.03)	S	S	S	-	-	-	-	-	-	-	-
2. Planned unit development (see Section 12.04)	S	S	S	S	S	-	-	-	-	-	-
3. Mobile home subdivision (see Section 12.10)	-	S	S	-	-	-	-	-	-	-	-

Table 4 (Continued). Use Regulations

Principal uses	Residential					Business				Indus- trial	
	R-40	R-20	R-8	R-A	R-B	NB	GB	CB	HB	LI	GI
4. Mobile home park (see Section 12.11)	-	S	S	-	-	-	-	-	-	-	-
5. Planned apartment, research, and office development (see Section 12.07)	-	S	S	S	S	-	S	-	-	S	-
6. Planned business development (see Section 12.05)	-	-	-	-	-	S	S	S	S	-	-
7. Planned industrial development (see Section 12.06)	-	-	-	-	-	-	-	-	-	S	-
RESIDENTIAL											
1. One-family detached dwelling	P	P	P	S	-	-	-	-	-	-	-
2. One-family attached dwelling (townhouse)	-	-	-	P	P	-	-	-	-	-	-
3. Two-family dwelling	-	-	S	P	P	-	-	-	-	-	-
4. Multifamily dwelling	-	-	S	P	P	-	-	S	-	-	-
5. Mobile home residence (see Section 12.09)	-	S	S	-	-	-	-	-	-	-	-
6. Conversion of exist- ing dwelling to two- family dwelling	S	S	S	P	P	-	S	S	-	-	-
7. Conversion of exist- ing dwelling to multi- family dwelling	-	-	S	P	P	-	S	S	-	-	-
COMMUNITY FACILITIES											
1. Church or other religious purposes	P	P	P	P	P	P	-	-	-	-	-

Table 4 (Continued). Use Regulations

Principal uses	Residential					Business				Indus- trial	
	R-40	R-20	R-8	R-A	R-B	NB	GB	CB	HB	LI	GI
2. Educational purposes which are religious, sectarian, denominational or public	P	P	P	P	P	-	-	-	-	-	-
3. Nonprofit school, college or university	P	P	P	P	P	-	-	-	-	-	-
4. Public park, conservation area, and preserved open spaces including areas for passive recreation, but not including active recreational facilities	P	P	P	P	P	P	P	P	P	P	P
5. Nonprofit recreational facility or membership club	P	P	P	S	S	-	P	P	-	-	-
6. Nonprofit country, hunting, fishing, tennis or golf club	P	S	-	-	-	-	-	-	-	-	-
7. Nonprofit day camp or other nonprofit camp	P	S	-	-	-	-	-	-	-	-	-
8. City building, except equipment garage	P	P	P	P	P	P	P	P	P	P	P
9. City equipment garage	-	-	-	-	-	-	S	-	S	P	P
10. City or nonprofit cemetery, including any crematory therein	P	P	P	P	P	-	-	-	-	-	-
11. Public libraries, museums, historical association or society	P	P	P	P	P	P	P	P	P	-	-
12. Hospital, sanitarium or philanthropic institution	P	S	S	P	P	-	P	P	-	-	-

Table 4 (Continued). Use Regulations

Principal uses	Residential					Business				Indus- trial	
	R-40	R-20	R-8	R-A	R-B	NB	GB	CB	HB	LI	GI
13. Nursing, rest or convalescent home	P	S	S	S	P	-	P	P	-	-	-
14. Street, bridge, tunnel, and railroad lines	P	P	P	P	P	P	P	P	P	P	P
15. Public utility except power plant, water filter plant, sewage treatment plant, and refuse facility	P	P	P	P	P	P	P	P	P	P	P
16. Power plant, water filter plant, sewage treatment plant, and refuse facility	S	S	S	S	S	S	S	-	S	P	P
17. Municipal parking lot or structure (see Article VIII)	-	-	-	P	P	P	P	P	P	P	P
18. Essential services	P	P	P	P	P	P	P	P	P	P	P
AGRICULTURAL											
1. Agriculture, horticulture and floriculture except a greenhouse or stand for retail sale	P	S	-	-	-	-	-	-	-	-	-
2. Year-round greenhouse or stand for wholesale and retail sale of agricultural or farm products	P	S	-	-	-	S	-	-	S	-	-
3. Temporary (not to exceed erection or use for a period exceeding three months in any one year) greenhouse or stand for retail sale of agricultural or farm products raised primarily on the same premises	P	P	-	-	-	S	-	-	P	-	-

Table 4 (Continued). Use Regulations

Principal uses	Residential					Business				Indus- trial	
	R-40	R-20	R-8	R-A	R-B	NB	GB	CB	HB	LI	GI
4. Raising and keeping of livestock, horses, and poultry, not including the raising of swine or fur animals for commercial use	P	S	-	-	-	-	-	-	-	-	-
5. Commercial stable, kennel or veterinary hospital in which all animals, fowl or other forms of life are completely enclosed in pens or other structures	P	S	-	-	-	S	-	-	S	-	-
6. Noncommercial forestry and growing of all vegetation	P	P	P	P	P	P	P	P	P	P	P
7. Commercial forestry	P	S	-	-	-	-	-	-	P	-	-
RETAIL AND SERVICE											
1. Retail establishment selling principally convenience goods including, but not limited to: food, drugs, and proprietary goods											
a. with maximum floor area limitation of 10,000 square feet for any single establishment	-	-	-	-	-	P	P	P	P	-	-
b. with no limitation with respect to floor area	-	-	-	-	-	-	P	S	S	-	-

Table 4 (Continued). Use Regulations

Principal uses	Residential					Business				Indus- trial	
	R-40	R-20	R-8	R-A	R-B	NB	GB	CB	HB	LI	GI
2. Retail establishment selling general merchandise, including but not limited to dry goods, apparel and accessories, furniture and home furnishings, home equipment, small wares, and hardware, and including discount and limited price variety store											
a. with maximum floor area limitation of 10,000 square feet for any single establishment	-	-	-	-	-	S	P	P	P	-	-
b. with no limitation with respect to floor area	-	-	-	-	-	-	P	P	P	-	-
3. Eating and drinking places not including drive-in establishments	-	-	-	-	-	S	P	P	P	-	-
4. Drive-in eating establishments	-	-	-	-	-	-	S	-	P	-	S
5. Sales by vending machines as a principal use	-	-	-	-	-	S	-	-	P	-	-
6. Establishment selling new or new and used automobiles and trucks, new automobile tires and other accessories, aircraft, boats, motorcycles, and household trailers	-	-	-	-	-	-	S	-	P	-	-
7. Hotels and motels	-	-	-	-	-	-	-	P	P	-	-

Table 4 (Continued). Use Regulations

Principal uses	Residential					Business				Indus- trial	
	R-40	R-20	R-8	R-A	R-B	NB	GB	CB	HB	LI	GI
8. Lodging house	-	-	-	S	S	-	-	S	S	-	-
9. Personal and consumer service establishment	-	-	-	-	-	P	P	P	P	-	-
10. Funeral establishment	-	-	-	S	P	-	P	-	-	-	-
11. Membership club operated for profit	-	-	-	-	S	-	S	S	P	-	-
12. Professional and business offices and services	-	-	-	S	S	P	P	P	P	-	-
13. Business or trade school or college operated for profit	-	-	S	S	S	-	P	P	-	S	-
14. Automotive repair, automobile service station or garage (not including a junkyard or open storage of abandoned automobiles or other vehicles)	-	-	-	-	-	-	S	S	P	S	S
15. Miscellaneous business repair services	-	-	-	-	-	-	-	S	S	P	-
16. Motor vehicle, machinery or other junkyard provided it shall be screened from outside view by an enclosed solid fence or wall and gate at least 6 feet in height, or by natural or topographic features in accordance with requirements of Chapters 267 and 249, New Hampshire R.S.A., 1955 as amended	S	-	-	-	-	-	-	-	-	-	S

Table 4 (Continued). Use Regulations

Principal uses	Residential					Business				Indus- trial	
	R-40	R-20	R-8	R-A	R-B	NB	GB	CB	HB	LI	GI
17. Motion picture estab- lishment, outdoor	-	-	-	-	-	-	-	-	P	S	-
18. Motion picture estab- lishment, indoor	-	-	-	-	-	-	P	P	P	-	-
19. Other amusement and recreation service	S	-	-	-	-	-	S	-	P	S	-
20. Other amusement and recreation service, indoor	-	-	-	-	-	-	P	P	P	-	-
21. Radio and television broadcasting station	-	-	-	-	-	-	P	P	P	-	-
22. Communications and television tower	S	-	-	-	-	-	S	S	S	P	P
23. Commercial parking lot or structure (see Article VIII)	-	-	-	-	S	S	P	P	S	P	P
24. Filling of water or wet area (see Section 11.04)	S	S	S	S	S	S	S	S	S	S	S
25. Construction of drainage facilities other than essential services or damming up or relocating any watercourse, water body or wetlands	S	S	S	S	S	S	S	S	S	S	S
WHOLESALE, TRANSPORTATION AND INDUSTRIAL											
1. Removal of sand, gravel, quarry or other raw material (see Section 12.02)	S	S	-	-	-	-	-	-	-	S	S

