

ORDINANCE _____
CHAPTER 149
SITE REVIEW

THE CITY OF DOVER ORDAINS:

Section 1. Purpose. The purpose of this ordinance is to amend Chapter 149 of the Code of Dover, entitled Site Review Ordinance. Said amendment will have the effect of revising the intake and processing procedure for site review applications.

Section 2. Amendment. Chapter 149 of the Code of Dover, entitled Site Review Ordinance, is hereby amended by deleting the existing ordinance in its entirety and replacing it with the following language:

SITE REVIEW ORDINANCE

ARTICLE I
Purpose and Scope

149-1. Title.

This chapter shall be known and may be cited as the "Site Review Ordinance of the City of Dover".

149-2. Legislative Authority.

These regulations are adopted by the Dover Planning Board pursuant to the authority granted by the New Hampshire Revised Statutes Annotated 1955, Chapter 674:43, as amended, and by the City of Dover as per City Ordinance No. 20:2.

149-3. Legislative intent.

The site plan review process recognizes that certain types of development and uses, even though generally suitable for location

in a particular zoning district, are, because of their nature, size, complexity or other indicices of probable impact, capable of adversely affecting the city's vested interests and that of the general public unless careful consideration has been given to certain critical design elements. It is the intent of this chapter to provide a vehicle for the review of a developer's attention to such elements.

149-4. Applicability.

Prior to the issuance of a building permit by the Building Inspector for the development of tracts for nonresidential uses or for multifamily dwelling units (5 units or more) whether or not such development includes a subdivision or resubdivision of the site, the owner or his/her authorized agent shall apply for and secure site review approval in accordance with the rules and regulations contained herein.

149-5. Interpretation.

The standards contained in this chapter shall be interpreted as minimum requirements, and compliance with said minimum requirements shall in no instance obligate the Planning Board to approve any particular application solely on that basis. Only after the Planning Board is fully satisfied that a proposed application is in the best interests of the City will the application be approved.

ARTICLE II Application Procedure

149-6 Application Requirements

A. Prior to the formal submission of an application for site review, the applicant shall meet with the Site Review Screening Committee. Said meeting(s) shall serve to assist the applicant in preparing a development proposal that is technically conforming to the regulations contained therein.

The Site Review Screening Committee shall be comprised of the Planning Board Chairperson, who shall act as chairperson, the Director of Public Works, City Engineer, Fire Chief, Police

Chief, Building Inspector, Economic Director and Planning Director who shall serve as secretary. All Committee members shall have a designated alternate available in their absence.

B. A completed application sufficient to invoke jurisdiction of the Planning Board shall include the following elements:

- 1) A completed application form, available at the Planning Board Office.
- 2) A completed site review checkoff list.
- 3) A written narrative description of the proposed project addressing its purpose, scope of operation, and impact on the immediate area of influence and the City in general (traffic, schools, utilities, land use compatitibility, aesthetics, land and water resources, etc.).
- 4) Ground/aerial photographs of the site and immediate area, when requested.
- 5) Twelve (12) copies of the site development plan as more fully described in Article IV of this chapter.
- 6) A list of abutting property owners that lie within two hundred (200) feet of the subject parcel. Information shall include name, mailing address, and Dover Tax Map and Lot Numbers.
- 7) Be accompanied by a fee of an amount to be determined in accordance with the fee schedule contained in 149-16 of this chapter.

C. The applicant shall file the application with the Planning Board Office at least twenty (20) days prior to the Planning Board meeting at which time the application will be accepted and a public hearing held.

- 1) The applicant and abutters shall be notified of said public hearing by certified mail, with return receipt requested, stating the time, date and place of such hearing. Notice will be mailed at least ten (10) days prior to the date of the meeting.
- 2) Such public hearing shall be advertised in a newspaper of general distribution not less than five (5) days nor more than ten (10) days prior to the said meeting.

149-7. Planning Board Action.

A. The Planning Board shall take no action on an applicant's development proposal until it has received a report from the Site Review Screening Committee evaluating said proposal.

B. The Planning Board shall act to approve or disapprove within ninety (90) days after formal acceptance of the application.

C. The Planning Board may petition the City Council for an extension not to exceed an additional ninety (90) days before taking any formal action from the date of official hearing closure, otherwise such application shall be deemed to have been approved and shall be so certified by the City Clerk.

D. The Planning Board may request technical assistance from experts in any field in making a proper determination of the physical, social, economic, and environmental or other impact of a proposed development on the community. In the event that said technical assistance would require remuneration, the applicant shall be responsible for such costs.

