

ZONING

Chapter 170

ZONING

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[HISTORY: Adopted by the City Council of the City of Dover 5-23-79 as Ord. No. 15-79. Amendments noted where applicable.]

GENERAL REFERENCES

- Planning Board — See Ch. 41.
- Site review — See Ch. 149.
- Streets and sidewalks — See Ch. 152.
- Subdivision of land — See Ch. 155.

ARTICLE I
General Provisions

§ 170-1. Title.

This chapter shall be known and may be cited as the “Zoning Ordinance of the City of Dover, New Hampshire.”

§ 170-2. Authority. [Amended 6-10-87 by Ord. No. 13-87]

This chapter is adopted pursuant to the authority granted by RSA 674:16, as amended.

§ 170-3. Purpose.

This chapter is an element of the Dover Comprehensive Development Plan and is designed to promote the health, safety, morals and the general welfare of Dover’s residents by serving to facilitate the adequate provision of transportation, water, sewer,

schools, parks and other public requirements; to encourage the maintenance of Dover's economic and aesthetic quality of life; and to encourage the most appropriate use of land throughout the City of Dover.

§ 170-4. Interpretation.

The provisions of this chapter shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals and the general welfare of the City of Dover. The provisions of this chapter are not intended to repeal or in any way impair or negate any other lawfully adopted ordinance, regulation or rule. Whenever the regulations made under the authority hereof differ from those prescribed by any ordinance or regulation, that provision which imposes the greater restriction shall govern.

§ 170-5. Applicability. [Amended 6-10-87 by Ord. No. 13-87]

All buildings or structures hereafter erected, reconstructed, altered, enlarged or relocated or all future use of premises in the City of Dover shall be in conformity with the provisions of this chapter. This chapter 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 chapter. Furthermore, if the Planning Board has formally accepted an application for development prior to the first legal notice of a proposed change to this chapter, the Building Inspector shall not withhold a building permit, and the proposed regulation shall not affect the accepted application.

**ARTICLE II
Word Usage**

§ 170-6. Definitions.

- A. For the purposes of this chapter, the present tense includes the future tense, the singular number includes the plu-

ral, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive; the words "used" or "occupies" include the words "intended, designed or arranged to be used or occupied," and certain terms or words shall be interpreted as follows:

- B. For the purposes of this chapter, the following terms shall have the meanings indicated:

ABUTTER — Any person whose property is located in New Hampshire and which adjoins or is directly across the street or stream from the land under consideration by the Board. For purposes of receiving testimony only and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration. For the purpose of receipt of notification for a public hearing by the Board, the term of "abutting property owner for a condominium or other collective form of ownership" means the officers of the collective or association as defined in RSA 356-B:3, XXIII. **[Added 6-10-87 by Ord. No. 13-87]**

ACCESSORY BUILDING — A building existent on the same lot and within the same zoning district as the principal building shall be customarily incident and subordinate to the principal building, subject, however, to the provisions of § 170-10E.

ACCESSORY USE — A use existing on the same lot and within the same zoning district as the principal use shall be customarily incident and subordinate to the principal use, subject, however, to the provisions of § 170-10E.

ALTER or ALTERATIONS — Any change involving the structural frame of a building or use of a building.

AUTO SERVICE — A place of business which offers as a service the repair of automobiles. Such "auto service" place shall not be construed to be a gasoline station.

BUILDING — Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of

any kind and which is constructed and permanently affixed on the land. Such "building" includes open porches, open breezeways and any roofed areas. This in no way is to be construed to include a trailer, mobile home or any other like product. For the purposes of measuring setbacks, eaves and uncovered decks, porches and steps may encroach into the side, rear and front setbacks for a distance of up to three (3) feet. **[Amended 6-10-87 by Ord. No. 13-87]**

BULK — A term used to indicate the size, setbacks and location of a building upon a lot.

CERTIFIED SOIL SCIENTIST — A person who, by reason of special knowledge of pedological principles acquired by professional education and practical experience as specified by RSA 310-A:84, is qualified to practice soil science and who has been duly certified by the Board of Natural Scientists. **[Added 9-14-88 by Ord. No. 15-88]**

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COUNTRY CLUB — A nonprofit establishment involving the use of a golf course, swimming pool or tennis courts and a structure designed as a center for these activities within which food and drink may be served to members of said club and their guests. The term "country club" shall not be so construed as to include within its meaning any operation conducted with a profit-making intent.

COVERAGE — The percentage of area of a lot which is occupied by the physical limits of a building or buildings. Roofed area to the extent of the drip line shall constitute the physical limits of a building.

COVER CROP — Vegetation designed to prevent erosion of the soil.

CUSTOMARY HOME OCCUPATION — An occupation carried on a secondary use in a dwelling unit or accessory building by the occupant of such unit. For the use of a dwelling or accessory building in any R District for a "home occupation," the following conditions shall apply:

- (1) "Home occupation" shall include not more than one (1) of the following uses, provided that such uses are clearly incidental and secondary residential purposes: dressmaker, artist, arts and crafts, writer, teacher, provided that not more than eight (8) pupils simultaneously occupy the building, musician, antique dealer, lawyer, doctor, photographer, dentist, architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.
- (2) No more than one (1) nonresident shall be employed therein.
- (3) The use is carried on strictly by the owner of the principal building, who shall also reside in said building.
- (4) No more than twenty-five percent (25%) of the existing net floor area of the principal and any accessory buildings not to exceed six hundred (600) square feet is devoted to such use.

- (5) There shall be no display of goods or wares visible from the street.
- (6) No advertising on the premises other than a small nonelectric sign not to exceed two (2) square feet in area and carrying only the occupant's name and his occupation.
- (7) The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood because of exterior appearance, traffic emission of odor, gas, smoke, dust, noise, electrical disturbance or in any other way. In a 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, bakeries, gift shops, tearooms, tourist homes, animal hospitals, kennels and others of a similar nature shall not be considered as home occupations.
- (10) A minimum of two (2) off-street parking spaces shall be provided. All driveways to be used in connection with such occupations shall conform to the city's Driveway Ordinance.¹
- (11) Not more than one (1) commercial vehicle in connection with such home occupation shall be stored on the premises.
- (12) A certificate of occupancy for the proposed use is issued by the Building Inspector verifying conformance with the preceding standards.

DRIVE-IN SERVICE — Service whereby the customer need not leave his vehicle in order to obtain the product offered for sale.

DWELLING, MULTIFAMILY — A building containing more than four (4) dwelling units.

¹ Editor's Note: See Ch. 92, Driveways.

DWELLING, SINGLE-FAMILY — A detached building containing one (1) dwelling unit only.

DWELLING UNIT — A building or entirely self-contained portion thereof containing complete housekeeping facilities not in common with any other dwelling unit, except for vestibules, entrance halls, porches or hallways.

EDUCATIONAL USE — Schools giving group instruction.

EXTENSION, BUILDING — Any action which shall cause the floor area or volume of a structure to be increased.

EXTENSION, USE — The enlargement of a business, industrial or residential activity beyond the limits in use at the time this chapter was passed.

FAMILY [Added 2-22-84 by Ord. No. 5-84]:

- (1) Individuals occupying a dwelling unit and living together as a single housekeeping unit, provided that all members are related by blood, marriage or adoption and including necessary domestic help and no more than two (2) lodgers or roomers; or
- (2) Any number of unrelated individuals living together as a single housekeeping unit, provided that not less than three hundred (300) square feet of habitable floor space is provided for each occupant.

FLOOR AREA — The sum of the gross horizontal areas of all floors of any building or buildings on a lot measured from the exterior walls. In particular, the "floor area" shall include:

- (1) In dwellings, any basement space designed to be used for residential purpose.
- (2) In other than dwellings, any basement or cellar space used for any purpose.
- (3) In all buildings, interior balconies, mezzanines, roofed porches or terraces and all spaces other than basement or cellar spaces with structural head room of at least seven (7) feet.

FLOOR RATIO — The floor area of any building or buildings on a lot divided by the area of said lot.

FRONTAGE — The linear distance measured along the front lot line between the points of intersection with the side lot lines. "Frontage" along culs-de-sac shall be the linear at the appropriate front yard building setback depth from the front lot line between the points of intersection with the side lot lines. For the purposes of measurement, lot "frontage" shall be measured along the joining boundary of the front line and a public right-of-way. **[Amended 9-24-80 by Ord. No. 15-80]**

GASOLINE STATION — An automobile service station, the basic function of which is to provide for the sale of gasoline and oil and routine automobile maintenance.

GENERAL FARMING — The pursuit of those activities normally associated with the raising of a crop or the care of animals for agricultural purposes.

HAZARDOUS WASTE/MATERIAL — A material, waste or combination of materials or wastes which, because of quantity, concentration or infectious characteristics, may cause or significantly contribute to illness or present a substantial hazard to health, safety or welfare or to the environment. **[Added 11-30-88 by Ord. No. 24-88]**

HEIGHT OF BUILDING — The vertical distance measured from the grade level to the highest level of the roof surface or front parapet, whichever is greater. Church steeples shall not be included in this calculation.

HEIGHT RATIO — The height of a building divided by the horizontal distance of the foremost point of the building from the center line of the street, measured at right angles to said center line.

HIGH INTENSITY SOIL MAP (HIS) — A map prepared using the methods prescribed by the Society of Soil Scientists of Northern New England, in the publication High Intensity Soil Maps for New Hampshire, January 1987, as amended. **[Added 9-14-88 by Ord. No. 15-88]**

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- (1) In dwellings, any basement space designed to be used for residential purpose.
- (2) In other than dwellings, any basement or cellar space used for any purpose.
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HEIGHT OF BUILDING — The vertical distance measured from the grade level to the highest level of the roof surface or front parapet, whichever is greater. Church steeples shall not be included in this calculation.

HEIGHT RATIO — The height of a building divided by the horizontal distance of the foremost point of the building from the center line of the street, measured at right angles to said center line.

HOTEL — Any building in which more than five (5) rooms are rented to more than ten (10) persons, said rooms being rented for sleeping purposes for compensation and reached from hallways common to more than two (2).

JUNKYARD — An open area where waste, used or secondhand materials are brought, sold, exchanged, stored, baled, packed, dissembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term "junkyard" shall not include uses established entirely within enclosed buildings.

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INTERMITTENT STREAM — A stream that flows for sufficient times of the year to develop and maintain defined channels but which may not flow during dry portions of the year. **[Added 9-14-88 by Ord. No. 15-88]**

JUNKYARD — An open area where waste, used or secondhand materials are brought, sold, exchanged, stored, baled, packed, dissembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term "junkyard" shall not include uses established entirely within enclosed buildings.

JUNKYARD, MOTOR VEHICLE — Includes any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer operable or in condition for legal use on the public highways or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part or intended to be a part of any motor vehicles, the sum of which parts or materials shall be equal in bulk to two (2) or more motor vehicles. "Motor vehicle junkyard" shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the

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vehicles for parts or for use of the metal for scrap and where it is intended to burn materials which are parts of a motor vehicle or cut up the parts thereof.

LIGHT INDUSTRY — Includes all manufacturing and assembly processes carried on completely within the walls of a structure and involving no outside storage of equipment or materials. This term shall not be interpreted to include any industry the operations of which shall result in noticeable noise, glare, vibration, odor or other nuisance at the property lines of the property on which the use is situated.

LOADING BERTH — A berth designed for the on-loading and off-loading of trucks and other commercial vehicles.