Table 4 (Continued). Use Regulations

Principal uses	Residential					Business				Indus- trial	
	R-40	R-20	R-8	R-A	R-B	NB	GB	CB	HB	LI	GI
2. Processing and treat- ing of raw materials including operations appurtenant to the taking, such as grad- ing, drying, sorting, crushing, grinding, and milling operations (see Section 12.02)	S	-	-	-	-	-	-	-	-	S	S
3. Construction industry including suppliers	-	-	-	-	-	-	-	-	S	P	P
4. Manufacturing (see Sections 11.01 and 11.02)	-	-	-	-	-	-	-	-	-	P	P
5. Bakery, laundry or dry cleaning plant	-	-	-	-	-	-	-	S	S	P	P
6. Railway express ser- vice and railroad yards	-	-	-	-	-	-	-	-	-	P	P
7. Motor freight termi- nal and warehousing	-	-	-	-	-	-	-	-	-	P	P
8. Bus or railroad passenger terminal	-	-	-	-	-	P	P	P	P	P	P
9. Heliport/general aviation airport	-	-	-	-	-	-	S	S	S	S	S
10. Other transportation service	-	-	-	-	-	-	S	S	S	P	P
11. Wholesale trade and distribution	-	-	-	-	-	-	-	-	-	P	P

Table 4 (Continued). Use Regulations

Principal uses	Residential					Business				Indus- trial	
	R-40	R-20	R-8	R-A	R-B	NB	GB	CB	HB	LI	GI
12. Open storage of raw materials, finished goods or construction equipment and structures for storing such equipment, provided it shall be screened from outside view by an enclosed solid fence and gate at least ten feet in height, or a solid wall of evergreens, where planted not more than 18 inches apart and at least three feet in height, said evergreens to be of vertical habit and to be maintained, and a solid gate at least ten feet in height and not more than 20 feet in width	-	-	-	-	-	-	-	-	-	S	P
13. Research offices or establishments devoted to research and development activities	-	-	-	S	S	-	P	P	P	P	P

Table 4 (Continued). Use Regulations

Accessory uses	Residential					Business				Indus- trial	
	R-40	R-20	R-8	R-A	R-B	NB	GB	CB	HB	LI	GI
1. Home occupation (see Section 12.08)	S	S	S	S	S	P	P	P	P	-	-
2. Private day nursery or kindergarten, provided it shall not occupy more than 25 percent of the gross floor area of the structure and there shall be a minimum of 100 square feet of outside play area for each enrolled child	S	S	S	S	S	S	-	-	-	-	-
3. Accessory professional office of a licensed medical or dental practitioner in an existing dwelling	S	S	S	P	P	P	P	P	P	-	-
4. Accessory building such as a playhouse, greenhouse, tool shed, private swimming pool or similar accessory structure (see Section 6.05)	P	P	P	P	P	P	S	S	S	-	-
5. Accessory private garage for not more than three noncommercial motor vehicles and, except on a farm, not more than one half-ton rated or less in size commercial motor vehicle (see Section 6.05)	P	P	P	P	P	P	P	P	P	-	-
6. Accessory storage of a trailer, unregistered automobile or boat provided: it shall either be stored within a principal or	P	P	P	P	P	P	-	-	P	-	-

Table 4 (Continued). Use Regulations

Accessory uses	Residential					Business				Indus- trial	
	R-40	R-20	R-8	R-A	R-B	NB	GB	CB	HB	LI	GI
accessory building or not less than 25 feet from any front lot line and 10 feet from any side lot line, and it shall not be used for dwelling or sleeping purposes. Maximum number per dwelling shall be two trailers or autos or boats. Unregistered automobiles in residential districts shall not be stored outside											
7. Accessory repair and storage facilities in any retail sales or consumer establishment provided: it shall not occupy more than 25 percent of the gross floor area	-	-	-	-	-	P	P	P	P	-	-
8. Accessory outside storage clearly necessary to the operation and conduct of a permitted principal wholesale, transportation, industrial, and/or commercial use provided it shall be screened from outside view by an enclosed solid fence and gate at least ten feet in height, or a solid wall of evergreens, where planted not more than 18 inches apart and at least three feet in height, said evergreens to be of vertical habit and to	-	-	-	-	-	-	S	-	S	P	P

Table 4 (Continued). Use Regulations

Accessory uses	Residential					Business				Indus- trial	
	R-40	R-20	R-8	R-A	R-B	NB	GB	CB	HB	LI	GI
be maintained, and a solid gate at least ten feet in height and not more than 20 feet in width											
9. Accessory manufacturing use provided: it shall not occupy more than 25 percent of the gross floor area of the building; and it shall not be located within 100 feet of any "R" district or within 50 feet of any street lot line	-	-	-	-	-	-	-	-	-	P	P
10. Newsstand, barber shop, dining room or cafeteria and similar accessory services primarily for occupants or users thereof within a hotel, office or industrial building, hospital or transportation terminal facility	-	-	-	-	S	-	P	P	P	P	P
11. Accessory signs (see Article VII)	P	P	P	P	P	P	P	P	P	P	P
12. Accessory off-street parking and loading spaces (see Article VIII)	P	P	P	P	P	P	P	P	P	P	P

## ARTICLE VI

### DIMENSIONAL AND DENSITY REGULATIONS

- 6.01 Applicability of Dimensional and Density Regulations. The regulations for each district pertaining to minimum lot area, minimum lot width, minimum lot frontage, minimum lot depth, minimum front yard depth, minimum side yard depth, minimum rear yard depth, maximum height of buildings, maximum number of stories, maximum building area, maximum floor area ratio, and minimum open space shall be specified in this section and set forth in Table 5, Dimensional and Density Regulations, and subject to the further provisions of this Ordinance.
- 6.02 Table of Dimensional and Density Regulations. For dimensional and density regulations refer to Table 5, following, which is declared to be a part of this Ordinance.
- 6.03 Lot Areas in Districts Not Served by Public Sewerage. The area of lots developed in areas not served by the public sewerage system shall as a minimum, comply with the minimum lot area required in Table 5, Dimensional and Density Regulations for the district in which the lot is located. In addition and as warranted by existing soil conditions, the minimum lot area shall be increased to allow proper operation of septic tanks in accordance with the manual titled Septic Tank System of Sewage Disposal, published by the New Hampshire Water Supply and Pollution Control Commission, which is to be administered by the Health Officer.
- 6.04 Reduction of Lot Areas. The lot, yard areas or open space required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this Ordinance, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this Ordinance, if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.
- 6.05 Separation of Lots. Lots shall not be so separated or transferred in ownership so as not to comply with the provisions of this Ordinance.
- 6.06 Vehicle Sight Distance Regulations. In order to avoid hazards to vehicle occupants and pedestrians and to enhance traffic flow in Dover, the following regulations shall apply:

1. Along no street in any district shall any obstruction to vision exceeding 30 inches in height be placed or permitted to grow at a distance of ten feet from the edge of the street pavement. Traffic control signs and signals, street name markers, and street trees planted on local streets, as set forth in the Subdivision Regulations of the City of Dover shall be exempted.
2. At no street intersection in any district shall any obstruction to vision exceeding 30 inches in height be placed or permitted to grow, on any lot within the triangle formed by the lot lines abutting the intersecting streets and a line connecting points on these lot lines at a distance of 20 feet from the point of intersection of the lot lines.
3. In any district, no driveway shall be permitted within 50 feet of a street intersection.
4. In any "B" or "I" district no driveway shall be permitted within 50 feet of another driveway.
5. In any "R" district no driveway shall be permitted within 25 feet of another driveway.

6.07 Accessory Buildings. In "R" and "B" districts, a detached accessory building shall conform to the following provisions: it shall not occupy more than 25 percent of the required rear yard; it shall not be less than 20 feet from the front street line, or less than 10 feet from any other lot line or from any principal building; and it shall not exceed 20 feet in height. An accessory building attached to the principal building shall be considered as an integral part thereof and shall be subject to front, side, and rear yard requirements applicable to the principal building.

6.08 Other General Dimensional and Density Provisions. In addition to other regulations in this Article, the following regulations shall apply:

1. Provisions for inner and outer courts shall be subject to the Dover Building Code.
2. Existing residential uses in the CB, LI, and GI districts shall be subject to the regulations for the particular type of dwelling in the R-B district. Existing residential uses in other nonresidential districts shall be subject to the dimensional and density regulations of the nearest residential district as determined by the Building Inspector.