E. The Planning Board shall, as deemed necessary, place conditions on such approval, including the posting of a performance bond or escrow agreement as specified in 149-11 of this chapter.

F. The action of the Planning Board shall be recorded in writing and shall be transmitted to the applicant, stating the reasons for approval, approval with modification, or disapproval. Such correspondence shall specify, where appropriate, those aspects in which the site review application fails to conform to the city's ordinances or to other essential planning criteria, as determined by the Planning Board in accordance with 149-5 of these regulations.

G. The Planning Board may grant preliminary site review approval, however, said approval shall not qualify the applicant to receive a building permit for the construction of said project. Said approval shall remain in effect for a period not to exceed one (1) year. In the event a development is being constructed in phases, the applicant may, by prior written agreement with the Planning Board, receive a preliminary site approval for a period not to exceed two (2) years.

149-8. Certification.

A. Certification shall be executed when the applicant files four (4) copies of the final site development plan in the Planning Board office for signing by the Planning Director or his/her designee.

B. The final site development plan shall be clearly and legibly reproduced via black or blue print lines.

C. Where an applicant is required by the Planning Board, as a condition of its' approval, to file a performance bond or escrow agreement, it shall be posted prior to the start of construction of any improvement or the issuance of a building permit. Such bond or escrow agreement shall be executed on forms provided by the Planning Board office and shall be certified as to its sufficiency by the City Attorney.

149-9. Expiration of Planning Board approval.

Planning Board approval shall be valid for one (1) year from the date of said approval. If a building permit has not been issued within such time constraints, then said approval shall be considered null and void.

ARTICLE III
Required Agreements

149-10. Construction of improvements; certificate of occupancy.

A. All site improvements shall be constructed and/or installed within a period of time mutually agreed upon by the applicant and the Planning Board, unless such time is extended by written mutual consent of the Planning Board and the applicant. Such improvements shall not be considered complete until officially approved by the City Engineer, Planning Director, Fire Chief, Police Chief and Director of Public Works or accepted by the City Council, as appropriate.

B. Building certificates of occupancy, temporary or final, shall be issued by the Building Inspector for all development activities only upon the receipt of a written memorandum from the appropriate department head certifying the adequacy of all required improvements servicing the subject parcel.

The Building Inspector has the authority to require an escrow account or irrevocable letter of credit.

(1) A temporary certificate of occupancy [good for up to six (6) months] may be issued, provided that all required roads and utilities servicing the subject parcel have been constructed and/or installed to such an improved condition as to provide the basic services of snow removal, rubbish collection, fire, police protection and the like.

(2) A final certificate of occupancy shall be issued, provided that all required roads and utilities servicing the subject parcel have been constructed and/or installed in accordance with city specifications.

C. Construction activities and storage of building materials shall only be carried on in such a manner and at such times that render said activities not unduly objectionable to adjacent properties.

149-11. Performance guaranties.

A. Where the Planning Board requires the posting of a performance bond or escrow agreement to secure for the City the satisfactory construction and installation of required site improvements, said surety shall be in an amount determined by the City Engineer.

B. Construction and installation of required improvements must be satisfactorily executed within the imposed time constraints, or the applicant shall forfeit said surety, and it shall be used to complete and/or install said improvements in accordance with city specifications.

149-12. Inspections.

All required site improvements shall be subject to investigation by and approval of the Director of Public Works and the City Engineer, as appropriate, who shall be notified by the developer at least seventy-two (72) hours prior to the start of construction. Inspections will be conducted by said officials or their designees. No underground installation shall be covered until inspected by the appropriate city department. Any improvements covered without inspection will be considered not accepted. All fees and costs connected with inspection for the review of plans, construction and specifications shall be paid

ORDINANCE
CHAPTER 149
SITE REVIEW ✓

THE CITY OF DOVER ORDAINS:

Regulation

Section 1: Purpose. The purpose of this ordinance is to amend Chapter 149 of the Code of Dover, entitled Site Review. Said amendment will add parking requirements for elderly multifamily and rooming house projects.

Section 2: Amendment. Chapter 149 of the Code of Dover, entitled Site Review, is hereby amended by revising 149-14D, Parking, by deleting 149-14D(u) and inserting the following:

- "u) Elderly multifamily: one (1) space for every two (2) units.
- v) Rooming house: one and one-half (1 1/2) spaces per room so occupied.
- w) Other: closest similar use as shall be determined by the Director of Planning."

Section 3: Takes Effect. This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18.