LOT — A tract of land under single ownership and occupied by or designed to be occupied by one (1) principal building and its accessory buildings or uses customarily incident to it, together with such open spaces and yards as are required by this chapter, exclusive of multifamily dwellings, Industrial I-1 and I-2 Zoning Districts and the Executive and Technology Park (ETP) Zoning District. [Amended 9-24-80 by Ord. No. 15-80; 7-8-87 by Ord. No. 15-87]

MOBILE HOME — Any vehicle used or so constructed as to permit its being used as a conveyance or transported upon its own wheels upon the public streets or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons and provided with a toilet and bathtub or shower. A prefabricated residential unit shall not be construed as a trailer or "mobile home" if said unit is supported by a permanent foundation.

MOBILE HOME PARK or TRAILER PARK — Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

MOBILE HOME SUBDIVISION — Any subdivision involving a division of land into two (2) or more lots, designed to accommodate one (1) or more individual mobile homes. [Added 6-22-83 by Ord. No. 19-83]

MOTEL (see "hotel") — A building or group of buildings containing rooms or apartments that are rented or hired out for sleeping purposes and which rooms have direct outside access.

NEIGHBORHOOD — A grouping of structures with more clearly evident relationship to one another than to other structures in the community.

NONCONFORMING BULK — A building or use of land is nonconforming as to bulk if it does not conform to the prescribed bulk regulations of the district in which it is located.

NONCONFORMING USE — A lawful use that does not conform to the prescribed use regulation of the district in which it is located.

NUISANCE — A factor generally recognized to be undesirable, such as odor, noise, glare or vibration.

PARKING SPACE — An off-street area available with paved surface, accessible and suitable for parking one (1) motor vehicle.

PERSONAL SERVICE ESTABLISHMENT — A commercial use, the primary concern of which is the rendering of services rather than the sale of products. "Primary concern" shall mean less than fifty percent (50%) of the revenues from such commercial use shall be gained from the sale of products. A "personal service establishment" shall not be construed to include a gasoline service station.

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

ROOM — An unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, closets, hallways and service porches.

ROOMING HOUSE — Any building in which not more than five (5) rooms are rented to not more than ten (10) persons, said rooms being for a sleeping purpose for compensation.

SERVICE CLUB — An establishment to be used as a gathering place for a group of citizens organized for a non-profit purpose.

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SIGN — A sign as a name, identification, description, display or illumination which is affixed to or painted or represented, directly or indirectly, upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

SITE PLAN — A plan of the owner's property showing the property lines, location of buildings, means of ingress and egress (access to off-street parking and curb cuts) on the owners property and the general relationship of this property to the abutting property.

STRUCTURE — A framework of support.

TOURIST HOME — A dwelling in which rooms are rented or hired out for sleeping purposes to transient guests.

USED CAR LOT — An unenclosed space on which three (3) or more used cars are stored or offered for sale.

WAREHOUSING — Only includes the activity of storing wares or goods by the occupant in his own behalf or for the benefit of others.

WETLAND EVALUATION HANDBOOK FOR DOVER — The manual used to conduct a functional evaluation of the wetland in order to obtain a conditional use permit as required by the Wetland Protection District Ordinance.¹ This handbook shall be adopted and amended, as required, by the Planning Board after a public hearing. Notice for said public hearing shall be published in a newspaper of general circulation and posted in three (3) places at least fifteen (15) days prior to the hearing. **[Added 9-14-88 by Ord. No. 15-88]**

WHOLESALE — Only includes the activity of storage, repacking, sale and/or distribution of commodities in bulk quantities to jobbers, retailers, processors and manufacturers and shall not allow the sale and/or distribution of commodities to consumers on a retail basis.

¹ Editor's Note: See § 170-27.1, Wetland Protection District, of this chapter.

YARD, FRONT — An open unoccupied space on a lot between the street line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.

YARD, REAR — An open unoccupied space on a lot between the rear lot line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.

YARD, SIDE — An open unoccupied space on a lot between the side lot line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.

ZONING BOARD OF ADJUSTMENT — The Zoning Board of Adjustment of the City of Dover, as provided in the New Hampshire Revised Statutes Annotated 36-6:6.

**ARTICLE III
Districts and District Boundaries**

§ 170-7. Establishment of districts. [Amended 3-30-83 by Ord. No. 5-83; 4-27-83 by Ord. No. 12-83; 10-26-88 by Ord. No. 18-88]

The City of Dover is hereby divided into the following districts:

Residential

- R-40 Rural Residential District
- R-20 Low-Density Residential District
- R-12 Medium-Density Residential District
- RM-20 Suburban Density Multiresidential District
- RM-12 Low-Density Multiresidential District
- RM-10 Medium-Density Multiresidential District
- RM-8 High-Density Multiresidential District
- RM-6 Urban Density Multiresidential District

Nonresidential

- O Office District
- B-1 Neighborhood Business District
- B-2 Central Business District

| | |
|------|--------------------------------|
| B-3 | Thoroughfare Business District |
| B-4 | Hotel/Retail District |
| I-1 | Restricted Industrial District |
| I-2 | Industrial District |
| I-4 | Assembly and Office |
| ETP | Executive and Technology Park |
| UMUD | Urban Multiple Use District |
| CWD | Cocheco Waterfront District |

Overriding

| | |
|-----|-----------------------------------|
| CD | Conservation District |
| URD | Urban Renewal District |
| GWP | Groundwater Protection District |
| HWD | Hazardous Waste Landfill District |
| WSD | Wetland Soil District |

§ 170-8. Zoning Map.

The location and boundaries of the Zoning Districts are hereby established as shown on a map entitled "Zoning Map of the City

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of Dover, New Hampshire,"² dated May 25, 1979, which accompanies and is hereby declared to be part of this chapter.

§ 170-9. Amendments to Zoning Map.

Any change in the location of boundaries of a zoning district hereafter made through the amendment of this chapter shall be noted on the Zoning Map.

§ 170-10. Interpretation of district boundaries.

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

- A. Boundaries indicated as a street, railroad, watercourse or other body of water shall be construed to be the center line or middle thereof.
- B. Boundaries 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.
- C. Where a dimensioned boundary coincides within ten (10) feet or less with a lot line, the boundary shall be construed to be the lot line.
- D. Where a boundary is indicated as intersecting the center-line of a street, railroad, watercourse or other body of water, it shall be construed to intersect at right angles to said center line or, in the case of a curved center line, at right angles to the tangent of the curve at the point of intersection.
- E. Where a district boundary divides one (1) lot and more than fifty percent (50%) of the area of such lot lies in the less restricted district, the regulations prescribed by this chapter for the less restricted district may apply to the re-

² Editor's Note: Said Zoning Map is on file in the office of the City Clerk, where it may be examined during regular business hours.

mainder of said lot up to a distance of not more than fifty (50) feet from the district boundary. In no case, however, shall such extension of the less restricted district be permitted closer than one hundred (100) feet to any street line in the more restricted district.

ARTICLE IV Uses; Tables

§ 170-11. Use regulations.

Except as herein provided, no building or land shall be used except for the purposes permitted in the district as described in this Article.

- A. Uses permitted by right. A use listed in the Table of Use Regulations is permitted as a matter of right in the district in which it is denoted by the letter "P," subject to the rules set forth in this chapter and other sections of the Code of the City of Dover.
- B. Uses permitted by right, with conditions imposed. A use listed in the Table of Use Regulations and denoted by a numerical reference number (footnote) indicates a use that is permitted by right only when in compliance with certain imposed conditions. (Refer to the Footnotes—Conditions Imposed section immediately following the Table of Use Regulations.)
- C. Uses permitted by special exception. A use listed in the Table of Use Regulations and denoted by the letter "S," may be permitted as a special exception granted by the Board of Adjustment in accordance with the conditions of Article VI and § 170-52 herein and in conformance with such other rules and regulations as may apply. The designation "S" in a given district does not constitute an authorization of an assurance that such use will be permitted.
- D. Uses not permitted. A use designated as "—" in the Table of Use Regulations shall not be permitted in the district.

- E. Planning Board site review approval. All nonresidential uses proposed for development/redevelopment and all multifamily residential uses wherein more than five (5) units are proposed for development shall be subject to the rules and regulations contained in the Site Review Ordinance³ of the City of Dover.
- F. Overriding district regulations. All uses are subject to the regulations of the overriding districts as listed and defined in this chapter. (Refer to Article VII.)

§ 170-12. Applicability of Table of Use Regulations.

Uses permitted in those zoning districts identified in § 170-7 shall be as set forth in the following Table of Use Regulations: Table I, Principal Uses, and Table II, Accessory Uses.⁴

ARTICLE V Dimensional Regulations

§ 170-13. Availability of utilities and services. [Amended 6-10-87 by Ord. No. 13-87]

In instances where municipal sewer and water facilities are not provided, no residential structure shall be built on a lot with less than thirty thousand (30,000) square feet in area. Where municipal water is available and sewer is not, the minimum lot size shall be twenty thousand (20,000) square feet in area. In no instance, however, shall the above requirements be more permissive than those required by the New Hampshire Water Supply and Pollution Control Commission or required elsewhere in this chapter. Furthermore, the above requirement shall not be substituted for mandatory hookups required by other chapters of the Code of the City of Dover.

³ Editor's Note: See Ch. 149, Site Review.

⁴ Editor's Note: The Table of Use Regulations, consisting of Table I, Permitted Uses, and Table II, Accessory Uses, is included at the end of this chapter.

§ 170-14. Nonconforming lots.

The erection of a building or structure shall be permitted on any lot which has been duly recorded at the Strafford County Registry of Deeds on or before the effective date of adoption of this chapter, provided that:

- A. The lot shall support a land area of at least five thousand (5,000) square feet and a minimum width of fifty (50) feet. In such cases, the following side yard restrictions shall apply:
 - (1) A lot with a width of less than one hundred ten (110) feet and greater than seventy-five (75) feet shall have a minimum side yard of ten (10) feet. **[Amended 8-22-80 by Ord. No. 14-80]**
 - (2) A lot with a width less than seventy-five (75) feet and greater than fifty (50) feet shall have a minimum side yard of six (6) feet.
- B. Refer to Article X of this chapter for provisions regulating nonconforming lots that are adjacent or of continuous frontage and nonconforming uses and structures. **[Amended 6-10-87 by Ord. No. 13-87]**

§ 170-15. Open space requirements.

- A. For each bedroom of a multifamily [greater than four (4) dwelling units] residential structure, there shall be provided at least one hundred (100) square feet of usable open space. Half of this required open space shall be provided in such a manner so as to afford active recreational opportunities for children, to include such facilities as swings, sandboxes, slides, play areas, etc. The remainder of the required open space shall be provided in such a manner so as to afford passive recreational opportunities for adults, such as sitting areas, outdoor cooking facilities, walkways, etc. The active and passive recreational facilities may be combined or separated as appropriate to the site and to the anticipated occupancy needs of the development. Efficiency apartments shall be counted on the basis of fifty

- (50) square feet per unit. Projects which are designed not to contain children (i.e., housing for the elderly) may eliminate the active recreational component of this requirement.
- B. The minimum distance between any main building and any accessory building not structurally attached to such main building shall be not less than the height of the rear wall of the accessory building.
- C. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another building.

§ 170-16. Applicability of Table of Dimensional Regulations. [Amended 8-27-80 by Ord. No. 14-80]

The minimum regulations for lot size, lot frontage, building setback standards for front, side and rear yards, building heights, floor ratio and lot coverage shall be as specified in the Table of Dimensional Regulations,⁵ except as provided in § 170-17 of this chapter.