3. Except for planned unit development, cluster residential development; planned business or industrial development; planned apartment, research, or office development; community facilities; and public utilities; only one principal structure shall be permitted on a lot. In the case of above exceptions, the minimum distance between the walls of such principal buildings which contain windows shall be twice the minimum side yard or side setback required in the district or 25 feet, whichever is less. The minimum lot area required per each individual dwelling unit, building or other unit of use shall be multiplied by the number of such units to obtain the minimum lot area required for the total tract of land. Other area regulations shall apply to the tract as a whole.
4. A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots.
5. At each end of a through lot, there shall be a setback depth required, which is equal to the front yard depth required for the district in which each street frontage is located.
6. Projections into required yards or other required open spaces are permitted subject to the following:
  - a. Projection of balcony or bay window, which is less than one-half the length of the building; not more than two feet.
  - b. Projections of open terrace, steps or stoop, less than four feet in height; not more than one-half the required yard setback.
  - c. Projection of steps or stoop greater than four feet in height, windowsill, chimney, roof eave, fire escape, fire tower, storm enclosure or similar architectural features; not more than two feet into the yard or open space.
7. The provisions of this Ordinance governing the height of buildings shall not apply to chimneys, elevator bulkheads, skylights, ventilators, cooling towers, electronic equipment, elevator shafts, and other necessary appurtenances usually carried above roof, nor to domes, towers, stacks or spires, if not used for human occupancy and which occupy not more than 20 percent of the ground floor area of the building; nor to ornamental towers, observation towers, radio broadcasting towers,

television and radio antennae, and other like structures, which do not occupy more than 20 percent of the lot area; nor to churches or public agricultural or institutional buildings or buildings of private schools not conducted for profit that are primarily used for school purposes, provided the excepted appurtenances are not located within the flight paths of an airport as defined by F. A. A. regulations.

## ARTICLE VII

### SIGN REGULATIONS

7.01 General. All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the City of Dover and other applicable city regulations, except as shall be under the jurisdiction of the State Outdoor Advertising Act (Chapter 429 of the Acts of 1969 and as amended). Signs shall be permitted in accordance with the following regulations:

7.02 Signs Permitted in Any "R" District.

1. One identification sign for each dwelling unit or one professional nameplate for each medical doctor or dental practitioner, provided: such sign shall not exceed one square foot in surface area; and it shall be set back at least one-half of the required depth of the front yard.
2. One identification sign for each membership club, funeral establishment, hospital, church, other place of public assembly, community facility or public utility use, provided: the sign shall not exceed ten square feet in surface area; and it shall be set back at least one-half of the required depth of the front yard.
3. One unlighted temporary sign relating to a new residential subdivision during the actual period of construction or one unlighted temporary sign offering premises for sale or lease for each parcel in one ownership, provided: in either case it shall not exceed ten square feet in surface area; and it shall be set back at least ten feet from the street lot line.

7.03 Signs Permitted in Any "B" District.

1. Signs permitted in Section 7.02, subject to the same regulations.
2. Signs limited to those which advertise goods, services, or produce manufactured or offered for sale on the premises. General advertising signs shall be prohibited.
3. One wall sign for each lot street frontage of each establishment, provided: it shall be attached and parallel to the main wall of a building and the surface area of the sign shall not aggregate more than 15 percent of the area of the wall on which it is displayed, or 150 square feet, whichever is the lesser.

4. One projecting sign for each lot street frontage or each establishment, provided: it shall be attached to the main wall of a building; it shall not project horizontally within two feet of the curb line except on state highway where it shall not project beyond the right-of-way line; it shall be erected at a height not less than nine feet, nor more than 30 feet above the ground or sidewalk; and it shall not exceed 40 square feet in surface area.
5. One pole or ground sign for each street frontage of a drive-in establishment, provided: it shall not exceed 40 square feet in surface area; no portion of it shall be set back less than ten feet from any street lot line; and a pole sign shall not be erected so that any portion of it is over 30 feet above the ground or sidewalk.

7.04 Signs Permitted in the "I" District.

1. Wall, ground and pole signs permitted in Section 7.03, subject to the same regulations.
2. One ground sign for each establishment, provided: it shall not exceed 150 square feet in surface area; and it shall be set back at least 15 feet from any street lot line.
3. Signs shall be limited in use to identification signs and those signs which advertise goods, services or products manufactured or offered for sale on the premises.

7.05 Illumination of Signs.

1. In "R", neighborhood business, and highway business districts, no flashing, intermittent lighting or moving devices shall be permitted.
2. In "R" districts no sign shall be illuminated except by a constant indirect source of lighting, which source shall be shielded and shall illuminate the sign only.

7.06 Additional Sign Regulations.

1. Roof signs shall be permitted in the "B" and "I" districts, provided: they conform to the square footage limitations of ground signs of the districts; the sign does not project more than ten feet above the roof line; and the high point of the signs shall not exceed the permitted building height of the district.

2. Any traffic or directional sign owned and installed by a governmental agency shall be permitted in any district.
3. A sign (including temporary interior window displays or banners) or its illuminator shall not by reason of its location, shape, size or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking. Therefore, flashing or animated signs of red-, yellow- or green-colored lights shall not be permitted.
4. No more than two signs shall be allowed for any one business or industrial establishment in the "B" and "I" districts.
5. No more than one sign shall be allowed for any one premises in the "R" district.
6. All signs in any district shall conform to the regulations for vehicle sight distance as specified in Section 6.05 of this Ordinance.
7. All nonconforming signs shall comply with the regulations specified in Section 9.10 of this Ordinance.
8. The limitations to the number of signs permitted do not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors whether in a vehicle or on foot, of any business, industry or residence. Such signs shall not carry the name of any business or product.

## ARTICLE VIII

### OFF-STREET PARKING AND LOADING REGULATIONS

- 8.01 Off-Street Parking and Loading Requirements. In any district, if any structure is constructed, enlarged, or extended, and any use of land established, or any existing use is changed, after the effective date of this Ordinance, parking and loading spaces shall be provided in accordance with Table 6, Off-Street Parking Regulations, and Table 7, Off-Street Loading Regulations. An existing structure which is enlarged or an existing use which is extended after the effective date of this Ordinance shall be required to provide parking and loading spaces in accordance with the following tables for the entire structure or use, unless the increase in units or measurements amounts to less than 25 percent, whether such increase occurs at one time or in successive stages.
- 8.02 Existing Spaces. Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this Ordinance shall not be decreased so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the tables of this Article, provided: this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables.
- 8.03 Computation of Required Spaces. When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction over one-half shall require one space.
- 8.04 Combined Facilities. Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, subject to approval by the Building Inspector where it is evident that such facilities will continue to be available for the several buildings or uses.
- 8.05 Continuance. Required off-street parking or loading spaces which after development are later designed as, and accepted by the city for, off-street parking or loading purposes shall continue to serve the uses or structures to meet these requirements so long as said use or structure remains.
- 8.06 Location of Parking Spaces. Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve; however, in "B" and "I" districts, when practical difficulties as determined by the

Table 6. Off-Street Parking Regulations

Uses	Number of spaces per unit
PARKING	
1. One- and two-family dwelling	Two for each dwelling unit
2. Multifamily dwelling	One and one-half for each dwelling unit
3. Lodging house	One and one-half for each lodging unit
4. Housing for the elderly	One for each three dwelling units
5. Theater, restaurant, auditorium, church or similar place of public assembly with seating facilities	One for each four seats of total seating capacity
6. Automotive retail and service establishment and other retail and service establishments utilizing extensive display areas, either indoor or outdoor which are unusually extensive in relation to customer traffic	One per 1,000 square feet of gross floor space. In the case of outdoor display areas, one for each 1,000 square feet of lot area in such use.
7. Other retail, service, finance, insurance or real estate establishment	One per each 300 square feet of gross floor space
8. Hotel, motel, tourist court	One for each sleeping room plus one for each 400 square feet of public meeting room and restaurant space.
9. Wholesale establishment, warehouse or storage establishment	One per each 1,000 square feet of gross floor space
10. Manufacturing or industrial establishment	One per each 500 square feet of gross floor space OR 0.75 per each employee of the combined employment of the two largest successive shifts, whichever is larger.

Table 6 (Continued). Off-Street Parking Regulations

Uses	Number of spaces per unit
11. Hospital	One per each two beds at design capacity
12. Nursing home	One per each two beds at design capacity
13. Business, trade, or industrial school or college	One for each 200 square feet of gross floor area in classrooms
14. Other school	Two per classroom in an elementary and junior high school; four per classroom in a senior high school plus space for auditorium or gymnasium, whichever has the larger capacity
15. Community facility (town building, recreation, etc.)	One per each 400 square feet of gross floor space
16. Dormitory, fraternity, sorority, YMCA or similar use	One for each sleeping room
17. Public utility	One for each 400 square feet of gross floor area devoted to office use.  One for each 800 square feet of gross floor area per other use
18. Transportation terminal establishment	One for each 600 square feet of gross floor area
19. Mixed use	Sum of various uses computed separately
20. Any use permitted by this Ordinance not interpreted to be covered by this schedule	Closest similar use as shall be determined by the Building Inspector.

Table 7. Off-Street Loading Standards

Use	Number of loading spaces per unit
1. Retail trade, manufacturing and hospital establishment with over 5,000 square feet of gross floor area	One per 20,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 square feet or fraction thereof of gross floor area over 40,000 square feet. Space used for ambulance receiving at a hospital is not to be used to meet these loading requirements.
2. Business services, other services, community facility (school, church, town building, recreation, etc.) or public utility over 5,000 square feet of gross floor area	One per 75,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 200,000 square feet or fraction thereof of gross floor area over 150,000 square feet.