APPROVED AS TO FORM:

~~SPONSORED BY:~~

Scott E. Woodman
City Attorney

~~Council Member~~

RECORDED BY:

David Earle
City Clerk

~~Mayor~~
Mayor

Workshop: _____

~~First Reading:~~ _____

Public Hearing: March 10 1987

~~Ordinance Committee:~~ _____

~~Second Reading:~~ _____

~~Third Reading:~~ _____

Adopted: April 14 1987

Effective: _____

Harold Preston
Planning Board Chairman

for by the developer at a rate of 1.5 times payroll costs for all time in excess of three hours.

ARTICLE IV
Site Design and Development Criteria

149-13. Site Development Plan

A. A site development plan shall be drawn to an appropriate scale, not less than one (1) inch equals fifty (50) feet, and shall show the following information:

- 1) A small-scale location map delineating the project site and its relation to the surrounding area within a radius of three thousand (3,000) feet.
- 2) Name or identifying title of the proposed project.
- 3) Date and approximate true North.
- 4) Exact locations and dimensions of property lines and names of current abutters.
- 5) Location of all existing and proposed buildings and structures on the site.
- 6) Delineate existing zoning and special district boundaries.
- 7) Specify proposed finished floor elevations of buildings so to assure positive surface drainage and proper elevation relationship to adjacent property.
- 8) Existing and proposed grade contours (two-foot intervals) so to certify the adequate disposal of on-site water. Upon request, contours delineating existing surface shall be extended one hundred (100) feet beyond the limits of the project site and shall be related to the United States Geographical Survey, provided that the benchmarks exist within one-half (1/2) mile of the boundary of the projected site.
- 9) Location, dimension and material of all existing and proposed utilities and identify all on site waste disposal systems.
- 10) Location of test borings, groundwater elevation and soil profiles shall be provided upon request.

11) Parking layout that delineates the number of parking spaces and the parking arrangement.

12) Delineate the arrangement, species and dimensions of all existing and proposed landscaping materials. Consideration shall include the preservation and supplementation of existing dominant vegetation and the screening of parking and service areas from the public view.

13) Where multi-family development is proposed, those areas supporting slopes in excess of 20%, the Federal floodway and floodplain, and the surface areas of waterbodies and wetlands shall be clearly depicted on the site plan and quantified.

149-14. Site Development Design Criteria

A. Drainage Requirements

1. A written engineering report describing the impacted watershed area, projected runoff and any projected downstream impacts shall be required upon request. Where it is determined by the City Engineer that the additional runoff incident to the development of the project site will overload an existing watercourse or downstream drainage facility, the Planning Board may require the provision of water-retarding facilities or other improvements to alleviate said problem.

2. A subject parcel situated within the federally designated flood hazard zone, as per Flood Hazard Boundary Map No. H-01-09, dated July 2, 1974, as amended, shall comply with all applicable federal regulations relating thereto.

3. No slope shall be created which results in a slope of more than two (2) feet horizontal to one (1) foot vertical, unless proper retaining walls are proposed.

B. Utilities.

1. Accessways, storage and parking areas shall be graded and improved with pavements, curbs, gutters, sidewalks, storm drainage facilities, outdoor lighting, etc. The Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the intent of this chapter. Such improvements shall conform to the design specifications set forth herein and with the subdivision rules

and regulations, when applicable.

2. Where sanitary discharge into the municipal sewer system is anticipated, projected additional peak hour sewer load volume must be specified.

3. Where nondomestic sanitary discharge is anticipated, such effluent shall comply with the rules and regulations of the Dover Sewer Ordinance.

4. Where a municipal water system is proposed, the following items must be specified:

- a) Rated normal capacity in gallons per minute at prime use time.
- b) Rated maximum capacity in gallons per minute at prime use time.
- c) Residual pressure of proposed tap line.

C. Driveways.

Private driveways shall be designed and constructed pursuant to the following criteria:

	<u>5-24 UNITS</u>	<u>25+ UNITS</u>
RIGHT-OF-WAY WIDTH	30 FEET	50 FEET
ROAD WIDTH	24 FEET	24-32 FEET*
BASE	18" BANK RUN GRAVEL	18" BANK RUN GRAVEL
COARSE	4" CRUSHED GRAVEL	6" CRUSHED GRAVEL
	2" ASPHALT TIGHT BINDER	2-1/2" ASPHALT TIGHT BINDER
	3' GRAVEL SHOULDER	3' GRAVEL SHOULDER

A ROAD PROFILE SHALL BE SUBMITTED WITH THE SITE REVIEW APPLICATION. SAID PROFILE SHALL BE RENDERED BY A LICENSED (N.H.) PROFESSIONAL ENGINEER.