§ 170-17. Dimensional regulations for accessory buildings. [Added 8-27-80 by Ord. No. 14-80]

All residential zoning districts shall support minimum side and rear yard accessory building setback distances of ten (10) feet.

**ARTICLE VI
Special Exceptions**

§ 170-18. Grant of special exceptions; conditions.

All uses identified in this section may be permitted only after a public hearing is held by the Zoning Board of Adjustment and an approval is granted therefrom. In issuing a special exception, the Zoning Board of Adjustment shall consider the requirements set

⁵ Editor's Note: The Table of Dimensional Regulations is included at the end of this chapter.

forth in this Article in addition to the specific requirements of Article XII and the other sections of this chapter, as applicable.

§ 170-19. Uses in Thoroughfare Business District, B-3.

Multifamily uses in said district shall be subject to the following regulations:

- A. The specific site must be an appropriate location for the use of the structure.
- B. The use shall not be detrimental, injurious, noxious or offensive to the neighborhood.
- C. The use shall not create an undue hazard or nuisance to vehicular or pedestrian traffic.
- D. Adequate and appropriate facilities shall be provided to ensure the proper operation of the proposed use or structure.
- E. The proposed use shall be consistent with the spirit and intent of this chapter.

§ 170-20. Mobile home parks.

Mobile home parks shall be subject to the following regulations:

- A. The proposed park must conform to the Mobile Home Ordinance.⁶
- B. All plans for the proposed mobile home park must have been granted preliminary approval from the Dover Planning Board.
- C. A determination by the Zoning Board of Adjustment that the proposed mobile home park will not adversely affect overall land values in the neighborhood.
- D. A determination by the Zoning Board of Adjustment that the proposed mobile home park will not result in the creation of hazardous traffic conditions.

⁶ Editor's Note: See Ch. 126, Mobile Home Parks.

§ 170-21. Livestock, poultry and swine.

Where livestock and poultry are kept, raised or intended to be housed, the buildings for such purpose shall not be less than one hundred (100) feet from any property boundary. Where swine are kept, raised or intended to be housed, the building for such purpose shall be sufficiently sized so to provide a minimum of nine (9) square feet per animal and shall be located not less than one hundred fifty (150) feet from any property line. In addition, there shall be two thousand five hundred (2,500) square feet of pasture area per animal kept or raised.

§ 170-22. Barber- and beauty shops.

Barber- and beauty shops shall be subject to the following regulations:

- A. No more than one (1) operator's chair is permitted.
- B. No assistants are to be employed.
- C. All operators are to be members of the immediate family who reside in the home.
- D. All such uses shall conform to the regulations governing customary home occupations in § 170-6.

§ 170-23. Gasoline and auto service stations.

- A. The use of land for a gasoline and auto service station may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any gasoline and auto service station which discontinues operations for a period in excess of ninety (90) days shall be required to file a new application for a special exception with the Zoning Board of Adjustment. Such conditions may include but need not be limited to the provision of adequate and properly maintained screening around land so used.
- B. The minimum lot size shall be sixty thousand (60,000) square feet, the minimum lot width shall be one hundred

fifty (150) feet. Twenty-five percent (25%) of the subject parcel shall be open/green space. The total permitted sign area shall not exceed one hundred (100) square feet.

§ 170-24. Junkyard.

In a R-40 Zoning District, a junkyard may only be permitted upon the determination that the property values of land adjacent to such use will not be compromised. Conditions may include but not be limited to the provision of adequate and properly maintained screening around land so used.

§ 170-25. Roadside stands.

Roadside stands or sales facilities, where agriculture products raised on site are sold, shall be set back a minimum of forty (40) feet from all abutting vehicular rights-of-way. The building area of said facility shall not be greater than eight hundred (800) square feet in area. For each roadside stand there shall be a minimum of six (6) off-street parking spaces, which shall have safe access to and from a public street. A driveway permit shall be required in all cases.

§ 170-25.1. Three- and four-family dwellings. [Added 3-25-87 by Ord. No. 6-1987]

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

- A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the RM-10 District that are wholly or partly within two hundred (200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.

- B. Off-street parking, in accordance with Chapter 149, Site Review, shall be provided so as to avoid vehicles backing into the street. Two (2) parking spaces per unit shall be required.
- C. Parking lots shall be at least five (5) feet from a side property line and ten (10) feet from a front property line.
- D. Parking areas shall be screened from the street and from abutting lots.
- E. Structures shall be at least twenty (20) feet from a front property line, fifteen (15) feet from a rear property line and fifteen (15) from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet.

ARTICLE VII Overriding Districts

§ 170-26. Additional regulations.

All overriding districts shall be superimposed upon other zoning districts established in this chapter. The regulations stipulated by the overriding districts shall be in addition to the regulations of the underlying zoning districts and other applicable city ordinances.

§ 170-27. Conservation District.

- A. Purpose. In the interest of environmental quality, public health, resource conservation and the general welfare of the public, the regulations of this district are designed to guide development activities in areas with extended periods of high water table, with susceptibility to flooding and with unique or fragile geologic, ecological or nature features as follows:
 - (1) To prevent the development of structures and land uses on naturally occurring wetlands and flood-prone areas which would contribute to pollution of surface and ground water by sewage or other contaminants.

- (2) To prevent the destruction of natural wetlands or aquifer areas which provide flood protection, recharge of groundwater supply and augmentation of stream flow during dry periods.
- (3) To prevent unnecessary or excessive expenses to the city to provide and maintain essential services and utilities which arise because of inharmonious use of wetlands and other environmentally sensitive areas.
- (4) To encourage those uses that can be most appropriately and safely located in wetland and other environmentally sensitive areas.
- (5) To preserve existing natural drainage systems and the vegetation and wildlife habitats therein.
- (6) To preserve wetlands and other environmentally sensitive areas for other ecological reasons inter alia, those cited in RSA 483B.
- (7) To preserve and enhance those aesthetic values associated with waterways and the natural shoreline. **[Added 5-13-87 by Ord. No. 11-87]**

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

- (1)¹ Those areas within a minimum of one hundred (100) feet of the mean high water of any water body, river, stream, swamp or marsh subject to tidal action and those areas within a minimum of one hundred (100) feet of the mean high water of any freshwater river or natural pond. **[Amended 5-13-87 by Ord. No. 11-87]**
- (2) Those areas within a minimum of fifty (50) feet of the mean high water of any stream, brook or other freshwater body. **[Amended 5-13-87 by Ord. No. 11-87; 9-14-88 by Ord. No. 15-88]**

¹ Editor's Note: Former Subsection B(1), which listed areas delineated on portions of the Soil Survey of Stafford County, was repealed 9-14-88 by Ord. No. 15-88, which ordinance also redesignated former Subsection B(2) through (5) as Subsection B(1) through (4), respectively.

- (3) Those areas owned by and situated in the City of Dover and known as lots:

| General Location | Lot No. |
|-----------------------------|--------------------|
| Garrison Hill | 38-32 |
| Smith Well - No Bottom Pond | D-1 |
| Hoppers Well | C-12 |
| Hoppers Well | C-7 |
| Covered Bridge | C-5 |
| Well No. 107 | H-63 |
| Ireland Well | H-58 |
| Willand Pond | 4-17, 40-13 |
| Willand Pond | 40-10, 40-10A, 10B |
| Barbadoes Pond | F-42 |

- (4) Those areas with slopes in excess of twenty percent (20%). **[Added 5-13-87 by Ord. No. 11-87]**

C. Special exceptions. Special exceptions may be granted by the Zoning Board of Adjustment for the following uses within the Conservation District:

- (1) Streets, roads and other accessways and utility rights-of-way, communications equipment, easements, including power lines and pipe lines, if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands or other environmentally sensitive areas, where it is physically impossible to locate such ways over land not so zoned. Economic advantage alone shall not be deemed a sufficient reason for such a routing.
- (2) **[Amended 5-13-87 by Ord. No. 11-87]** The undertaking of a use not otherwise permitted in the Conservation District, which may include the erection

of a structure, dredging, filling, draining or otherwise altering the surface configuration of the land, provided that:

- (a) A soil erosion and sedimentation control plan is submitted to verify the planned avoidance of erosion along bodies of water.
 - (b) Necessary state and federal approvals have been received.
 - (c) A written review by the Planning Board and the Conservation Commission of the environmental effects of the proposed use upon the area in question has been submitted.
- (3)¹ **[Added 5-13-87 by Ord. No. 11-87]** A boat dock may be allowed on a residential lot, provided that the following provisions are met:
- (a) The dock is for recreational and accessory use only.
 - (b) One (1) dock is allowed per lot.
 - (c) The beneficiary of an easement or right-of-way, recorded at the Strafford County Registry of Deeds prior to the October 10, 1986, amendment posting date for the purpose of providing water access to nonwaterfront lots, shall be entitled to one (1) boat dock within the prescribed easement or right-of-way.
 - (d) All applicable state and federal approvals have been received.
 - (e) A dock may provide a maximum space for two (2) slips. Joint use of private docks by adjoining waterfront residents, not to exceed two (2) slips per lot, shall be encouraged when appropriate.

¹ Editor's Note: Former Subsection C(3), which provided that a special exception may be granted if the proposed development has received preliminary site approval from the Planning Board, added 4-27-83 by Ord. No. 12-83, was repealed 1-28-87 by Ord. No. 1-87.

D. Procedures for subdivision. No subdivision of land shall be permitted which would create a lot or parcel or leave as a remainder a lot or parcel which does not have, outside the Conservation Zoning District, an area equal to the minimum lot size or one (1) acre, whichever is less. The Zoning Board of Adjustment may grant an exception to this rule if such a lot or parcel is to be permanently dedicated to open space or natural uses and is to be dedicated to a public or private agency having as a purpose the holding of such land in a natural state in perpetuity.