Board prevent their establishment upon the same lot, they shall be established no farther than 300 feet from the premises to which they are appurtenant.

- 8.07 Size of Parking Spaces. An off-street parking space shall have an area not less than 200 square feet, plus 100 square feet for access and maneuvering space.
- 8.08 Location of Loading Spaces. The loading spaces required for the uses listed in Table 7, Off-Street Loading Requirements shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Ordinance.
- 8.09 Size of Loading Spaces. An off-street loading space shall be not less than 14 feet in width and 45 feet in length, with at least 15 feet of vertical clearance and having an area of not less than 1,300 square feet including both access and maneuvering area. The dimensions of the loading space including access and maneuvering area may be decreased to not less than 500 square feet by the Building Inspector when it is evident that vehicles utilizing the space will not require the area specified above.
- 8.10 Municipal Parking Lots. The Board may allow the substitution of space within municipal parking lots in lieu of the parking requirements of this Article, provided they are located within 300 feet of the building which is intended to be served.
- 8.11 Parking and Loading Space Standards. All parking and loading areas containing over five spaces, including automotive and drive-in establishments of all types, shall be either contained within structures, or subject to the following:
1. The area shall be effectively screened on each side which adjoins or faces the side or rear lot line of a lot situated in any "R" district.
  2. The area and access driveways thereto shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices.
  3. A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties, and sidewalks.

4. Parking spaces shall not be located within the required front yard area in any district other than the "B" district.
5. Parking and loading spaces shall be so arranged as not to permit backing of automobiles onto any street.
6. Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curb line of any intersecting street.
7. Any two driveways leading to or from a street to or from a single lot shall not be within 25 feet of each other at their intersections with the front lot line for an interior lot and 50 feet for a corner lot.
8. Any entrance or exit driveway shall not exceed 24 feet in width at its intersection with the front lot line. Curb cuts shall not exceed 25 feet in width.
9. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
10. There shall not be any storage of materials or equipment or display of merchandise within required parking areas except as part of approved building operations.
11. The Board may grant a special exception to permit the reduction of the parking space requirements to 80 percent of that required in Table 6, Off-Street Parking Regulations, but only where conditions unique to the use will reasonably justify such a reduction.

## ARTICLE IX

### NONCONFORMING USES, STRUCTURES, LOTS, AND SIGNS

- 9.01 Nonconformity by Initial Enactment or Amendment. The provisions of this section apply to nonconforming uses, structures and lots as created by the initial enactment of this Ordinance or by any subsequent amendment. It is the purpose of this Ordinance to discourage the perpetuity of nonconforming uses whenever possible. The lawful use of any building or land existing at the enactment of this Ordinance may be continued, except as otherwise provided herein.
- 9.02 Expansion and Alteration.
1. Any nonconforming use, except primarily for agriculture, horticulture or floriculture, of any open space on a lot outside a structure or of a lot not occupied by a structure shall not be expanded.
  2. Any nonconforming principal or accessory use of a structure shall not be expanded.
  3. Any nonconforming structure may be altered and the conforming use extended throughout the altered portion provided that any resultant alteration shall not cause the structure to further violate the dimensional and density regulations of the district in which it is located.
  4. Any nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.
- 9.03 Residential Lot of Record. Any lot lawfully laid out by plan or deed, duly recorded, may be built upon if it complies with the minimum area, frontage, width, and depth requirements, if any, of the zoning ordinance then in effect at the time of recording, and if the lot is in ownership separate from that of any adjacent lot. Where such nonconforming lot is in the same ownership as an adjacent lot or lots, the nonconforming lot shall be combined with the adjacent lot or lots to the extent necessary to create a conforming lot, if possible, or another nonconforming lot but to a lesser extent than the first lot.
- 9.04 Reduction or Increase.
1. Any nonconforming lot or open space on the lot (yards, setbacks, courts or building area) if already smaller

or greater, as the case may be, than that required, shall not be further reduced or increased so as to be in greater nonconformity.

2. Any off-street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number.

9.05 Change.

1. Any nonconforming use of a structure may be changed to another nonconforming use, provided the changed use is not a substantially different use as determined by the Building Inspector. Refer to the definition of "substantially different use."
2. Any nonconforming use which has been once changed to a permitted use or another nonconforming use which is not a substantially different use shall not again be changed to another nonconforming use.
3. Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.

9.06 Restoration. Any nonconforming structure, destroyed by fire or other cause to an extent requiring destruction of the remaining portion in order to be rebuilt, may not be reconstructed so as to remain nonconforming. Historical buildings may be exempt by special exception of the Board.

9.07 Abandonment. Any nonconforming use of a structure or lot which has been abandoned or not used for a continuous period of one year or more shall not be used again except for a conforming use. For agricultural, horticultural or floricultural uses the abandonment period shall be for a five-year period of nonuse.

9.08 Moving. Any nonconforming structure shall not be removed to any other location on the lot or any other lot unless every portion of such structure, the use thereof, and the lot shall be conforming.

9.09 Unsafe Structure. Any structure determined to be unsafe may be restored to a safe condition. Such work on any nonconforming structure shall not place it in greater nonconformity. If the cost to restore any structure shall exceed 50 percent of its physical replacement value, it shall be reconstructed only as a conforming structure and used only for a conforming use.

9.10 Nonconforming Signs. Any sign which is nonconforming at the date of adoption of this Ordinance by reason of its location or lighting shall be altered so as to conform within five years of the date of adoption of this Ordinance or shall be removed within five years. It is the primary intent of this section to eliminate all signs which because of their location or lighting constitute a hazard to motorists.

## ARTICLE X

### ADMINISTRATION AND ENFORCEMENT

- 10.01 Administrative Officer. It shall be the duty of the Building Inspector to administer and enforce the provisions of this Ordinance.
- 10.02 Permit Required. It shall be unlawful for any owner or person to erect, construct, reconstruct, convert or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, sign, other structure or lot without applying for on the forms supplied by the Building Inspector, and receiving from him the required permit thereof. For purposes of administration, such permit and application procedure involving a structure may be made at the same time and combined with the permit required under the Building Code. Where the application does not involve a structure but only a lot, a permit shall be applied for and may be issued. No such permit shall be issued before application has been made for a Certificate of Occupancy. When any change is made in a plot plan as originally submitted, an application for a revised permit shall be submitted.
- 10.03 Other Approvals Required.
1. Where authorization of a use of land or of a structure is required by the Board, a copy of such written authorization shall be sent by the Clerk of the Board to the Building Inspector within ten days of granting of approval and shall be received by the Building Inspector prior to the issuance of a permit.
  2. Where subdivision or nonresidential site plan approval by the Planning Board is required under the Subdivision Regulations, a copy of such approval shall be sent by the Planning Board to the Building Inspector within ten days of granting approval, and shall be received by the Building Inspector prior to the issuance of a permit.
- 10.04 Plats. In addition to plans and drawings required for submission under regulations of the Building Code, all applications for permits shall be accompanied by two copies of a plat. One copy of such plat shall be returned to the applicant if approved by the Building Inspector. Such plat shall be drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected, location and design of off-street parking and loading

spaces, signs, and such other information as may be necessary to determine and provide for the enforcement of this Ordinance. The information required on the plat may be combined with the information required under Article XII for any site plan. A record of such applications and plats shall be kept in the office of the Building Inspector.

10.05 Previously Approved Permit. Nothing in this Ordinance shall require changes in the plans, construction and/or use of any structure and/or lot for which a lawful permit has been issued or otherwise lawfully authorized within one year before the effective date of this Ordinance, provided such construction or use shall be actively prosecuted, within 60 days and completed within one year of the effective date of this Ordinance.

10.06 Certificate of Occupancy Required.

1. It shall be unlawful to use or occupy any structure or lot for which a permit is required herein without the owner applying for and receiving from the Building Inspector a Certificate of Occupancy. Such certificate may be combined with the one which may be issued under the Building Code.
2. A Certificate of Occupancy, either for the whole or a part of a new building or for alteration of an existing building, shall be applied for coincidentally with the application for a building permit and the Building Inspector shall take action within 90 days after written notification that the erection or alteration of such building or part has been completed in conformity with the provisions of this Ordinance. Failure of the Building Inspector to act within 90 days shall be considered approval.
3. A Certificate of Occupancy for the use or occupancy of vacant land, or for a change in the use of land, or for a change in the use of an existing building shall be applied for and issued before any such land shall be occupied or used, or such land or building changed in use. The Building Inspector shall take action within ten days after application has been made. Failure of the Building Inspector to act within ten days shall be considered approval.
4. A like certificate shall be issued upon application for the purpose of maintaining, renewing, changing or extending a nonconforming use, existing at the time of the passage of this Ordinance; and such certificate shall state that the use does not conform with the provisions of this Ordinance.

5. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector, and a copy shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.
- 10.07 Permit and Certificate Fees. Fees shall be as established by the City Council. The City of Dover and any entity thereof shall be exempted from the payment of said fees.
- 10.08 Permit Time Limits. Any work for which a permit has been issued by the Building Inspector shall be actively prosecuted within 90 days and completed within one year of the date of the issuance of the permit. Any permit issued for a project which is actively prosecuted for one year may be extended at the discretion of the Building Inspector.
- 10.09 Violations. The Building Inspector shall serve a notice of Violation and Order to any owner or person responsible for the erection, construction, reconstruction, conversion or alteration of a structure or change in use, increase in intensity of use or extension or displacement of use of any structure or lot in violation of any approved plan, information or drawing pertinent thereto; or in violation of a permit or certificate issued under the provisions of this Ordinance, and such order shall direct the immediate discontinuance of the unlawful action, use or condition and the abatement of the violation. Any owner who has been served with a notice and ceases any work or other activity, shall not leave any structure or lot in such a condition as to be a hazard or menace to the public safety, health, morals or general welfare.
- 10.10 Prosecution of Violation. If the Notice of Violation and Order is not complied with promptly, the City Council shall institute the appropriate action or proceeding at law or in equity to prevent any unlawful action, use or condition and to restrain, correct or abate such violation.
- 10.11 Violation Penalty. Any owner or person who violates or refuses to comply with any of the provisions of this Ordinance may upon conviction be fined a sum of Twenty Dollars (\$20.00) for each offense. Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate offense, beginning with the date of issue of the Notice of Violation and Order.
- 10.12 Board of Adjustment.
1. Membership. There shall be a Board of Adjustment of five members.

2. Appointment. Upon passage and approval of this Ordinance the present members of the Board shall continue to serve. Each member shall be appointed for a term ending five years from the date of expiration of the term of his predecessor, and a person appointed to fill a vacancy shall be appointed for the unexpired term. The members of the Board of Adjustment shall be appointed by the City Manager, subject to confirmation by the City Council.
3. Meetings. Meetings of the Board shall be held at least once a month and at such other times as the Board may determine, or upon call of the Chairman of the Board. All meetings shall be open to the public.
4. Adoption of Rules. The Board shall adopt its own rules of procedure and shall keep a record of its proceedings, showing the vote of each member on each question or if absent or failing to vote; and shall keep records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and become a public record.
5. Appeals to the Board of Adjustment. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the Building Inspector. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board, a Notice of Appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
6. Powers and Duties.
  - a. Powers. The Board shall have the following powers:
    - (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this Ordinance. (Interpretation of Ordinance.)
    - (2) To hear and decide special exceptions to the terms of the Ordinance upon which such Board is required to pass under this Ordinance. (Special Exception.)

- (3) To authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done. (Variance.)

b. Interpretation of Ordinance.

- (1) On appeal from an order or decision made by the Building Inspector, or on request by any officer or board of the city, the Board shall have the power to decide any of the following questions:
  - (a) Determination of the meaning of any provision of the text of this Ordinance.
  - (b) Determination of the exact location of any district boundary shown on the Zoning Map.
- (2) The Board shall hear and decide appeals de novo and review on appeal any order, requirement, decision or determination made by the Building Inspector in the enforcement or application of this Ordinance. Upon such appeal, the Board may, in accordance with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify, any such order, requirement, decision or determination appealed from and may make such order, or decision, as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

c. Special Exceptions. The Board shall have the power to hear and decide on applications for special exceptions. In applying for a special exception, the applicant need not demonstrate hardship, since the basis for the action is of general benefit to the city as a whole. In granting a special exception the Board, with due regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located, shall find all of the following general conditions to be fulfilled.

- (1) The use requested is listed in Table 4, Use Regulations as a special exception in the district for which application is made.

- (2) The requested use is essential or desirable to the public convenience or welfare.
- (3) The requested use will not impair the integrity or character of the district or adjoining zones, nor be detrimental to the health, morals or welfare.
- (4) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
- (5) The requested use will not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety or the general welfare.
- (6) Any special regulations for the use, set forth in Article XII, are fulfilled.

d. Variations. The Board may authorize a variance for a particular use or parcel of land or to an existing building thereon from the terms of this Ordinance where, owing to conditions especially affecting such parcel or such building but not affecting generally the district in which it is located, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship to the appellant, and where desirable relief may be granted, would not be contrary to the public interest and without nullifying or substantially derogating from the intent or purpose of this Ordinance. In granting variations, the Board, if it deems it proper to the carrying out of the intent and purpose of this Ordinance, may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purpose of the Ordinance. Also, in cases involving use variations, the Building Inspector shall refer a copy of the application for such variance to the Planning Board for their advice and comment. Failure of the Planning Board to respond within 31 days shall indicate approval.

e. Other Requirements. The granting of any appeal by the Board shall not exempt the applicant from any provision of this Ordinance not specifically ruled upon by the Board or specifically set forth as excepted in this particular case from a provision of this Ordinance. It shall be unlawful for any owner or person to reconstruct, convert or alter a

structure or change the use, increase the intensity of use or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed by the Board in authorizing a special exception or variance without appealing to the Board as a new case over which the Board shall have complete administrative power to deny, approve or modify.

- f. Public Hearing. The Board shall fix a reasonable time for the hearing of an appeal taken within the time specified by its rules and before any hearing is given either on an appeal or an application for variance or special exception of the Zoning Ordinance, notice shall be given to all property owners within 100 feet of any portion of the lot in question, or their representatives of interest if on record in the office of the City Assessor, either in hand or by notice sent by registered mail and also notice shall be given by publication in a newspaper published in the City of Dover, New Hampshire. Said notice shall be sent or delivered in hand and published at least 15 days prior to the date of meeting. If the notices are sent by mail, they shall be mailed to the last known address of the abutting owners or representatives of interest if on record aforesaid. The costs of notice shall be paid by the appellant or applicant to the Building Inspector and in no event shall the cost be deemed to be less than Two Dollars (\$2.00). Said costs shall be paid before the notices can be sent and placed in the paper and action taken by the Board on any appeal or application for variance or special exceptions.

7. Appeal from the Decision of the Board of Adjustment.

- a. Rehearing. Within 20 days after any order or decision of the Board, any party to the action or proceedings, or any person directly affected thereby, may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the grounds therefor, and the Board may grant such rehearing if in its opinion good reason therefor is said in such motion.
- b. Appeal to Superior Court. No appeal from any order or decision of the Board shall be taken unless the appellant shall have made application for rehearing as provided above, and when such application shall

have been made, no ground not set forth therein shall be urged, relied on or given any consideration by the court unless the court for good cause shown shall allow the appellant to specify additional grounds. Within 30 days after the application for a rehearing is denied, or, if the application is granted, then within 30 days of the decision on such rehearing, the applicant may appeal by petition to the Superior Court.

## ARTICLE XI

### ENVIRONMENTAL PROTECTION REGULATIONS

11.01 Environmental Performance Standards. Any use permitted by right or special exception in any district shall not be conducted in a manner as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactivity or other hazard; noise or vibration; smoke, dust, odor or other form of environmental pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; conditions conducive to the breeding of insects, rodents or other substance, conditions or element in an amount as to affect adversely the surrounding environment. The following standards shall apply:

1. Emissions shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard or other disturbance from being perceptible (without the use of instruments) at any lot line of the premises on which the use is located.
2. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against fire and explosion and adequate fire-fighting and fire-suppression devices and equipment.
3. Activities that emit dangerous radioactivity, at any point, shall be controlled in accordance with all regulations of the Atomic Energy Commission. Also, no electrical disturbance adversely affecting the operation at any point, of any equipment, other than that of the creator of such disturbance, shall be permitted.
4. No emission of smoke of a shade equal to or greater than No. 1 on the Ringlemann Smoke Chart as published by the U. S. Bureau of Mines for a period, or aggregate period, of time in excess of six minutes during any one hour, and further that at no time during the six minutes shall the shade be equal to or greater than No. 2 on the above chart.
5. No emission which can cause any damage or irritation to the health of persons, animals or vegetation or which can cause excessive soiling, at any point, shall be permitted.
6. No emission which contains particle matter in any one hour in excess of 0.03 grains per cubic foot of gas at standard conditions shall be permitted, and no facility,

regardless of its size, shall discharge more than 40 pounds per hour of dust and fumes to the atmosphere.

7. No person shall cause, suffer, allow or permit emissions from any incinerator of any particles that have a dimension greater than 100 microns.
8. No discharge, at any point, into a private sewerage system, stream or the ground, of any material in such a way, or of such a nature or temperature as can contaminate any running stream, water supply or otherwise cause the emission of dangerous or objectionable elements and accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.
9. No activity shall be permitted which causes or creates a vibration, at any point on any lot line, with a displacement and respective frequency listed below.