* The width of the roadway shall be determined by the site's

physical characteristics and the layout and density of the proposed development.

D. Parking.

1. A parking plan shall delineate the number of parking spaces and the parking arrangement. No on-street parking is permitted. Whenever a use existing on the effective date of this chapter is changed thereafter to a new use, parking facilities and access shall be provided as required herein for such new uses. The following parking standards represent minimum requirements and may be increased as part of the approval of a site development plan.

a) One to four family dwelling: two (2) per each dwelling unit.

b) Multifamily dwelling: one and one-half (1-1/2) spaces for each one (1) bedroom unit and two (2) spaces for each 2+ bedroom unit.

c) Restaurants, excluding fast-food establishments: one (1) space per three (3) seats, plus one (1) per two (2) employees, or one (1) space per one hundred fifty (150) square feet of floor area used, whichever is greater; where there is a bar: one (1) space per two (2) stools.

d) Fast-food establishments: one (1) space per every two (2) seats, plus one (1) seat per each employee in the maximum shift, or one (1) space per fifty feet of gross floor area, plus one (1) space per each employee in the maximum floor shift.

e) Wholesale distribution: one (1) space per eight hundred (800) square feet of gross floor space or one (1) space per employee in the maximum shift.

f) Manufacturing: one (1) space per each one and one-half (1-1/2) employees or one (1) space per five hundred (500) square feet of gross floor area.

g) Hotel, motel or tourist home: one (1) space for each sleeping room, plus one (1) space for each four hundred (400) square feet of public meeting room.

h) Office, general: one (1) space per three hundred twenty-five (325) square feet of gross floor area.

- i) Office, professional or medical: one (1) space per two hundred fifty (250) square feet of gross floor space, or five (5) spaces per professional person keeping the office and one (1) per each staff member.
- j) Retail I (service establishment, auto retail, real estate or laundry): one (1) space per three hundred (300) square feet of gross floor area.
- k) Retail II (furniture, hardware or carpets): one (1) space per six hundred (600) square feet of gross floor area.
- l) Retail III (food, retail): one (1) space for two hundred (200) square feet of net floor area.
- m) Retail IV (general, including drugs or clothing): one (1) space for two hundred and fifty (250) square feet of net floor area.
- n) Retail V (shopping center): one (1) space for every two hundred (200) square feet of gross leaseable space.
- o) Community facility (city building or recreation): one (1) space for each four hundred (400) square feet of gross floor space.
- p) Hospital and nursing home: one (1) space per each two (2) beds at design capacity.
- q) Theater, auditorium or church: one (1) space for each four (4) seats of total seating capacity.
- r) Funeral home: eight (8) spaces for each chapel with a minimum total of ten (10) spaces.
- s) Gasoline service station: three (3) spaces for each service bay, plus one (1) space per employee in the maximum shift.
- t) Mixed use: sum of various uses computed separately.
- u) Other: closest similar use as shall be determined by the Director of Planning.

2. In the B-2, UMUD, and CWD zoning districts, all on-site parking standards required pursuant to 149-14D of this chapter shall not be binding, except in such cases where new construction is proposed that would create additional building square footage.

In such cases, on-site parking shall be provided for that building area so constructed. All residential re-development must provide on-site parking or adjacent parking within 500 feet.

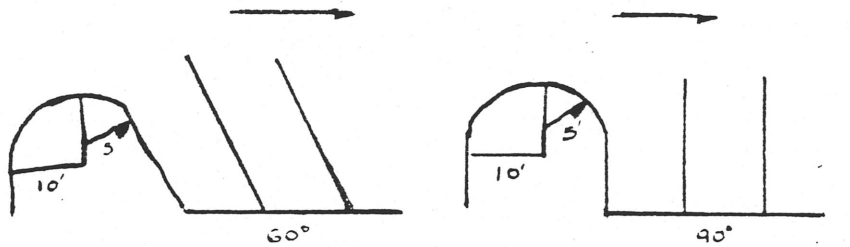
3. The following represent minimum design standards:

Angle (degrees)	Stall Width (feet)	Curb Length (feet)	Length of Space (feet)	Isle Width* (feet)
90	9	9	18	22
60	9	10.4	21	20

* When garages are erected for meeting a developer's parking requirements, isle widths shall be increased to twenty-four (24) feet.

a) One-way accessways (internal roadway) shall be a minimum of twelve (12) feet wide, and two-way accessways shall be a minimum of twenty-four (24) feet in width, or as section 149-14C dictates.

b) Entrance islands shall support a curve radii illustrated in Sketch A.