E. Other provisions.

- (1) Reference is hereby made to RSA 483A, as amended, which evidences a state concern over preservation of such lands. It is intended that the provisions of that statute shall apply and that in all cases the more restrictive law should apply.
- (2) In all cases where the Conservation District is superimposed over another zoning district in the city, that district whose regulations are the more restrictive shall apply.
- (3)¹ The Conservation District adopted herein is hereby designated as open space under RSA 79-A, and all relevant provisions of RSA 79-A relating to current use assessment of such property shall apply.
- (4) In areas herein defined as the "Conservation District," the cutting of trees shall be limited to no more than fifty percent (50%) of the basal area within a ten-year period. A continuous area of tree cover shall be maintained. **[Added 5-13-87 by Ord. No. 11-87]**
- (5) **[Added 5-13-87 by Ord. No. 11-87; amended 9-14-88 by Ord. No. 15-88]** Upon the discretion of the Building Inspector, a structure may be erected within

¹ Editor's Note: Former Subsection E(3), which provided that, in the event of incorrect designation of an area on the Conservation District map, and presentation of evidence to that effect, the appropriate uses would be permitted and/or prohibited, was repealed 9-14-88 by Ord. No. 15-88, which ordinance also renumbered former Subsection E(4) through (10) as Subsection E(3) through (9), respectively.

the Conservation District as described in Subsection B(1) up to but never closer than seventy-five (75) feet of the mean high water mark, provided that:

- (a) The lot existed within the Conservation District, as recorded in the Strafford County Registry of Deeds, prior to the effective date of this subsection.
 - (b) The structure cannot feasibly be constructed on a portion or portions of the lot which are outside the one-hundred-foot setback of the Conservation District.
- (6) Upon the discretion of the Building Inspector, a structure located within the Conservation District, as described in Subsection B(1) and (2) and existing prior to the effective date of this subsection, may be increased up to twenty percent (20%) in area, provided that the enlarged structure at no point falls within seventy-five (75) feet of the mean high water mark. **[Added 5-13-87 by Ord. No. 11-87; amended 9-14-88 by Ord. No. 15-88]**
 - (7) Customary accessory structures shall be allowed within the Conservation District as described in Subsection B(1) but in no case closer than seventy-five (75) feet to the mean high water. **[Added 5-13-87 by Ord. No. 11-87; amended 9-14-88 by Ord. No. 15-88]**
 - (8) Projects which have been officially accepted by the Planning Board prior to the October 10, 1986, amendment posting date shall be exempt of all revisions herein. **[Added 5-13-87 by Ord. No. 11-87]**
 - (9) Land area contained within the Conservation District can be counted in determining the gross land area of a tract, lot or parcel. **[Added 5-13-87 by Ord. No. 11-87]**
- F. The provisions of the Conservation District adopted herein shall not be binding on Cocheco waterfront lots located in

the B-2, UMUD and CWD Zoning Districts, provided that any proposed development actively integrates and makes use of the Cocheco River waterfront resource. **[Added 1-28-87 by Ord. No. 1-87]**

§ 170-27.1. Wetland Protection District. [Added 9-14-88 by Ord. No. 15-88]

- A. Authority. By the authority granted under RSA 674:16 and 17, this section is designed to protect the wetland areas and surface waters within the City of Dover from certain activities, the impact of which results in the alteration or destruction of wetland areas.
- B. Purpose and intent. It is intended that this section shall:
- (1) Prevent the development of structures and land uses on wetlands which will contribute to pollution of surface and ground water by sewerage, toxic substances or sedimentation.
 - (2) Prevent the destruction of, or significant changes to, wetlands which provide flood protection, recharge the groundwater supply and augment stream flow during dry periods and filtration of water flowing into ponds and streams.
 - (3) Protect unique and unusual natural areas and rare and endangered species.
 - (4) Protect wildlife habitats, maintain ecological balances and enhance ecological values such as those cited in RSA 483-A-1-B.
 - (5) Protect potential water supplies and existing aquifers (water-bearing stratum) and aquifer recharge areas.
 - (6) Prevent unnecessary or excessive expense to the city for the purpose of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands.

- (7) Encourage those low-intensity uses that can be harmoniously, appropriately and safely located in wetlands.
- (8) Preserve and enhance the aesthetic values associated with wetlands in the City of Dover.
- (9) Avoid the high costs of constructing heavy structures and prevent damage to structures and abutting properties caused by inappropriate development in wetland areas.

C. District boundaries.

- (1) The Wetlands Protection District is hereby determined to be:
 - (a) All areas of very poorly drained soils.
 - (b) All areas of poorly drained soil which presently support or which will under natural conditions support a predominance of hydrophilic vegetation. These include areas which are naturally occurring or artificially created.
 - (c) All areas of poorly drained soils, regardless of vegetative types, which are contiguous to surface waters such as ponds, streams (perennial or intermittent) and rivers and within the one-hundred-year flood zone as determined by the Federal Emergency Management Agency.
- (2) For the purpose of this section, "poorly drained soils" and "very poorly drained soils" shall be defined by the Soil Survey of Strafford County, New Hampshire, March 1973, as amended. The Wetland Soils Map, which is on file at the Planning Department and the City Clerk's office at City Hall, illustrates the general location of these soils for informational purposes but does not depict the exact boundaries of Wetland Protection Districts for the purpose of this section.
- (3) "Hydrophilic (water-loving) vegetation" is defined as those plants identified in the 1986 Wetland Plant List

- (b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.

(Cont'd on page 17026.5)

Northeast Region of the United States Fish and Wildlife Service. The more common names associated with these vegetative communities are "bogs," "swamps," "marshes" (saltwater and freshwater) and "tidal wetlands."

D. Procedural requirements.

- (1) Presence of Wetland Protection District on site.
 - (a) Where maps or field investigation indicate that a Wetland Protection District is present on a proposed development site, those wetlands shall be delineated by a High Intensity Soil (HIS) Survey Map prepared by a certified soil scientist. If necessary, a botanist shall be used in conjunction with the soil scientist to identify wetland vegetation where required. The botanist shall have equivalent and practical experience to that of the soil scientist.
 - (b) Applications for a building permit, subdivision and site plan approval shall locate and depict on the survey/subdivision plat/site plan all Wetland Protection Districts on the subject parcel. Any applicant seeking said approval(s) will be responsible for providing this information before the appropriate approval or permit can be granted.
 - (c) Where no evidence has been produced, either by the applicant or the city, that a wetland is present on the site, an HIS map shall not be required under this section.
- (2) The Planning Department shall notify the Conservation Commission of all projects and construction proposed in wetland districts for the purpose of allowing the Commission to make recommendations prior to approval.
- (3) In the event that the accuracy of the boundaries submitted by the applicant is suspect, the Planning Board may call upon the services of a certified soil

scientist and/or botanist to reexamine said area and report the findings to the Planning Board for a boundary determination. The cost of said services shall be paid by the applicant.

- (4) The Building Inspector shall not issue a building permit for construction and the Planning Board shall not approve a site plan or subdivision plat unless such construction activity or proposal conforms to the provisions of this section.
- (5) Standards established herein shall constitute the rules of overlay zones and shall be superimposed over other zoning districts or portions thereof. The provisions herein shall apply in addition to all other applicable ordinances and regulations. In the event of a conflict between any provision herein and any other regulation, the more-restrictive requirement shall control.
- (6) The city shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

E. Permitted uses.

- (1) Any use otherwise permitted by the City Zoning Ordinance, except on-site sewage disposal systems, may be permitted in a Wetland Protection District on poorly drained soils. Any use permitted under Subsection E must first receive conditional use approval as provided for in Subsection F before any building permit or subdivision/site plan can be approved.
- (2) The following uses shall be permitted in a Wetland Protection District on very poorly drained soils:
 - (a) Crossing of a Wetland Protection District as provided for in Subsection F(1).
 - (b) The construction or reconstruction of fences, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:

- [1] Said structures are constructed on posts or pilings so as to permit unobstructed flow of water and are designed in compliance with the New Hampshire Wetlands Board Code of Administrative Rules (Wt 400 and 600).
- [2] The natural contour of the wetland is preserved.
- [3] All other applicable provisions of the city's Zoning Ordinance have been met.

F. Conditional use approval.

- (1) Conditional use approval may be granted by the Planning Board (RSA 674:21II) after proper public notice and public hearing, for the crossing of the Wetland Protection District by a road or other accessway, utility right-of-way, communication lines, power lines and pipelines, provided that the proposed construction complies with the following standards:
 - (a) The proposed construction is essential to the productive use of land or water outside the Wetlands Protection District.
 - (b) Design, construction and maintenance methods will be prepared by a registered engineer to minimize detrimental impacts to the wetlands and will include restoration of the site as nearly as possible to its original grade.
 - (c) No reasonable alternative to the proposed construction exists which does not cross or alter a wetland or which has less detrimental impact on a wetland.
- (2) Conditional use approval also may be granted by the Planning Board for development in the Wetlands Protection District on poorly drained soil. To obtain such an approval, the applicant shall perform or cause to have performed a functional evaluation of the wetlands on which development is proposed. Said functional evaluation shall examine the wetland in

terms of the four (4) following criteria: flood control value; ecological integrity; nutrient retention and sediment trapping value; and groundwater use potential. The functional evaluation shall be performed in accordance with the procedures outlined in the Wetland Evaluation Handbook for the City of Dover which is on file in the office of the City Clerk and Planning Department in City Hall. If three (3) or more of the criteria being evaluated for a particular wetland have a functional value index (FVI) below five-tenths (0.5), the proposed use may be permitted by the Planning Board, provided that all other provisions of this section have been satisfied. If the wetland has an FVI of five-tenths (0.5) or greater for two (2) or more of the criteria, the proposed use shall not be permitted.

- (3) The burden of proof that the conditions specified in Subsection F(1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the conditional use approval, except as herein provided. Regarding a development proposed for a parcel of land smaller than ten (10) acres, the applicant shall provide the High Intensity Soil Map, and the City of Dover shall conduct the evaluation in accordance with the Wetland Evaluation Handbook.
- (4) The conditional use approval shall apply only to the project specified at the time of approval and shall not be transferable to a different project.
- (5) For the purposes of evaluating wetlands and granting conditional use permits, the Planning Board may divide a Wetland Protection District into smaller study areas, allowing different evaluations to be assigned to the various study areas and allowing a conditional use permit to be approved for certain study areas and not for others.
- (6) If deemed necessary by the Planning Board, prior to the granting of a conditional use approval, the applicant shall agree to submit a performance security

to ensure that all operations are carried out in accordance with an approved design. This security shall be submitted in an amount sufficient to complete all specified work and repair damage to any wetland area in which no work has been authorized. The security shall be submitted in an amount, with surety and conditions satisfactory to the Planning Board. The security shall be submitted and approved prior to issuance of any permit authorizing construction.

- (7) The Planning Board may assess the applicant reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.

G. Specific provisions.

- (1) Structures shall be set back at least seventy-five (75) feet from a very poorly drained Wetland Protection District.
- (2) No septic tank or leach field may be constructed or enlarged closer than seventy-five (75) feet to any Wetland Protection District.
- (3) In new subdivisions approved subsequent to adoption of this section, there must be sufficient lot size to place a house, a state-approved septic system, where applicable, and a state-approved well, where applicable, without locating them in a wetland. This provision can be waived if a conditional use approval is obtained from the Planning Board.
- (4) A state dredge and fill application shall be submitted for any proposed change to a wetland (RSA 483-A).

H. Filled lands and preexisting uses.

- (1) Lands which may have been wetlands but were filled under properly issued federal, state and local permits granted prior to the adoption of this section will be judged according to the soils and flora existing at the time the application for building permit or subdivision is made.

- (2) Structures and uses existing at the time of the adoption of this section that do not comply with the rules stated herein shall be regulated in accordance with §§ 170-40 and 170-41 of this chapter.
- I. Exemption for one- and two-family residential structures, existing lots, impoundments and maintenance dredging.
 - (1) Notwithstanding other provisions of this chapter, the construction of additions and/or extensions to one- and two-family dwellings shall be permitted within the Wetlands Protection District, provided that:
 - (a) The dwelling(s) lawfully existed prior to the effective date of this section;
 - (b) The proposed construction conforms to all other applicable ordinances and regulations of the City of Dover; and
 - (c) The design and construction of the proposed use will be done in a manner which minimizes the impacts on the affected wetland, including storage of excavation and construction material outside the wetland and installation of siltation fence and/or hay bales to contain erosion of the construction site.
 - (2) Notwithstanding other provisions of this chapter, a new one- or two-family dwelling shall be permitted in the Wetlands Protection District on an existing lot, provided that all of the following conditions are found to exist:
 - (a) The lot for which an approval/permit is sought was an official lot of record, as recorded in the Strafford County Registry of Deeds, prior to the date on which this amendment was posted and published in the city.
 - (b) The structure for which the approval/permit is sought cannot be feasibly built on a portion or portions of the lot which are outside the Wetlands Protection District.