Maximum Permitted Steady State Vibration Displacement

<u>Frequency, cycles per second</u>	<u>Displace- ment, inches</u>
10 and below	.0008
10 - 20	.0005
20 - 30	.0003
30 - 40	.0002
40 - 50	.0001
50 - 60	.0001
60 and over	.0001

Maximum Permitted Impact Vibration Displacement

<u>Frequency, cycles, per second</u>	<u>Displace- ment, inches</u>
10 and below	.0016
10 - 20	.0010
20 - 30	.0006
30 - 40	.0004
40 - 50	.0002
50 - 60	.0002
60 and over	.0002

10. Maximum permissible sound pressure levels for noise radiated continuously from a facility between 10 p.m. and 7 a.m. at any lot line shall be as follows:

<u>Frequency Band,</u> <u>cycles per second</u>	<u>Sound Pressure Level,</u> <u>decibel re 0.0002 dyne/cm<sup>2</sup></u>
20 - 75	69
75 - 150	54
150 - 300	47
300 - 600	41
600 - 1,200	37
1,200 - 2,400	34
2,400 - 4,800	31
4,800 - 10,000	28

If this sound is not smooth and continuous, one of the following corrections should be added to each of the actual decibel levels given:

- a. Daytime operation only: +5.
  - b. Noise source operates less than 20 percent of any hour period: +5.
11. No emission of odorous gases or odoriferous matter in such quantities as to be offensive shall be permitted. Any process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001202 per thousand cubic feet of hydrogen sulfide or any "odor threshold" as defined in Table III in Chapter 5 of Air Pollution Abatement Manual, copyright 1951, by Manufacturing Chemists Association, Inc., of Washington, D. C. shall be permitted.
  12. No direct or sky-reflected glare, whether from floodings or from high temperature processes such as welding shall be permitted when it is determined that it will be hazardous or obnoxious.
  13. In the event of a conflict between the above performance standards and state standards, the standards of a duly organized regional authority or local standards; the standards which are more stringent shall govern.
  14. If in the opinion of the Building Inspector there appears to be reasonable proof that a violation exists, then the cost of making the above tests shall be paid by the alleged violator.
- 11.02 Screening and Buffers. Screening and buffers shall be required in any industrial, neighborhood or highway business district or mobile home park, which adjoins a residential district as follows: this strip shall be at least 25 feet in width, it shall contain a screen of plantings in the

center of the strip not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than three feet on center and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year-round. At least 50 percent of the plantings shall consist of evergreens. A solid wall or fence, not to exceed six feet in height, complemented by suitable plantings, may be substituted for such landscape buffer strip. The strip may be part of the yard area. Where an "I" or "B" district abuts an "R" district, no building within the "I" or "B" district shall be within 25 feet of the boundary line of the "R" district.

- 11.03 Buildings in Floodline. No building, except a boathouse or pump house, shall be erected within floodlines or in any area subject to periodic flooding. If such flood elevation shall have been reduced by construction of dams at the headwaters, or by other means, the first floor elevation may be correspondingly lowered to the reduced flood level.
- 11.04 Filling of Any Water or Wet Area. For the filling in of any pond, lake, swamp or other existing body of water or wet area; and the filling in of any swale, valley or other area or depression, where such filling in requires an amount of fill equivalent to 500 cubic yards or more; or where the area to be filled in exceeds 10,000 square feet, the following conditions apply: (Such conditions shall include, where applicable, prior approval by the City Council and the New Hampshire Water Resources Board - RSA 149.)
1. Submission of a location plan at a scale of 1" = 1,000' showing the area to be filled in or excavated, lot lines within which the filling is proposed, and tie-in to the nearest road intersection.
  2. Submission of a site plan to a scale of 1" = 40' of the lot and surrounding area within 100 feet showing in addition to 1. above, existing and proposed contour lines at intervals of not more than two feet resulting from the proposed filling in, in relation to the topography of the premises, said plan to be prepared by a registered professional engineer and registered land surveyor.
  3. Provision for temporary and permanent drainage of the site.
  4. Limitation of fill to terrace fills which are not to exceed ten feet at any one time nor be within ten feet of an adjacent lot line or any cut.

5. Regrading of all parts of the slopes resulting from such fill.
6. Replacement of at least four inches of topsoil over all filled or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
7. Submission of plan for lighting, if night operation is contemplated.
8. Where any fill will have a depth of ten feet or more and create a slope of more than one foot in two feet, there shall be a substantial fence enclosing the fill at least six feet in height with suitable gates. Such fence shall be located ten feet or more from the edge of the fill.
9. Documentation shall be submitted as to the effect of such filling in on drainage both within the immediate area and sufficiently far downstream as required by the Building Inspector.
10. Documentation shall be submitted that the plan of the proposed filling has been referred to both the U. S. Army Corps of Engineers and to the U. S. Department of Agriculture Soil Conservation Service. Referrals shall be made to the appropriate offices having jurisdiction over Dover.
11. Prior approval by the State Water Resources Board, under Chapters 387 and 149 of the New Hampshire RSA, including any conditions attached thereto, shall be required.

## ARTICLE XII

### SPECIAL EXCEPTION CONDITIONS

- 12.01 Special Conditions. In addition to the general conditions set forth in Section 10.12, 6., c. of this Ordinance for all special exceptions, the following special conditions shall apply to the following uses in this section listed as special exceptions in various districts in Table 4, Use Regulations.
- 12.02 Removal of Sand, Gravel, Quarry or Other Raw Materials.
1. For the removal of sand, gravel, quarry or other raw materials other than that which is incidental to and in connection with the construction of a building on a lot, and for processing and treating raw materials, the following conditions shall govern:
    - a. Removal and processing operations shall not be conducted closer than 50 feet to a public street.
    - b. All equipment for sorting, washing, crushing, grading, drying, processing and treating, or other operation machinery, shall not be used closer than 100 feet from any public street or from any adjoining lot line.
    - c. Off-street parking as required in Table 6, Off-Street Parking Regulations shall be provided.
    - d. Any access to excavated areas or areas in the process of excavation will be adequately posted with KEEP OUT - DANGER signs.
    - e. Any work face or bank that slopes more than 30 degrees downward adjacent to a public street will be adequately fenced at the top.
    - f. Adequate provision is made for drainage during and after the completion of operations.
    - g. Lateral support shall be maintained for all adjacent properties.
    - h. The use of explosives shall be done in accordance with the regulations for storage or handling of explosives as published by the State of New Hampshire.

- i. All operations shall be conducted in such a manner as to comply with the laws of the State regulating water pollution and air pollution.
  - j. Before approval of a permit for any excavation the owner shall file a performance bond, or deposit money, or other negotiable securities in an amount determined by the Board to be sufficient to cover costs of all, or any part of cleaning the site upon completion of work, such as removing stumps, large boulders, general cleanup, and other miscellaneous debris.
  - k. The permit issued shall be granted only by the City Council to the owner of the record and shall not be transferable.
2. Site plans shall be filed with the Board for any land which is used or intended to be used for the extraction of sand, gravel, rock, and associated earth materials. Site plans of the removal areas shall be prepared by a registered professional engineer and a registered land surveyor at a horizontal scale of 1" = 200' and a vertical scale of 1" = 10' and shall be in accordance with and indicate the following:
- a. Lot lines.
  - b. Adjacent public streets.
  - c. Proper provisions for safe and adequate water supply and sanitary sewerage and for temporary and permanent drainage of the site.
  - d. Plan for regrading of all or parts of the slopes resulting from such excavation or fill; and
  - e. Plan for replacement of at least four inches of topsoil over all excavated, filled or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
  - f. Plan for lighting, if night operation is contemplated.
  - g. Proper provision for vehicular traffic, service roads, control of entrances and exits to highways.
  - h. The relation of future buildings and operations machinery to the removal areas.

- i. Delineation of removal areas.
  - j. Provision for a substantial fence enclosing the excavation or quarry where any excavation or quarry will extend under original ground level or will have a depth of ten feet or more and create a slope of more than one foot in two feet. Such fence shall be located ten feet or more from the edge of the excavation or quarry, and shall be at least six feet in height.
3. Land restoration plan(s) must be submitted to and approved by the Board subject to the regulations set forth in the following paragraphs:
- a. The Building Inspector may require up to three approved alternative future land restoration plans be submitted for such land as is used for the extraction of sand, gravel, rock, and associated earth materials. It is recognized that land restoration of the removal areas is in the public interest.
  - b. Said land restoration plan and its implementation applies to the conversion of the abandoned site and its planned restoration. It is, therefore, required that any land restoration plan correspond to a situation which could reasonably occur in the immediate future (zero to five years), and be revised as necessary as the existing physical character of the removal area changes.
  - c. The land restoration plan or any part thereof which reasonably applies to an area which has been abandoned from removal use shall be put into effect within one year of the abandonment of said operation.

12.03 Cluster Residential Development.

1. For development of single-family detached residential structures in a cluster pattern in the R-40 and R-20 districts, subject to restrictions less than the minimum required for development of an individual lot in the same district as set forth in Table 5, Dimensional and Density Regulations, the following conditions shall apply:
  - a. The tract of land in a single or consolidated ownership at the time of application shall be at least 15 acres in size and the plan of which shall be

subject to approval by the Planning Board under the Dover Subdivision Regulations.

