



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

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

The City of Dover Ordains:

### 1. PURPOSE

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

### 2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6.B., “Word Usage and Definitions”, by amending the definition of a single-family home, which is to read as follows:

“DWELLING, SINGLE-FAMILY — A detached building, to include MANUFACTURED HOUSING, containing one dwelling unit only.

### 3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6.B., “Word Usage and Definitions”, by amending the definition of unsuitable development area, which is to read as follows:

“UNSUITABLE DEVELOPMENT AREA — The area of a site that includes wetlands, water bodies, slopes exceeding a grade of 20% and totaling more than 2,000 square feet of contiguous area, land used for septic systems, floodways, areas within 25 feet of a designated burial ground, ~~and~~ floodway fringe within the 100-year floodplain as shown on the latest FEMA maps accepted by the City, and public utility easements

### 4. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12, Commercial Table of Uses, by amending the solar/green roof standards under footnote 8, which is to read as follows:

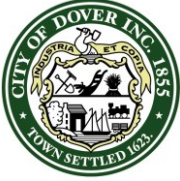
“Solar/Green Roof Standard:

- All buildings must be solar ready
- ~~Commercial and mixed use buildings that are 25,000 sq. ft. or more must also incorporate solar panels and/or a green roof on at least 30 percent of the roof area.~~
- Commercial and mixed-use buildings that are 25,000 sq. ft. or more must meet the following solar/green roof standards:

- A. Solar panels, green roof, or a combination thereof must be installed in an area no less than either:

1. Fifteen (15) percent of the gross floor area of the building;
2. Thirty (30) percent of the total roof area on the building; or
3. (For solar paneling only) an area equal to an amount required to provide one hundred (100) percent of estimated annual average electricity used at the building.

Notwithstanding the above, solar panels are not required to be roof-mounted and may be located elsewhere on site provided their area is compliant with the above percentages.”



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### 5. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Signage Table in the Commercial (C) District, to clarify the sign-per-frontage relief specified within the ordinance text, which is to read as follows:

Sign Size & Quantity	
Total signs permitted ( <i>see §170-50 for multiple frontage exceptions</i> )	2 <del>[per tenancy, and is for lot (excluding development identification SIGNS)]</del>

### 6. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Signage Table in the Commercial Manufacturing (CM) District, to clarify the sign-per-frontage relief specified within the ordinance text, which is to read as follows:

Sign Size & Quantity	
Total signs permitted ( <i>see §170-50 for multiple frontage exceptions</i> )	2 <del>[per tenancy, and is for lot (excluding development identification SIGNS)]</del>

### 7. AMENDMENT

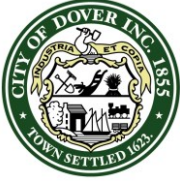
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Signage Table in the Information Technology (IT) District, to clarify the sign-per-frontage relief specified within the ordinance text, which is to read as follows:

Sign Size & Quantity	
Total signs permitted ( <i>see §170-50 for multiple frontage exceptions</i> )	2 <del>[per tenancy, and is for lot (excluding development identification SIGNS)]</del>

### 8. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Signage Table in the Central Business, General (CDB-G) District, to clarify the sign-per-frontage relief specified within the ordinance text, which is to read as follows:

Sign Size & Quantity
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Total signs permitted ( <i>see §170-50 for multiple frontage exceptions</i> )	2 <u>[per tenancy, and is for lot (excluding development identification SIGNS)]</u>
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### 9. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Signage Table in the Central Business, Mixed-Use (CDB-MU) District, to clarify the sign-per-frontage relief specified within the ordinance text, which is to read as follows:

Sign Size & Quantity	
Total signs permitted ( <i>see §170-50 for multiple frontage exceptions</i> )	2 <u>[per tenancy, and is for lot (excluding development identification SIGNS)]</u>

### 10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Signage Table in the Central Business, Transit-Oriented Development (CDB-TOD) District, to clarify the sign-per-frontage relief specified within the ordinance text, which is to read as follows:

Sign Size & Quantity	
Total signs permitted ( <i>see §170-50 for multiple frontage exceptions</i> )	2 <u>[per tenancy, and is for lot (excluding development identification SIGNS)]</u>

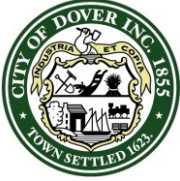
### 11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-14, Nonconforming Lots, by amending the applicability statement, which is to read as follows:

“170-14. Nonconforming lots. [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 10-13-2021 by Ord. No. 2021.09.08-006]

In any district, structures which are allowed by right, ~~but not structures that are allowed by special exception,~~ may be erected on any nonconforming lot of record even though such lot fails to meet the requirements for area, width or frontage provided that:

- A. The lot has been duly recorded at the Strafford County Registry of Deeds on or before the effective date of adoption of this chapter.



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- B. Should the lot be less than 5,000 square feet and not have a minimum width of 50 feet, it may be developed as long as the home constructed is no larger than 1,000 square feet in total living space.
- C. If the lot has a land area of at least 5,000 square feet and a minimum width of 50 feet, a home constructed may be larger than 1,001 square feet in total living space.
- D. In either case, the following side yard restrictions shall apply:
  - (1) A lot with a width of 110 feet or less and greater than 75 feet shall have a minimum side yard of 10 feet
  - (2) A lot with a width of less than 75 feet shall have a minimum side yard of six feet

The above relief afforded for construction on nonconforming lots shall not apply to uses which are subject to either a Special Exception or a Conditional Use permit granted through the Zoning Board of Adjustment..”

### 12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28, of the Transfer of Development Rights Ordinance, §G, by amending the cost per-acre assessed by the TDR ordinance, which is to read as follows:

“G. Residential performance standards.