- (c) Due to the provisions of the Wetlands Protection District, no reasonable and economically viable use of the lot can be made without the exemption.
 - (d) The design and construction of the proposed structure will, to the extent practical, be consistent with the purpose and intent of this section.
 - (e) The proposed structure will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater or other reason.
 - (f) The design and construction of the proposed structure will be done in a manner which minimizes the impacts on the affected wetland, including storage of excavation and construction material outside the wetland and installation of siltation fence and/or hay bales to contain erosion of the construction site.
- (3) Water impoundments with related structures and maintenance dredging for navigational purposes (where a dredge spoil site has been approved by the Planning Board) are exempt from the regulations stated herein. Notwithstanding, copies of permits where required by the New Hampshire Wetlands Board, New Hampshire Water Supply and Pollution Control Division and the United States Army Corp. of Engineers shall be submitted to the Planning Board prior to construction.
- (4) The burden of proof that the conditions specified in Subsection I(1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the approval/permit.
- J. Separability. Should any provision of this section be declared invalid by a final court decision, the same shall not affect the validity of this section as a whole or part thereof, other than the part declared to be invalid.

§ 170-28. Urban Renewal District.

The regulatory provisions contained in the so-called "Land Use Provisions and Building Requirements" for the Downtown Dover Urban Renewal Project No. 1 shall apply to the project area, as approved by the Dover City Council.

§§ 170-28.1 and 170-28.2. (Reserved)¹**§ 170-28.3. Groundwater protection. [Added 6-12-85 by Ord. No. 7-85; amended 11-30-88 by Ord. No. 24-88]**

- A. Purpose. The purpose of this section is to promote the public health, safety and general welfare by protecting and preserving the quality of existing and future groundwater supplies from adverse or detrimental land use, development or activities.
- B. Location. These regulations shall apply to all lands within the Primary and Secondary Groundwater Protection Zones. The boundaries of the Primary and Secondary Groundwater Protection Zones are depicted on maps entitled "Groundwater Protection Zones," dated January 31, 1988. These maps shall be on file at the Planning Department and the City Clerk's office.
- C. Applicability.
- (1) All land use activities and development conducted within the Primary or Secondary Groundwater Protection Zones shall be regulated by the standards established herein.
 - (2) The standards established herein shall constitute the rules of an overlay zone and shall be superimposed over other zoning districts or portions thereof. The provisions herein shall apply in addition to all other

¹ Editor's Note: Former § 170-28.1, Growth Management District I, added 3-30-83 by Ord. No. 3-83, and former § 170-28.2, Growth Management District II, added 8-8-84 by Ord. No. 15-84, were repealed 6-10-87 by Ord. No. 13-87.

applicable ordinances and regulations. In the event of a conflict between any provision herein and any other ordinance or regulation, the more restrictive requirement shall control.

- (3) Pursuant to New Hampshire Code of Administration No. WS309.04, land use activities within a four-hundred-foot radius of a municipal well shall be subjected to more restrictive standards than the balance of the Groundwater Protection Zones.

D. Standards and regulations.

- (1) The following land uses are allowed in the Primary Groundwater Protection Zones; all other land uses are prohibited:
 - (a) Construction, operation and maintenance of wells, dams and water conservation apparatus.
 - (b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.
 - (c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not used or stored within said zone.
 - (d) Maintenance and repair of any existing structure, provided that there is no increase in the area of impermeable surfaces.
- (2) The following land uses are expressly prohibited from the Secondary Groundwater Protection Zones:
 - (a) Disposal or storage of solid waste that contains leachable toxic substances, except for temporary storage awaiting removal, provided that it is stored in a manner that avoids leaching and runoff.
 - (b) Disposal or storage of liquid waste, except for normal sanitary waste disposal from a domestic

septic system approved in compliance with New Hampshire Water Supply and Pollution Control Division regulations.

- (c) All on-site handling, disposal, storage or recycling of solid or liquid waste and hazardous or toxic materials, except for the temporary storage of such materials when they are incidental to or by-products of a manufacturing process. Such materials are to be stored and removed in accordance with City of Dover Site Review Regulations and other applicable state and federal regulations.
- (d) Junk- or salvage yards.
- (e) Motor vehicle service or repair shops, except as a customary accessory use designed to provide routine service to the vehicles operated by the principal use.
- (f) Storage of petroleum or related products, exempting such products when they are a part of Subsection D(2)(c) or (e) above and exempting normal heating oil. Notwithstanding, the facilities for storing and handling such products shall be designed to avoid groundwater contamination and shall be proposed for review and approval prior to construction.
- (g) Storage of road salt and other deicers, except in a shelter constructed to avoid leaching and runoff for use on-site.
- (h) The dumping of snow containing road salt or other deicers brought in from outside the Groundwater Protection Zone.
- (i) Industrial uses that discharge contaminated wastewater on-site.
- (j) Animal feedlots.

- (k) Commercial storage of manure, fertilizers, herbicides, pesticides or other leachables, except for the temporary storage of such material when it is incidental to the principal use and stored in a manner that avoids leaching and runoff.
 - (l) The use of wood piling treated with creosote or other preservative.
- (3) The following land uses are allowed in the Secondary Groundwater Protection Zones:
- (a) Construction, operation and maintenance of wells, dams, and water conservation apparatus.
 - (b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.
 - (c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not commercially stored within said zone.
 - (d) All land uses permitted in the applicable underlying zoning district, provided that they are not expressly prohibited in Subsection D(2) above.
- (4) In soils that are excessively drained, well-drained or moderately well-drained or somewhat poorly drained, as defined by a high-intensity soils map prepared in accordance with the standards of the Society of Soil Scientists of Northern New England, the development shall not make impervious to water more than twenty percent (20%) of the area of said soils except as provided for in Subsection D(5) below.
- (5) The lot coverage regulations set out in § 170-16 of the Zoning Ordinance shall apply in areas of poorly drained or very poorly drained soils. The lot coverage regulations of § 170-16 of the Zoning Ordinance shall apply in all other soil types, provided that a proposed development plan incorporates a stormwater drainage plan, approved by the Dover Planning Board and

prepared by a professional engineer certified to practice in the State of New Hampshire. The plan shall provide for the retention and percolation within the Secondary Protection Zone of all development-generated stormwater runoff from a ten-year storm. Furthermore, the stormwater drainage plan shall provide for the removal of oil and gasoline from parking lot runoff by use of treatment swales, oil/gas separators or other device, prior to retention and percolation of the runoff.

- (6) In addition to standards and requirements contained in other ordinances and regulations, a proposed site plan and building permit application shall be accompanied by a report that specifies the amount and composition of industrial or commercial waste that will be generated on-site and details the proposed method for disposal of such waste outside of the Groundwater Protection Zones.
- (7) A hydrogeologic study may be required by the Planning Board to investigate the impacts a proposed development or land use activity will have on an existing or future groundwater supply. A qualified professional hydrologist or geologist shall be chosen from a list of such professionals provided by the City of Dover, and the applicant shall pay any costs incurred.

E. Administration.

- (1) Development or land use activities proposed within the Groundwater Protection Zones that require subdivision or site plan approval from the Planning Board also shall be reviewed by the Dover Conservation Commission. The Planning Board and Conservation Commission shall verify that the proposed activity will comply with this chapter before the Planning Board grants approval.
- (2) The Building Inspector shall not issue a building permit for development or land use activities until such time

as he verifies that the proposed development will comply with the provisions and standards established herein. The Building Inspector may consult with the Conservation Commission or Planning Department as he deems necessary.

- (3) Land use activities that do not require Planning Board approval or building permits are also subject to the requirements and standards established herein.
- (4) Conditional use permits. The Planning Board, after receiving a recommendation from the Conservation Commission, may vary the provisions herein by granting a conditional use permit in accordance with RSA 674:21. Along with the conditional use permit, the applicant shall submit expert technical information from a professional hydrologist or geologist that documents that the requested relief is consistent with the stated purpose and intent of this chapter. Any cost incurred by the city in reviewing the hydrogeological information shall be paid by the applicant for the conditional use application.

(Cont'd on page 17026.7)

ARTICLE VIII
Extraction Industries

§ 170-29. Applicability.

The provisions of this Article shall be applicable to only those operations conducted for a commercial use or in conjunction with a commercial use which cause the substances included beneath to be removed from the lot on which they are found. Operations under this Article conducted by a public body shall be excluded only from the requirement that a permit be obtained. All other requirements shall apply.

§ 170-30. Standards.

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

(Cont'd on page 17027)

E. Growth management criteria. The remaining capacity of the Charles Street sewer lift station shall be allocated according to the following criteria, to the various zoning districts within the sewer shed:

(1) Step 1.

- (a) Residential districts (including UMUD): the vacant acres multiplied by the average existing density within the district the Water Supply and Pollution Control Commission minimum design standards.
- (b) Industrial districts: the vacant acres multiplied by the Water Supply and Pollution Control Commission minimum design standards.
- (c) Business districts: the vacant acres times the average existing building square footage per acre [assume one (1) employee per five hundred (500) square feet of floor space] multiplied by the Water Supply and Pollution Control Commission minimum design standards.

(2) Step 2. The sewer demand for each zoning district is converted to a percentage of the total demand for the sewer shed.

(3) Step 3. The remaining capacity of the Charles Street lift station is allocated to the zoning districts according to the percentages derived in Step 2.

(4) Step 4.

- (a) Notwithstanding, each zoning district within the sewer shed shall receive an allocation of at least one-half of one percent ($\frac{1}{2}$ of 1%) of the remaining capacity of the lift station.
- (b) The zoning districts are R-12, R-20, R-40, RM-10, RM-20, I-1, B-3 and UMUD. To the extent that the remaining capacity of the lift station is one million two thousand six hundred eighty-seven (1,002,687) gallons per day, the remaining allocation shall be as follows:

| Zone | Percent of Total Demand | Gallons Per Day Allocated |
|-------|-------------------------|---------------------------|
| R-12 | 1.68 | 16,875 |
| R-20 | 10.49 | 105,222 |
| R-40 | 5.44 | 54,596 |
| RM-10 | 0.50 | 5,013 |
| RM-12 | 0.69 | 6,948 |
| RM-20 | 52.76 | 529,088 |
| I-1 | 27.22 | 272,981 |
| B-3 | 0.5 | 5,013 |
| UMUD | 0.69 | 6,948 |

- (c) In each of the zones, allocation of the remaining lift station capacity shall be on a first-come-first-served basis. Pursuant to Economic Development Policy V-4, industrial development will be restricted to dry industries.

§ 170-28.5. Hazardous Waste Landfill District I. [Added 5-13-87 by Ord. No. 9-87]

- A. Purpose. In the interest of responsible planning, public safety and concern for the general welfare of the citizens of Dover, the regulations of this district are designed to alert the public and prohibit development activities in areas potentially affected by the storage of hazardous waste until such time as a final cleanup and proper closure of the site can be completed.
- B. Location. The Hazardous Waste Landfill District I is hereby determined to consist of those city owned lots shown on the City of Dover Assessor's Map C, Lot Nos. 16, 18 and 24.
- C. Hazardous Waste District I criteria. All applications for further development, residential or commercial or industrial, in areas heretofore specified must contain a notation on the plat, site plan and application stating that the development site is within the Hazardous Waste District.

§ 170-28.6. (Reserved)¹

ARTICLE VIII
Extraction Industries
[Amended 6-10-87 by Ord. No. 13-87]

§ 170-29. Applicability.

The provisions of this Article shall be applicable to only those operations conducted for a commercial use or in conjunction with

(Cont'd on page 17026.15)

¹ Editor's Note: Former § 170-28.6, Interim Growth Management District IV - Aquifer Recharge Areas, added 6-24-87 by Ord. No. 14-87, as amended, was repealed 11-30-88 by Ord. No. 24-88.