149-15. Physical Arrangements.

A. All service, storage and utility areas shall be designed to the side or rear yard of a proposed building(s), and such areas shall be appropriately screened/buffered by walls, fences, earth berm and/or vegetation.

B. Utility elements situated on the roof of a proposed building(s) shall be adequately screened and baffled upon

request.

C. All paving and/or storage shall not be permitted within five (5) feet of any side or rear property line, and no parking or paving, except for entrances/exits, shall be permitted within ten (10) feet of any front property line. These spaces shall be maintained as landscaped areas.

D. Pedestrian walkways, entrances and exits designed for use by the handicapped shall be required upon request.

E. Loading facilities shall be designed to the rear or side of all proposed buildings. Loading facilities shall be designed in accordance with the rules and regulations of the Zoning Ordinance and shall be off-street or accessible via a public alley.

F. All parking, loading and protective buffers shall be situated on the same parcel (same ownership) as the primary use structure(s).

ARTICLE V Review Fees

149-16. Schedule of fees.

A. The Planning Board shall levy a fee of seventy five (75) dollars per dwelling unit for all residential development.

B. The Planning Board shall levy a fee of thirty five (35) dollars per lodging unit for motel/hotel development.

C. The Planning Board shall levy a fee of twenty (20) cents per square foot of floor space with a maximum fee of three thousand (3,000) dollars for all non-residential development.

149-17. Inspection fees.

The fee levied shall be the actual cost per hour of the individual(s) making the inspection of improvements as required in Section 149-12. The City shall be remunerated for equipment usage necessary for conducting said inspections.

ARTICLE VI
Administration

149-18. Enforcement; failure to comply with order; violations and penalty.

If, within one (1) year after an occupancy permit, temporary or permanent, has been issued and the building or buildings are occupied and/or used, the Planning Board finds that any of the conditions of an approved final site review application are in violation, the Planning Board shall order the owner to make such corrections as it deems necessary to bring the use and operation into compliance with the provisions of such approval. Such order shall be complied with within a period of time extending not more than sixty (60) days from the original notice. Where the owner fails to conform with the notice of the Planning Board, a fine not to exceed one hundred dollars (\$100.) per day may be levied against said owner.

149-19. Variances and waivers.

When, in the judgment of the Planning Board, the public convenience and welfare of the citizens of Dover will be substantially served, the Board may take any action it deems necessary to modify the requirements of this chapter.

ARTICLE VII
Words and Phrases

149-20. Word usage.

Words used in the present tense shall indicate the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory; the word "may" is permissive.

149-21. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABUTTER - The owner of record of a parcel of land situated within two hundred (200) feet of a proposed site.

ACCESSWAY - The roadway configuration within a site.

APPLICANT - Any person, agent, firm, association, partnership or corporation that makes application to the Planning Board for the nonresidential development of a site, pursuant to the rules and regulations of this chapter.

BOARD - The Planning Board of the City of Dover.

CERTIFICATE OF OCCUPANCY - A statement signed by the Building Inspector setting forth that a building or structure complies with this chapter, the Zoning Ordinance and other relevant codes and regulations of the city and with the applicant's plan as approved.

DATE OF OFFICIAL SUBMITTAL - An application shall be considered officially submitted only at the regular meeting of the Planning Board following the completion of the appropriate procedure and the receipt of a written memorandum from the Planning Director certifying said application's technical review.

DEVELOPED - All new structures as well as additions, including the conversion of structures to multifamily [five (5) units or more] residential dwellings.

ESCROW AGREEMENT - A conditional delivery of money by a developer to a bank to be held until such time as the conditions of a final site approval have been satisfactorily complied with.

NONRESIDENTIAL - Included land uses of a commercial and industrial nature as well as commercial residential uses, exempting however, the construction or conversion of single-family and multi-family [up to four (4) units per parcel] residential dwellings.

PERFORMANCE BOND - Any security which may be accepted in lieu of a requirement that certain improvements be made as a condition of Planning Board site approval.

SITE DESIGN CRITERIA - Design and performance standards required under the provisions of 149-14.

SITE DEVELOPMENT PLAN - A professionally rendered drawing which delineates the proposed development of a site, prepared as required under the provisions of 149-13.

Section 3. Takes Effect. This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18.

APPROVED AS TO FORM:

PUBLIC HEARING _____
ADOPTED _____
EFFECTIVE _____

Scott E. Woodman
City Attorney

RECORDED BY:

David E. Earle
City Clerk

George Maglaras
Planning Board Chairman