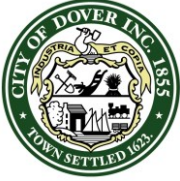
- (1) Annually, the City shall update a document identifying the ~~cumulative~~ cost per acre spent to preserve open space within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development and coordinated with the Conservation Commission. This cost shall become the value at which development rights may be purchased.”

### 13. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32.E(1), the procedural concepts section of the Residential-Commercial Mixed-Use overlay district, which is to read as follows:

“E. Procedural concepts.

- (1) The developer shall prepare a development plan, which locates the proposed types of nonresidential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership but shall be treated as one development and shall be bound by the approval granted for the entire development plan. If approval is granted, individual lots must be developed as part of the larger development plan and phasing outlined below, and not separately. The development plan must identify the percentage of the nonresidential uses, residential uses and open space. Nonresidential and/or mixed-use uses must comprise at least 55% of the total proposed



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floor area for the development; residential uses must not exceed 45% of the total proposed floor area for the development. ~~Nonresidential uses within projects located in the CM District must be 90% manufacturing and assembly in nature.~~ A building shall be considered "mixed-use," provided that at least 50% of the floor area of the first floor is reserved as commercial space and provided that such commercial space is located roughly in the front half of the building and extends the length of the building facade. Residential accessory uses (e.g. mechanical, storage, laundry, etc.) are permitted to be located within the back half of the first floor of any mixed-use building.

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

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

(4) For residential development that includes single-family homes over 1,001 square feet of total living area, or three- to four-family, density shall be based upon calculating one unit per 40,000 square feet of contiguous upland, and using 150 feet of frontage on a public roadway.

(5) For single-family residential homes 1,000 or less square feet of total living area, development, two-family dwellings, or multifamily dwellings, density shall be based upon calculating one unit per 10,000 square feet of contiguous upland, and using 100 feet of frontage on a public roadway.

(a) If units are restricted so that the rent of said units conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, there shall be no density for said unit(s).

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

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



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

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

(9) Residential development plan guidelines.

(a) The developer shall be permitted to allocate permitted density among internal dwelling lots in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the development lot or legal lot, unless the additional density is derived from § 170-29, Transfer of development rights. Layouts may include individual lots or a cluster of units without lot lines.

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

(c) Where possible, it is desirable and encouraged to mix residential and nonresidential uses. This may be achieved through situating the buildings close to each other, or through allowing structures to house residential, preferably on the second or above floor, with nonresidential on the first floor. Creativity and flexibility is encouraged, and the development plan may offer another option for mixing uses.

(d) All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include structures with peaked roofs and architectural shingles. The guidelines for this development are included in Chapter 153, Site Review Regulations, § 153-16.

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

(10) Nonresidential development plan guidelines.





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

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

### 14. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-33, Groundwater Protection, by amending §F, Performance Standards to correct an existing typographic error, which is to read as follows:

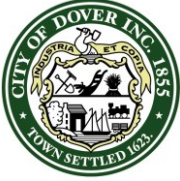
F. “Performance standards.

(1) Applicability. Within the primary and secondary groundwater protection zones, the following performance standards shall apply to all new nonresidential and multifamily development, expansion of preexisting nonresidential and multifamily developments that expand the lot coverage of the existing structure(s) by more than 20%, and all subdivisions of four or more new lots:

- (a) Post-development infiltration volumes shall be no greater than predevelopment volumes as determined by use of the Development Review Model described in Subsection G below.
- (b) Stormwater shall be treated by use of a stormwater treatment system designed to remove no less than 80% of the annual load of total suspended solids. The removal rate shall be accomplished using best management practices installed in advance of the final infiltration system.
- (c) No stormwater infiltration system shall be located within the ~~200~~ 50-day travel time of an existing or proposed municipal well as depicted on the map referenced in Subsection B above. In absence of a defined ~~200~~ 50-day-travel-time radius, the applicant shall submit a technical evaluation from a professional engineer, hydrologist or geologist that documents that the proposed discharge is consistent with the stated purpose and intent of this requirement.

(2) Specific requirements. Within the primary and secondary groundwater protection zones, the following performance standards shall apply to specific activities which may impact the groundwater quality:

- (a) Sand and gravel extraction operations shall not excavate below an elevation four feet above the seasonal high-water table observed when the associated water supply well has not been operating for at least two weeks prior to the date of measurement. The operator of the sand and gravel



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extraction operation shall prepare for the City an annual report documenting compliance with the requirements of this section. Pursuant to RSA 155-E:11, II, the requirements of this subsection may be waived if the applicant demonstrates that such excavation will not adversely affect water quality and that written notice of such exception shall be recorded in the Registry of Deeds, and one copy filed with the New Hampshire Department of Environmental Services.

- (b) Pursuant to Chapter 81, Fire Prevention and Life Safety, § 81-24, on-premises use of heating oil tank facilities shall comply with the provisions of the National Fire Protection Association Standard NFPA 31, Installation of Oil-Burning Equipment.

### 15. TAKES EFFECT

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

### AUTHORIZATION

Approved as to Funding: Daniel R. Lynch      Sponsored by: TBD  
Finance Director

Approved as to Legal  
Form and Compliance: Jennifer Perez  
Acting City Attorney

Recorded by: Jerrica Vansylvong-  
Bizier  
City Clerk

### DOCUMENT HISTORY:

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

### DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor, Robert Carrier		





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Deputy Mayor Dennis Shanahan, Ward 5		
Councilor April Richer, Ward 1		
Councilor, Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Lindsey Williams, At Large		
Councilor Linea Nemeth, At Large		
Total Votes:		
Resolution    does         does not    pass.		