- (e) Map D: Lots 10, 10A, 9C, 9, 10T, 10P, 9G, 9D, 9E, 9F, 9I, 9U, 9X, 9Y, 10B, 10X, 10S, 10Y, 9B, 9B-2, 9B-1, 9J, 9R, 9Q, 9P, 10C, 10D, 10E, 10H, 9K, 9T, 9S, 9N, 10N, 10K, 10J, 10L, 10R, 9H, 9W, 9Z, 9V, 9M, 10U, 10V, 8, 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 53A, 53, 8K, 8J, 61A, 96, 95, 94, 93, 92, 91, 90, 54, 43, 42, 41, 48, 56, 58, 59, 6, 60, 7, 61, 6A, 57, 55, 47, 50, 52, 5, 46, 45, 44, 8T, 8L, 52A, 5, 4, 4A, 4B, 4C, 4D, 2A, 2C, 79, 70, 35, 37, 38, 39, 11A, 11, 18, 17, 17A, 19, 18B, 18S, 18R, 18Q, 18A, 18P, 22 (NOTE: Lot 22 has these lots contained within it: 22, 6, 227, 225, 224, 22-3, 22-4, 22-1, 22-6, 22-8, 22-9, 22-10, 22-11, 22-12, 22-13, 22-14, 22-15, 22A and 22-B.), 21A, 80, 80-1, 1, 36, 62, 63, 64, 65, 66, 67, 68, 70, 71, 2A, 2C, 52A, 51, 33, 34, 35 and 2. **[Amended 8-12-87 by Ord. No. 17-87; 10-28-87 by Ord. No. 18-87]**
- (2) Aquifer Two.
- (a) Map B: Lots 11 and 17.
- (b) Map C: Lots 11B, 11C, 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I, 12A, 11, 12, 10, 13, 7, 8, 20, 14 and 11A. **[Amended 8-12-87 by Ord. No. 17-87]**
- (3) Aquifer Three.
- (a) Map G: Lots 38, 38A, 43, 42, 35E, 37, 35C, 36, 35D and 1H.
- (b) Map F: Lots 18N, 19, 18G, 17L, 17M, 17I, 17F, 17E, 17C, 17D, 18K, 17, 17K, 17B, 20, 21B, 21C, 21, 21A, 22, 43, 42, 41A, 41, 40A, 40, 39, 38, 38A, 37, 36, 35, 34D, 55, 56, 49, 51, 52, 34I, 34T, 34S, 34Z, 34-O, 34-Q, 34V, 34R, 34U, 34H, 34M, 34J, 34A, 34Y, 34X, 34L, 34N, 34P, 34K, 34A-1, 34, 34W, 53, 54, 57, 34F, 34C and 58.
- (4) Aquifer Four.
- (a) Map I: Lots 17, 18, 19, 20A, 20B, 20, 21, 32, 31, 22A, 22E, 22B, 22, 14A, 14B, 15 and 16. **[Amended 8-12-87 by Ord. No. 17-87]**

- (b) Map H: Lots 1, 2, 2A, 4, 5B, 4N, 12, 6, 63, 62, 61, 6V, 4Z, 4J, 6F, 6E, 6Y, 6Z, 6C, 6B, 6D, 6G, 6I, 6N, 6P, 6Q, 6R, 6S, 6W, 6T, 4K, 6K, 4S, 4R, 6A, 6M, 47, 4P, 46, 45A, 45B, 45C, 50, 49, 50A, 4C, 4V, 4A, 6L, 4D, 4E, 4F, 5, 4G, 4L, 4B, 5A, 53, 54, 58, 59, 61, 60, 62, 63, 35E, 35D, 41R, 41S, 41T, 41P, 44Y 7D, 6-2, 6-3, 6, 4M, 4I, 6V and 4U. **[Amended 8-12-87 by Ord. No. 17-87]**

E. Interim regulations.

- (1) The following uses shall be prohibited on the above listed lots:
 - (a) Disposal or storage of toxic or solid waste.
 - (b) Animal feedlots.
 - (c) Storage of manure.
 - (d) Storage of road salt or snow containing road salt.
 - (e) Mining.
 - (f) Storage of petroleum or related products.
 - (g) Motor vehicle service or repair shops.
 - (h) Junk or salvage yards.
 - (i) Disposal of liquid waste, except normal sanitary waste.
 - (j) Sand and gravel extraction.
 - (k) Industrial uses which discharge processed wastewater on site.
- (2) Furthermore, uses allowed by the underlying zoning district shall not render more than ten percent (10%) of the lot's surface impervious to water.

- F. Exemptions. When site-specific, high-intensity soils analysis, as provided by a qualified soils scientist, can be used to show that an area proposed for development does not constitute part of a defined aquifer recharge area, the proposed development site is exempt from the provisions of this section.

ARTICLE VIII
Extraction Industries
[Amended 6-10-87 by Ord. No. 13-87]

§ 170-29. Applicability.

The provisions of this Article shall be applicable to only those operations conducted for a commercial use or in conjunction with

(Cont'd on page 17026.15)

a commercial use, which cause the substances included beneath to be removed from the lot on which they are found. The following operations shall be exempt:

- A. Operations conducted by a public body.
- B. Excavation that is incidental to the lawful construction or alteration of a building or structure or the lawful construction or alteration of a parking lot or way, including a driveway on a portion of the premises where removal occurs.
- C. Excavation that is incidental to agricultural or silvacultural activities, normal landscaping or minor topographical adjustment.
- D. Excavation from an area contiguous to or from contiguous land in common ownership with stationary manufacturing and processing plants in operation as of the effective date of this chapter, which use earth obtained from such areas.
- E. Excavation from a granite quarry.
- F. Excavation performed exclusively for the lawful construction, reconstruction or maintenance of a Class I, II, III, IV or V highway by a unit of government having jurisdiction for the highway or an agent of the unit of government which has a contract for the construction, reconstruction or maintenance of the highway, provided that a copy of the pit agreement executed by the owner, the agent and the governmental unit shall be filed with and accepted by the regulator prior to the start of excavation, but such excavation shall not be exempt from the provisions of RSA 155-E:4 and 155-E:10, and § 170-31A and B of this chapter.
- G. A person owning land abutting a site which was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile earth taken from the construction site and may remove the earth at a later date after written notification to the appropriate local official.

§ 170-30. Excavation permit.

A. Any owner or owner's designee subject to this chapter shall, prior to excavation of his land, apply to the Planning Board for a permit for excavation. The applicant shall also send a copy of the application to the Conservation Commission. Such applications shall be signed and dated by the applicant and shall contain at least the following information:

- (1) The name and address of the owner of the land to be excavated, the person who will actually do the excavating and all abutters to the premises on which the excavation is proposed.
- (2) A sketch and description of the location and boundaries of the proposed excavation and the number of acres to be involved in the project.
- (3) A sketch and description of the access and visual barriers to public highways to be utilized in the proposed excavation.
- (4) The breadth, depth and slope of the proposed excavation and estimated duration of the project.
- (5) The elevation of the highest annual average groundwater table within or next to the proposed excavation.
- (6) A plan for the restoration of the area affected by the excavation at least in compliance with RSA 155-E:5 and § 170-31B of this chapter, including a timetable therefore as to fully depleted sites within the excavation.
- (7) A written statement from the Tax Collector of the City of Dover that all current taxes levied against the property have been paid in full and that there are no unreleased tax liens encumbering such property.
- (8) The equivalent of a surety company performance bond written by a company licensed to do business in the State of New Hampshire, made out to the City of Dover in such amount as shall be sufficient to insure compliance with the requirements of this chapter to a maximum of one thousand dollars (\$1,000.) per acre.

After such bond has been posted for a period of not less than five (5) years, this requirement may be waived by the Planning Board.

- (9) A fee of fifty dollars (\$50.).
- B. All permits shall expire one (1) year from the date of issuance.

§ 170-31. Standards.

- A. Prohibited projects. The Planning Board shall not grant a permit:
 - (1) Where an excavation is proposed below road level within fifty (50) feet of any highway right-of-way unless such excavation is for the purpose of a highway;
 - (2) For excavation within fifty (50) feet of the boundary of a disapproving abutter or within ten (10) feet of the boundary of an approving abutter, unless approval is requested by said abutter;
 - (3) When the excavation is not permitted by zoning or other applicable ordinance;
 - (4) When the issuance of the permit would be unduly hazardous or injurious to the public welfare;
 - (5) Where existing visual barriers in the areas specified in RSA 155-E:3, Subdivision III, would be removed, except to provide access to the excavation;
 - (6) Where the excavation would substantially damage a known aquifer, so designated by the United States Geological Survey;
 - (7) When excavation is planned beneath or adjacent to inland surface waters in such a manner that a permit is required from the Water Supply and Pollution Control Commission, the Water Resources Board, the Special Board on Dredge and Fill or other state or federal agencies with jurisdiction over the premises; but the regulator may approve the application when all necessary permits have been obtained; or

- (8) Where the project cannot comply with the restoration provisions of RSA 155-E:5.
- B. Restoration. Within twelve (12) months after the expiration date in the permit therefor or the completion of the excavation, whichever first occurs, the owner of the excavated land shall restore, or cause to be restored, the area affected by the excavation to meet each of the following minimum conditions:
- (1) Except for exposed rock ledge, said area shall be covered with vegetation suitable to prevent erosion and with soils suitable to sustain such vegetation.
 - (2) Debris resulting from the excavation shall be buried or removed.
 - (3) All slopes shall be graded to natural repose for the type of soil of which they are composed.
 - (4) The elimination of any standing bodies of water created in the excavation project as may constitute a hazard to health and safety, unless the regulator specifies different restoration.
- C. During the operation of the excavation:
- (1) The applicant shall provide for proper drainage of the area to prevent stagnation and harmful effects upon adjacent properties.
 - (2) The applicant shall maintain a visual buffer of at least ten (10) feet in width along public roads and abutting property.
- D. Completion of operations.
- (1) Upon completion of the operations, the applicant shall:
 - (a) Permit no grade resulting from the operation to remain at a slope rising in excess of one (1) foot of vertical height for each two (2) feet of horizontal distance.
 - (b) Grade and provide drainage for the denuded area to prevent the accumulation of stagnant water.

- (c) Sow all land denuded by such operations with a suitable cover crop.
- (2) All operations which, in the opinion of the Enforcement Officer, have remained substantially unworked for a period in excess of twelve (12) months shall be deemed completed, and all provisions required upon completion of such operations shall be enforced.

§ 170-31.1. Application for amendment of excavation permit.

When the scope of a project for which an excavation permit has been issued is proposed to be altered so as to affect either the size or location of the excavation, the rate of removal or the plan for restoration, the owner shall submit an application for amendment of his excavation permit, which application shall be subject to approval in the same manner as provided for an excavation permit.

§ 170-31.2. Hearing.

Prior to the regulator approving an application for an excavation permit or an application for an amended excavation permit, a public hearing shall be held within thirty (30) days on such application. A notice of said hearing shall be sent to all abutters and shall specify the grounds for the hearing, as well as the date, time and place, and at least fourteen (14) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the city, town or unincorporated place wherein the proposed excavation is to be located, and a legal notice thereof shall also be posted in at least three (3) public places in such city, town or unincorporated place; the fourteen (14) days shall not include the day of publication nor the day of the meeting, but shall include any Saturdays, Sundays and legal holidays within said period. Within twenty (20) days of said hearing or any continuation thereof, the regulator shall render a decision approving or disapproving the application, giving reasons for disapproval.