- b. A site plan shall be presented to the Board for the entire tract.
  - c. The site shall be served by the public sewerage system or an adequate community sewerage system.
  - d. In any R-40 or R-20 district the individual lot size shall be subject to all requirements for one-family detached buildings in the R-8 district.
  - e. In any R-40 or R-20 district, the number of proposed lots in the development shall not exceed the number of lots which could be developed under normal application of Table 5, Dimensional and Density Regulations of the R-40 or R-20 district, respectively. For purposes of this paragraph it shall be assumed that 80 percent of the total tract area could be utilized to meet lot area requirements.
  - f. The proposed plan shall be in accordance with the Dover Comprehensive Development Plan as last revised.
  - g. At least 10 percent of the total tract area (of which at least 50 percent shall not be wetlands or over 5 percent slope land) shall be set aside as common land and shall be either deeded to the city or covenanted to be maintained as permanent open space in private or cooperative nonprofit ownership.
  - h. Such common land shall be deeded to the City of Dover or permanently covenanted simultaneously with the Planning Board's approval of the Final Plat Subdivision Plan.
  - i. Such common land shall be restricted to open space recreational uses such as totlot, park, playground, play field, golf course or conservation area.
  - j. Such common land shall have suitable access to a street.
2. For development of single-family attached and multi-family structures in a cluster pattern in the R-8 and R-A district, subject to restrictions less than the minimum required for development of an individual lot in the same district, as set forth in Table 5, Dimensional and Density Regulations, the following conditions shall apply:

- a. The tract of single or consolidated ownership at the time of application shall be at least 15 acres in size and subject to approval by the Planning Board under the Dover Subdivision Regulations.
- b. A site plan shall be presented to the Board for the entire tract. A copy of the Site plan shall also be submitted to the Planning Board for their advice and comment. Failure of the Planning Board to reply within 30 days of the receipt of the referred site plan shall be deemed to constitute their approval.
- c. Each lot in the R-8 and R-A district shall be subject to the requirements for single-family attached and multifamily dwellings in any R-B district.
- d. The total number of proposed dwellings in the development within the R-8 district shall not exceed the number of dwellings which could be developed under normal application of the requirements of the R-8 district; similarly, the total number of proposed dwellings in the development within the R-A district shall not exceed the number of lots which could be developed under normal application of requirements of the R-A district.
- e. The proposed plan shall be in accordance with the Dover Comprehensive Development Plan as last revised.
- f. The development shall be served by both public water and sewerage systems.
- g. At least 10 percent of the total tract area (of which at least 50 percent shall not be wetlands or over 5 percent slope land) shall be set aside as common land and shall be either deeded to the city or covenanted to be maintained as permanent open space in private or cooperative nonprofit ownership.
- h. Such common land shall be deeded to the City of Dover or permanently covenanted simultaneously with the Planning Board's approval of the Final Plat Subdivision Plan.
- i. Such common land shall be restricted to open space recreational uses such as totlot, park, playground, play field, golf course or conservation area.
- j. At any one time not more than 40 percent of the total dwelling units shall consist of three or more bedrooms.

12.04 Planned Unit Development. For development in a planned unit concept for uses including among others, residential, commercial, and institutional, and not subject to Table 5, Dimensional and Density Regulations, the following conditions shall apply:

1. The tract shall be at least 100 contiguous acres in single or consolidated ownership and the plan for the tract may be subject to the approval by the Planning Board under the Dover Subdivision Regulations.
2. The following uses shall be permitted: residential (one-family, two-family, and multifamily dwelling); community facilities (religious or educational; membership club for exclusive use of the residents of the planned unit development; public recreation or open space; fire station); and commercial (retail or service establishment not exceeding 5,000 square feet in gross floor area).
3. At least 20 percent of the land area shall be set aside as permanent open space and offered to the city for acceptance as public open space or covenanted by the owner as public open space.
4. The remaining 80 percent of the land area may be developed for residential, community facilities, and commercial uses. A maximum of 5 percent of the total gross floor area at any one time may be devoted to commercial use.
5. The residential net density within the developed area (80 percent portion) shall be 30 dwelling units per acre, not including streets.
6. At any one time not more than 40 percent of the total dwelling units shall consist of three or more bedrooms.
7. Buildings shall be at least 50 feet from any district boundary and at least 15 feet from any street line or parking area and at least 24 feet apart.
8. Buildings shall not exceed 12 stories in height.
9. The development shall be served by a public water and either the public sewerage system or an adequate private community sewerage system.
10. The principal streets shall be offered for acceptance as public ways. Where retained as private ways, they shall be posted as such by standard street signs.

11. A site plan for the entire tract at a scale of 1" = 100' prepared by a recognized land planner, registered architect or registered professional engineer, shall be submitted to the Board and shall show in addition to other items as may be required by the Board at least the following:
  - a. Two-foot contours on the tract.
  - b. The location and acreage of areas to be devoted to specific uses.
  - c. Existing and proposed streets, parking, drainage, and utility systems.
  - d. Proposed residential density of development in terms of dwelling units per acre and types and proposed commercial uses in square footage and types.
  - e. A separate plan showing the location of parks, open recreation areas and other open spaces, schools, and other public community uses.
12. A copy of the site plan shall be referred to the Planning Board for their advice and comments. Failure of the Planning Board to reply within 30 days of the receipt of the referred site plan shall be deemed to constitute their approval.
13. The development plan shall be consistent with the Dover Comprehensive Development Plan as last revised.

12.05 Planned Business Development. For planned business development of land for any permitted use in a "B" district, the development shall be subject to all regulations of this Ordinance, except as specifically stated below. The planned business development shall be subject to maximum building coverage more than the maximum permitted in Table 5, Density and Dimensional Regulations and less than the parking requirements contained in Article VII, provided:

1. The tract shall be in single or consolidated ownership at the time of application and shall be at least three acres in size.
2. A site plan shall be presented for the entire tract showing two-foot finished contours, existing and proposed drainage, sewerage, water, parking, street access, and landscaping, and shall be subject to approval by the Planning Board under the Dover Subdivision Regulations.

3. Uses shall be contained in one continuous building except that groupings of buildings may be allowed by the Board where such groupings are consistent with the safety of the users of the development and are further consistent with the overall intent of this section.
4. The minimum open space requirement shall be 10 percent.
5. The development shall be served by one common parking area, exit, and entrance.
6. Reduction in parking space requirements shall not exceed more than ten percent of those required under normal application of requirements for the particular uses proposed.
7. The development would be served by the public water and sewerage systems.
8. The maximum building coverage shall be 55 percent.

12.06 Planned Industrial Development. For the planned industrial development of land for manufacturing or service industrial purposes subject to area regulations less than the minimum required in Table 5, Density and Dimensional Regulations, provided:

1. The tract shall be in single or consolidated ownership at the time of application and shall be at least 15 acres in size.
2. A site plan shall be presented for the entire tract showing two-foot finished contours, existing and proposed drainage, sewerage, water, parking, street access, and landscaping, and shall be subject to approval by the Planning Board under the Dover Subdivision Regulations.
3. Individual lot sizes shall not be reduced more than ten percent below that normally required for manufacturing or service industrial purposes in the district.
4. The total number of establishments in the development shall not exceed the number of establishments which could be developed under normal application requirements of the district.
5. The permitted uses shall be limited to manufacturing or service industrial uses with the total use completely within the building.

6. The development shall be served by the public water and sewerage system.
7. At least ten percent of the total tract area (of which at least 50 percent shall not be wetlands or over 5 percent slope land) shall be set aside as common land and shall be either deeded to the city or covenanted to be maintained as permanent open space in private or cooperative nonprofit ownership.
8. Such common land shall be deeded to the city or permanently covenanted simultaneously with the Planning Board's approval of the Final Plat required under the Subdivision Regulations.
9. Such common land shall be restricted to open space, playfield, golf course or conservation area.
10. Such common land shall have suitable access to a street.

12.07 Planned Apartment, Research, and Office Development. For the planned development of a mixed apartment, research, and office complex not subject to Table 5, Dimensional and Density Regulations, the following conditions shall apply:

1. The tract shall be at least 15 contiguous acres in single or consolidated ownership.
2. The following uses shall be permitted:
  - a. multifamily dwelling
  - b. professional and business offices and services
  - c. research offices or establishments devoted to research and development activities
  - d. other uses intended to serve the above facilities, which totaled shall not consist of more than 5 percent of the gross floor area of the total development, including:
    - (1) community facilities (religious and educational, membership club)
    - (2) retail establishment selling convenience goods with a maximum floor area of 5,000 square feet for any single establishment
    - (3) eating and drinking places, not including drive-in establishments

- (4) personal and consumer service establishments.
- e. Public recreation and open space
3. At least 20 percent of the land area shall be set aside as permanent open space which shall be covenanted by the owner as public open space.
  4. The height of the buildings shall not exceed 12 stories.
  5. The maximum building coverage shall be 40 percent.
  6. At any one time not more than 40 percent of the total dwelling units shall consist of three or more bedrooms.
  7. The development shall be served by both a public water and public sewerage system.
  8. A site plan of the entire tract at a scale of 1" = 100', prepared by a recognized land planner, registered architect or registered professional engineer, shall be submitted to the Board and shall show in addition to other items as may be required by the Board at least the following:
    - a. Two-foot contours on the tract.
    - b. The location and areas to be devoted to specific uses.
    - c. Existing and proposed streets, parking, drainage and utility systems.
    - d. Proposed residential density of development in terms of dwelling units per acre and types and proposed research and office uses in square footage and types.
    - e. A separate plan showing the location of parks, open recreation areas and other open spaces, and other public community uses.
  9. A copy of the site plan shall be referred to the Planning Board for their advice and comments. Failure of the Planning Board to reply within 30 days of the receipt of the referred site plan shall be deemed to constitute their approval.
  10. The development plan shall be consistent with the Dover Comprehensive Development Plan as last revised.

12.08 Home Occupation. For the use of a dwelling in any "R" district for a home occupation, the following conditions shall apply:

1. Home occupation shall include dressmaker, artist, writer, teacher (providing not more than four pupils simultaneously occupy the building), musician, lawyer, doctor, dentist, architect, engineer or practitioner of any other profession 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 within the principal building.
4. Not more than 25 percent of the existing net floor area not to exceed 400 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 the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance or in any other way. In a multifamily dwelling, the use shall in no way become objectionable or detrimental to any residential use within the multifamily structure.
8. Any such building shall include no feature of design not customary in buildings for residential use.
9. Such uses as clinics, barber shops, bakeries, gift shops, beauty parlors, tea rooms, tourist homes, animal hospitals, kennels, and others of a similar nature shall not be considered as home occupations.
10. Not more than one commercial vehicle in connection with such home occupation shall be stored on the premises.

12.09 Mobile Homes. For the location and use of a fixed mobile home on an individual lot for permanent residency, the following shall apply:

1. It must be located on the lot so as to comply with the minimum lot size and setbacks for a structure situated in the zoning district where the mobile home is located.

2. It must be fixed to a permanent foundation and contain approved adequate water and sanitary facilities. Dry or chemical toilets shall not be permitted.
3. The mobile home, in the opinion of the Board, shall not detract from the general character of the neighborhood and shall not lower land values.

12.10 Mobile Home Subdivisions. For the establishment of a mobile home subdivision as a special exception in the R-20 and R-8 districts, the following conditions shall apply:

1. The development shall be subject to the approval of the Planning Board under the Subdivision Regulation of the City of Dover.
2. Mobile homes located on lots within the subdivision shall be fixed mobile homes.
3. A site plan shall be presented to the Board for the entire tract.
4. The mobile home development is in conformance with the general character of developed land uses within the neighborhood.
5. The Board shall determine that overall land value will not be adversely affected.
6. The development plan shall be consistent with the Dover Comprehensive Development Plan as last revised.
7. The development shall be served by the public water system.
8. If the development is in the R-8 district, then Table 5, Dimensional and Density Regulations for that zone, shall apply.
9. If the development is in the R-20 district, then either Table 5, Dimensional and Density Regulations for that zone shall apply or cluster development shall be allowed subject to the regulations set forth in Section 12.03, 1.

12.11 Mobile Home Parks. For the establishment of a mobile home park for portable mobile homes in the R-20 and R-8 districts, the following regulations shall apply:

1. Permits for Special Exception.
  - a. It shall be unlawful for any person to establish, maintain or operate any mobile home park, whether

charges are levied or not, who does not possess a permit for special exception from the Board.

- b. Application for such permit shall be made in writing to the Board. The applicant shall also submit a site plan describing the location of the existing or proposed mobile home park, the number and location of mobile home spaces, the proposed source of water supply, the proposed method of sewage disposal, the proposed method of garbage and trash disposal, and the proposed lighting system. The Board shall transmit a copy of said plan and application to the Building Inspector.
- c. Upon receipt of the proper application for a permit for special exception and site plan, the Building Inspector shall promptly cause an inspection of the premises to be made in company with the Health Officer. The Building Inspector and the Health Officer shall thereupon submit a report of said inspection in such manner as the Board may request, together with any recommendations they may deem necessary or advisable for the revision of or amendment to the plan in the interests of the general welfare of the community.
- d. The Board shall transmit a copy of the plan to the Planning Board for its advice and comment. Prior to the hearing upon such special exception, the Planning Board shall submit in writing its recommendations and report to the Board, and which report by the Planning Board shall include as a minimum:
  - (1) A general description of the neighborhood in which the tract lies and the effect of the plan upon the area.
  - (2) The relation of the plan to the Dover Comprehensive Development Plan.
  - (3) The Planning Board's opinion of the overall design of the plan.
  - (4) The Planning Board's opinion of the advisability of granting the special exception, and as to any restrictions which should be imposed upon the tract as a condition of such exception.

The Board shall not take final action for a special exception hereunder until it has received a report thereon from the Planning

Board or until said Planning Board has allowed 45 days to elapse after receipt of such plan without the submission of a report. The Board shall give due consideration to the report of the Planning Board and, where its decision differs from the recommendations of the Planning Board, shall state the reasons therefor in writing.

- e. When satisfied that the proposed mobile home park will not be a source of danger to the health or safety of its occupants or to others, and will comply with this and all other city ordinances, and will conform to accepted principles of good community planning, the Board shall affix its approval to the final plan and description by signature of the Chairman of said Board accompanying the work "Approved," and the date of approval as voted by a majority of the Board.
- f. The applicant shall be notified forthwith of the action denoting approval of the plan by the Board, and a permit for special exception shall be issued. The Building Inspector shall likewise be notified forthwith.

2. Compliance with Trailer Courts and Mobilehome Park Ordinance. Upon proof of approval having been given by the Board for a special exception, the applicant therefor shall apply to the Health Officer for a permit required under "Ordinance No. 1, Trailer Courts and Mobilehome Parks for the City of Dover" and shall comply with all regulations thereunder.

3. Location and Space Requirements.

- a. Permitted locations for a mobile home park shall include only well-drained sites, not subject to smoke, to noise excessive for residential purposes, to the probability of flooding or erosion or to insect or rodent infestation.
- b. The site of the mobile home park site shall be at least 20 acres.
- c. Not more than one mobile home shall be placed upon a mobile home space. No mobile home shall be situated closer than 50 feet to any permanent residence or adjoining property.
- d. The mobile home park shall be subject in requirements of Section 11.02, Screening and Buffers.

- e. Each space in a mobile home park shall contain not less than 8,000 square feet and shall have a frontage of at least 75 feet on a public or private street. The boundaries of each space shall be designated by permanent markers such as stone monuments or iron pipe placed in the ground at each corner. Each space shall contain parking space for one automobile. Each space shall be kept free from dense growth of brush or weeds.
  - f. The front yard setback of each space shall be at least 15 feet. The rear setback of each space shall be at least 15 feet. The side setbacks of each space shall be at least ten feet. In establishing these setbacks, and other space requirements, awnings, vestibules or other attached building components and patios shall be considered an integral part of a mobile home or house trailer.
  - g. Any buildings other than mobile homes which are associated with the operation of the mobile home park (office, laundry, etc.) shall be situated on the lot in accordance with the setbacks required for the zoning district in which they are located. Such buildings shall be separated by a minimum distance of ten feet.
4. Sewage and Waste Disposal. Every mobile home park shall provide an adequate and acceptable sewer and sewage disposal system, either by connection to the city sewerage system when available, or to a septic tank or other means of treatment and disposal approved by the Health Officer and the New Hampshire Water Supply and Pollution Control Commission.

## ARTICLE XIII

### AMENDMENT, VALIDITY, AND EFFECTIVE DATE

13.01 Amendment. This Ordinance may be amended from time to time in accordance with Chapter 31:64 New Hampshire R.S.A., as amended, and as follows:

#### 1. General.

- a. 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.
- b. It shall be the duty of the Planning Board to submit its recommendations regarding all applications or proposals for amendments or supplements within 30 days from the regularly scheduled meeting at which the matter is first considered.
- c. An amendment, supplement, reclassification or change may be initiated by passing a resolution therefor by the City Council or by the Planning 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.

#### 2. Procedure.

- a. Application for any change of this Ordinance 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 by such purpose by the Planning Board, so as to assure the fullest practicable presentation of facts for the permanent record.
- b. 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.

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:
  - a. 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 feet of the property affected by 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.
  - b. Publication in a newspaper of general circulation in the City, at least fifteen (15) days before the date of such public meeting.
  - c. Notice of such public meeting posted in at least three conspicuous public places in the city.
  - d. 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.
  
4. Action Required.
  - a. The Planning Board shall make a report and recommendations on amendments referred to it by the City Council within 31 days after the next regularly scheduled meeting of the Board.
  - b. In the event that the Planning Board recommends disapproval of the proposed addition, amendment or change, the City 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.
  - c. The Planning Board shall provide certification of notice of property owners included and adjacent property owners for use by the City Clerk.
  - d. Upon receipt of the recommendations of the Planning Board or upon expiration of the 30 day period extended for review and report by the Planning Board on proposed amendments, changes or additions, the City Council must establish a date for public hearing and must publish and post notice of such