(Cont'd on page 17027)

§ 170-31.3. Issuance of permit.

If the regulator, after the public hearing, approves the application for a permit and determines that it is not prohibited by RSA 155-E:4, it shall, upon receipt of an excavation fee determined by the regulator, not to exceed fifty dollars (\$50.), and the posting of a bond or other such surety with the Municipal Treasurer in an amount, as it requires, reasonably sufficient to guarantee compliance with the permit, grant a permit to the applicant for an excavation. A copy of the permit shall be prominently posted at the excavation site or the principal access thereto. A permit shall not be assignable or transferable without the prior written consent of the regulator. A permit shall specify the date upon which it expires. The regulator may include in a permit such reasonable conditions as are consistent with the purpose of this chapter, including the provision of visual barriers to the excavation.

§ 170-31.4. Appeal.

If the regulator disapproves or approves an application for an excavation permit or an application for an amended permit, any interested person affected by such decision may appeal to the regulator for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable, and said appeal shall be filed within ten (10) days, and, if the request is granted, a rehearing shall be scheduled within thirty (30) days. Any person affected by the regulator's decision on a motion for rehearing to the regulator may appeal in conformity with the procedure specified in RSA 677:4-15.

§ 170-31.5. Enforcement.

- A. The regulator or its duly authorized agent may suspend or revoke the permit of any person who has violated any provision of his permit or this chapter or made a material misstatement in the application upon which his permit was

granted. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with RSA 155-E:9.

- B. The regulator or a person affected thereby may seek an order from the Superior Court that the violator cease and desist from violation of any provision of his permit or this chapter and take such action as may be necessary to be in compliance with his permit and this chapter. If the Superior Court issues such an order, the regulator or the person affected, as the case may be, shall have judgment for all costs and attorney's fees in seeking such an order.
- C. To ascertain if there is compliance with this chapter, a permit issued hereunder or an order issued hereunder, the regulator or its duly authorized agent may enter upon any land on which there is reason to believe an excavation is being conducted or has been conducted since the effective date of this chapter.
- D. Whoever violates any provision of this chapter, a permit issued hereunder or a valid order issued hereunder shall be guilty of a misdemeanor, if a natural person, or guilty of a felony, if any other person.

ARTICLE IX

Signs and Fences

[Amended 3-14-84 by Ord. No. 7-84]

§ 170-32. Sign review and regulations.

- A. Purpose. The purpose of this section is to create a legal framework for signage regulations that is intended to facilitate a flexible and agreeable communication between people. Such an ordinance acknowledges the need to protect the safety and welfare of the public, the need for a well-maintained and attractive appearance throughout the City of Dover and the need for adequate business identification, advertising and communication. While this section recognizes that aesthetics and design quality cannot be satisfactorily legislated, it does, however, operate on the premise

that a large percent of that which is unattractive can be eliminated by sensible quality control through adequate maintenance and inspection and by reasonable guidelines formulated to minimize clutter.

- B. Permitted signs. No sign shall be permitted within the City of Dover, except in accordance with the provisions of this section.
- C. Permit required. No sign, other than a directional sign, a residential nameplate or sign advertising a sale or lease of a premise, shall be erected or placed in the City of Dover without a sign permit. Said permit shall be issued by the Building Inspector, provided that the sign meets all the regulations of this section, after the submission of a set of plans to an appropriate scale, showing site location, dimensions, method of illumination, if any, and types of materials to be used in construction. Replacement of existing signs and support structures, where the area, location or materials are being altered, shall require a permit, and such replacement shall conform to the regulations of this section.
- D. General provisions. All signs shall conform to the following regulations:
- (1) All signs shall be located on the same lot as the uses which they identify, with the exception of political signs covered under Subsection M.
 - (2) All signs shall be constructed, erected and maintained so as not to present a hazard to persons and property.
 - (3) All signs shall be erected in such a manner so as not to obstruct free and clear vision along or onto a public right-of-way.
 - (4) All signs shall be erected in such a manner so as not to obstruct the view of, be confused with or mistaken for any authorized traffic sign, signal or like device.
 - (5) The illumination of any sign shall be nonflashing, except such portions of a sign as consisting solely of indicators

of time, date and temperature. Spot- or floodlights shall be arranged so that the direct rays of light do not shine or reflect directly into adjacent properties or the line of vision or a motorist.

- (6) The top edge of a wall sign shall be at least one (1) foot below the top of the wall or parapet wall. The top edge of a roof sign shall be at least one (1) foot below the roof ridge or the highest point of the roof if no ridgepole exists.¹ [Amended 6-10-87 by Ord. No. 13-87]
- (7) No sign shall be painted or affixed with adhesive directly on the surface of a building.
- (8) Rotating signs or beacons, waving pennants or whirling devices are prohibited.
- (9) Temporary A-frame, portable or wheeled sidewalk or curb signs are prohibited, except as otherwise provided in this section. Refer to Subsections F(4) and P(3) and (7).
- (10) All signs are prohibited within the public right-of-way, except as otherwise provided in this section.
- (11) The terms of this section shall not be construed so as to exclude signs being necessary for the public welfare, and as such, are required by the municipal government and historical associations, etc. Display signs pertaining to service clubs and/or civic associations may be erected or displayed within all districts upon approval of the Building Inspector.
- (12) The material and construction of any sign or supporting elements shall be in accordance with the National Building and Electrical Codes and all other applicable city regulations.
- (13) On a corner lot, no freestanding sign or support element shall be erected or placed in such a manner so to materially impede vision between a height of two

¹ Editor's Note: See Figure 1 of the Sign Diagrams, Part I, included at the end of this chapter.

and one-half (2½) feet and eight (8) feet above curb grades in the area bounded by the street lines of such corner lot and a straight line joining points along said street lines thirty (30) feet from the point of their intersection.

- (14) Essential directional signs not exceeding four (4) square feet in area indicating entrance and exit driveways.
- (15) Signs not exceeding two (2) square feet in parking lots indicating aisles or reserved areas or spaces.
- (16) One (1) sign not exceeding thirty-two (32) square feet on a building or project under construction, identifying the architect, owner and/or contractor. Such sign shall be removed upon the receipt of a certificate of occupancy.
- (17) Wall signs shall conform to the following additional regulations:
 - (a) No wall sign shall be located in such a manner so as to extend above the next floor's window sill or descend below the top of the lower floor's lintel.²
 - (b) In all nonresidential zoning districts where a business/premises fronts on more than one (1) public street or municipal parking lot, one (1) wall sign shall be permitted for each frontage. The sign area displayed shall not exceed that area permitted by the frontage on that public street or parking lot.³
 - (c) In all nonresidential zoning districts, one (1) informational/directional wall sign shall be permitted for each building entryway. Said sign shall not exceed four (4) square feet in area and shall not be illuminated.
- (18) All freestanding signs shall conform to the following regulations:

² Editor's Note: See Figure 2 of the Sign Diagrams, Part I, included at the end of this chapter.

³ Editor's Note: See Figure 3 of the Sign Diagrams, Part I, included at the end of this chapter.

- (a) No freestanding signs shall be located in an area designated for parking unless said sign is protected along all sides by curbing. A four-foot clear space is required along all approaches.⁴
 - (b) No freestanding sign shall be placed within fifty (50) feet of a low-density residential district (R-40, R-20) boundary.
- (19) All projecting signs shall conform to the following additional regulations:
- (a) Projecting signs shall be attached to the main wall of the building.
 - (b) Projecting signs shall be prohibited from projecting over a street, alley or other public space beyond four (4) feet eight (8) inches from a building facade or two-thirds (2/3) of the width of the sidewalk, whichever is less.⁵ **[Amended 6-10-87 by Ord. No. 13-87]**
 - (c) A clear space of not less than ten (10) feet shall be provided below all parts of a projecting sign, except for residential nameplates.
 - (d) In all nonresidential zoning districts where a business/premise fronts on more than one (1) public street or municipal parking lot, one (1) projecting sign shall be permitted for each frontage. The sign area displayed shall not exceed that area permitted by the frontage on that public street or parking lot.
- (20) Signage affixed to a window is considered part of the total sign area for that frontage and should not occupy more than ten percent (10%) of the window area. Window signs are limited to street level or below street level businesses only.
- (21) Signage consisting of one (1) line of letters not exceeding nine (9) inches in height may be affixed on the

⁴ Editor's Note: See Figure 4 of the Sign Diagrams, Part I, included at the end of this chapter.

⁵ Editor's Note: See Figure 5 of the Sign Diagrams, Part I, included at the end of this chapter.

hanging border only of any awning. An identification emblem, insignia or initial not to exceed four (4) square feet may be affixed on any awning.

- E. Signs permitted in residential districts. Any sign permitted in a Residential R-40, R-20, R-12, RM-6, RM-10, RM-12 or RM-20 District shall conform to the following regulations:
- (1) No sign shall be located greater than eight (8) feet above the ground, whether freestanding or attached to a building.
 - (2) One (1) sign is permitted for each occupancy. Said sign shall identify only the name of each occupant and the street address. Said sign shall not exceed two (2) square feet and shall not be subject to the permit requirements of this section.
 - (3) One (1) sign not to exceed four (4) square feet to announce for sale or rent real property or any part thereof upon which said sign is located. Said sign shall not be subject to the permit requirements of this section.
 - (4) One (1) sign not to exceed two (2) square feet may be erected in connection with a customary home occupation.
 - (5) One (1) sign not to exceed sixteen (16) square feet may be erected in connection with any legally permitted nonresidential use, excepting home occupations.
 - (6) One (1) sign may be erected in connection with a lawfully maintained nonconforming use. Such a sign shall not exceed twelve (12) square feet in area in R-40, R-20, R-12 and RM-10 Districts or exceed sixteen (16) square feet in area in RM-8, RM-12 and RM-20 Districts.
 - (7) No sign shall be erected closer than ten (10) feet to its respective property line.
 - (8) One (1) sign not to exceed twenty (20) square feet may be erected in connection with a multifamily residential complex [ten (10) or more units] located in any RM Zoning District.

- (9) All nonresidential signs may only be illuminated by a constant indirect source of lighting. The lighting element shall be shielded and shall illuminate only the sign. No sign shall be so illuminated after 9:00 p.m.

F. Signs permitted in B-2, UMUD and CWD Zones. Signs shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises.

- (1) Wall signs. Wall signs may be erected instead of, but not in addition to, projecting or freestanding signs.⁶

- (a) Each street level tenancy shall be permitted to erect one (1) wall sign, the area of which shall not exceed one (1) foot of business frontage. An additional one (1) square foot of sign area per one (1) foot of business frontage shall be permitted, provided that the character of the sign conforms to mill motif design criteria. Refer to Subsection O for applicable criteria.

- (b) Each tenancy located above a first floor may erect one (1) wall sign, the area of which shall not exceed two (2) square feet for every one hundred (100) square feet of business floor area. No sign shall exceed an area in excess of forty (40) square feet. An additional one (1) square foot of sign per one hundred (100) feet of business floor area shall be permitted, provided that the character of the sign conforms to the mill motif design criteria. Refer to subsection O for applicable criteria.

- (2) Projecting signs. Projecting signs may be erected instead of, but not in addition to, wall or freestanding signs.

- (a) Each street level tenancy shall be permitted to erect one (1) projecting sign, the area of which shall not exceed one (1) square foot for every two

⁶ Editor's Note: See Figure 6 of the Sign Diagrams, Part II, included at the end of this chapter.

- (2) feet of business frontage. No projecting sign shall exceed twenty-four (24) square feet in area.
- (b) Each tenancy located above a first floor may erect one (1) projecting sign, the area of which shall not exceed one (1) square foot for every two hundred (200) square feet of business floor area. No sign shall exceed nine (9) square feet in area.
 - (c) An accessory wall sign shall be permitted for street level businesses, provided that both the projecting and accessory wall sign are designed in conformance with the mill motif criteria (see Sub-section O). Such accessory wall sign shall not exceed one (1) square foot in area for every two (2) feet of business frontage. No accessory wall sign shall exceed thirty-two (32) square feet in area.
 - (d) The top of a projecting sign shall be no higher than twenty-five (25) feet above existing sidewalks or ground elevation, or the bottom of the sills of the first level of windows above the second floor, whichever is lowest.
- (3) Freestanding signs. Freestanding signs may be erected instead of, but not in addition to, wall or projecting signs.
- (a) One (1) freestanding sign shall be permitted where the principal building is set back five (5) feet or more from the property line on the street(s) to which it abuts.
 - (b) One (1) freestanding sign may be permitted for each principal building, regardless of individual tenants.
 - (c) Sign area shall not exceed one (1) square foot for each foot of business frontage, or one (1) square foot of sign area for each one (1) foot of front yard building setback. No sign shall exceed sixty (60) square feet in area.

- (d) One accessory wall sign identifying each tenant may be erected in addition to a freestanding sign, provided that both the freestanding sign and the wall sign are designed in conformance with the mill motif criteria (see Subsection O). The area of such accessory wall sign shall not exceed one (1) foot of business frontage for street level businesses or one (1) square foot for every one hundred (100) square feet of leased floor area for others, whichever is the lowest. No accessory wall sign shall exceed sixty (60) square feet.
 - (e) A freestanding sign shall not exceed sixteen (16) feet in height and shall be permanently affixed to the ground.
 - (f) Where a principal building fronts on more than one (1) street, one (1) freestanding sign may be erected for each frontage, provided that the building complies with Subsection F(3)(a).
- (4) Temporary sidewalk/A-frame signs. Within the B-2, UMUD and CWD Zones, temporary A-frame/sidewalk signs are permitted, provided that the following guidelines are met:
- (a) Temporary sidewalk/A-frame sign permits shall remain in effect for a one (1) year period. A fee of fifty dollars (\$50.) shall be assessed for said sign.
 - (b) One (1) sidewalk/A-frame sign shall be permitted per each principal building, or portion thereof under separate ownership, regardless of the number of individual tenants within said building. Buildings with an excess of one hundred (100) feet of street frontage shall be permitted one (1) additional sidewalk sign.
 - (c) No sign shall be permitted on a city sidewalk or public right-of-way unless a five-foot, clear passageway can be maintained at all times.

- (d) All sidewalk signs shall be assigned a specific geographical location by the Building Inspector.
 - (e) No sign shall support a height in excess of three (3) feet nor a width in excess of two (2) feet.
 - (f) A certificate of insurance in the amount of one hundred thousand dollars (\$100,000.) (bodily injury/property damage) shall be filed with the Building Inspector to assure sufficient liability coverage of the applicant.
 - (g) A hold-harmless agreement shall be filed with the Building Inspector to relieve the City of Dover from bodily injury and property damage liability.
 - (h) All sidewalk signs shall conform to the mill motif design criteria (Subsection O).
 - (i) Sidewalk signs shall only be displayed during business hours.
- G. Signs permitted in B-3 Thoroughfare Business District. Signs shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within said premises.
- (1) Wall signs. Wall signs may be erected instead of, but not in addition to, projecting or freestanding signs.
 - (a) Each street level tenancy shall be permitted to erect no more than two (2) wall signs, the combined area of which shall not exceed two (2) square feet for each foot of business frontage, or one (1) square foot of sign area for each one (1) foot of front yard building setback.
 - (b) Each tenancy located above a first floor may erect one (1) wall sign, the area of which shall not exceed two (2) square feet for every one hundred (100) square feet. Such floor area shall not be construed to mean hallways or shared building or tenant facilities.

- (2) Projecting signs. Projecting signs may be erected instead of, but not in addition to, wall or freestanding signs.
 - (a) Each street level tenancy shall be permitted to erect one (1) projecting sign, the area of which shall not exceed one (1) square foot for every one (1) foot of business frontage. No projecting sign shall exceed sixty (60) square feet in area.
 - (b) Each tenancy above a first floor may erect one (1) projecting sign, the area of which shall not exceed two (2) square feet of business floor area. No such sign shall exceed forty (40) square feet in area.
 - (c) The top of a projecting sign shall be no higher than twenty-five (25) feet above existing sidewalks or ground elevation, or the bottom of the sills of the first level of windows above the first floor, whichever is lowest.
- (3) Freestanding signs. Freestanding signs may be erected instead of, but not in addition to, projecting or wall signs.
 - (a) One (1) freestanding sign shall be permitted where the principal building is setback fifty (50) feet or more from the property line on the street(s) to which it abuts.
 - (b) One (1) freestanding sign may be permitted for each principal building, regardless of the number of individual tenants.
 - (c) Sign area shall not exceed one (1) square foot for each foot of business frontage or one (1) square foot of frontyard building setback. No sign shall exceed one hundred fifty (150) square feet in area.
 - (d) One accessory wall sign identifying each tenant may be erected in addition to a freestanding sign. The area of such accessory wall sign shall not exceed one (1) square foot for every one (1) foot

of business frontage for street level businesses, or one (1) square foot for every one hundred (100) square feet of leased floor area for others, whichever is the lowest. No accessory wall sign shall exceed seventy-five (75) feet in area.

- (e) A freestanding sign shall not exceed thirty (30) feet in height and shall be permanently affixed to the ground.
- (f) Where a principal building fronts on more than one (1) street, one (1) freestanding sign may be erected for each frontage, provided that the building complies with Subsection G(3)(a). The area of such additional freestanding sign(s) shall comply with provisions of Subsection G(3)(c).
- (g) One (1) freestanding sign shall be permitted for every principal entryway to a shopping center. Such signage shall be a distance of five hundred (500) feet apart.

H. Signs permitted in B-1 Neighborhood Business Districts. Signs shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within said premises. No sign shall be illuminated after 9:00 p.m.

- (1) Wall signs. Wall signs may be erected instead of, but not in addition to, freestanding or projecting signs.⁷
 - (a) One (1) wall sign shall be permitted for each tenant, the area of which shall not exceed one (1) square foot for each three (3) feet of business frontage, or one (1) square foot for each two hundred (200) square feet of floor area so used, whichever is less. No sign shall exceed sixteen (16) square feet in area.
 - (b) No sign shall be erected higher than whichever of the following is the lower:

⁷ Editor's Note: See Figure 7 of the Sign Diagrams, Part II, included at the end of this chapter.

- [1] Sixteen (16) feet above the average ground level along the sign frontage.
 - [2] The bottom of the sills of the first level of windows above the first floor.
 - (c) Wall signs shall only be illuminated by a constant indirect source of lighting. The lighting element shall be shielded and shall illuminate only the sign.
- (2) Projecting signs. Projecting signs may be erected instead of, but not in addition to, wall or freestanding signs.
- (a) One (1) projecting sign may be permitted for each tenant, the area of which shall not exceed eight (8) square feet. No more than two (2) projecting signs shall be permitted per building.
 - (b) No sign shall be erected higher than whichever of the following is the lower:
 - [1] Sixteen (16) feet above the average ground level along the sign frontage.
 - [2] The bottom of the sills of the first level of windows above the first floor.
 - (c) All projecting signs shall only be illuminated by a constant indirect source of lighting. The lighting element shall be shielded and shall illuminate only the sign.
- (3) Freestanding signs. Freestanding signs may be erected instead of, but not in addition to, wall or projecting signs.
- (a) One (1) freestanding sign shall be permitted where the principal building is set back twenty (20) feet or more from the property line on the street(s) to which it abuts.
 - (b) A freestanding sign shall not exceed sixteen (16) feet in height or twelve (12) square feet in area, regardless of the number of individual tenants within the building. **[Amended 6-10-87 by Ord. No. 13-87]**

- (c) One accessory wall sign identifying each tenant may be erected in addition to a freestanding sign. The area of such sign shall not exceed four (4) square feet, with the height dimension not exceeding one and one-half (1½) feet.
- I. Signs permitted in O Office District. Signs shall relate only to the premises upon which they are located, identifying the occupancy of such premises or services available within said premises. No sign shall be illuminated after 9:00 p.m.
- (1) Wall signs. Wall signs may be erected instead of, but not in addition to, freestanding signs.
 - (a) One (1) wall sign shall be permitted for each tenant, the area of which shall not exceed four (4) square feet.
 - (b) Tenants occupying three thousand five hundred (3,500) square feet of business floor area shall be permitted a sign area of twelve (12) square feet.
 - (c) No sign shall be erected higher than whichever of the following is the lowest:
 - [1] Sixteen (16) feet above the average ground level along the sign frontage.
 - [2] The bottom of the sills of the first level of windows above the first floor.
 - (d) Wall signs shall only be illuminated by a constant indirect source of lighting. The lighting element shall be shielded and shall illuminate only the sign.
 - (2) Projecting signs. No projecting signs shall be permitted in this zoning district unless used as a residential nameplate.
 - (3) Freestanding signs. Freestanding signs may be erected instead of, but not in addition to, wall signs.
 - (a) One (1) freestanding sign shall be permitted where the principal building is set back twenty (20) feet

or more from the property line on the street(s) to which it abuts.

- (b) Each tenancy shall be permitted four (4) square feet of sign area. No freestanding sign shall exceed twelve (12) square feet in area, regardless of the number of individual tenants within a building.
- (c) A freestanding sign shall not exceed eight (8) feet in height and shall be permanently affixed to the ground.
- (d) All freestanding signs shall only be illuminated by a constant indirect source of lighting. The lighting element shall be shielded and shall illuminate only the sign.

J. **[Amended 10-26-88 by Ord. No. 18-88]** Signs permitted in Industrial Districts I-1, I-2 and I-4. Signs shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises.

- (1) Wall and projecting signs. Any sign permitted in an Industrial I-1 or I-2 District shall conform to the following:
 - (a) Each industrial tenancy shall be permitted to erect no more than two (2) signs, the combined area of which shall not exceed whichever of the following calculations is lowest:
 - [1] One (1) square foot of sign area for every one hundred (100) square feet of leased/occupied space.
 - [2] Two (2) square feet of sign area for every one (1) foot of building frontage setback.
- (2) Freestanding signs. Freestanding signs may be erected instead of, but not in addition to, wall or projecting signs.
 - (a) One (1) freestanding sign shall be permitted where the principal building is set back thirty-five (35)

feet or more from the property line on street(s) to which it abuts.

- (b) One (1) freestanding sign may be permitted for each principal building, regardless of the number of individual tenants.
- (c) One (1) square foot of sign area for every one hundred (100) square feet of leased/occupied space. No sign shall exceed one hundred (100) square feet.
- (d) One (1) accessory wall sign identifying each tenant may be erected in addition to a freestanding sign. The area of such sign shall not exceed one (1) square foot for every one (1) foot of business frontage for street level businesses or one (1) square foot for every one hundred (100) square feet of leased/occupied space for others, whichever is the lower. No sign shall exceed sixty (60) square feet.
- (e) A freestanding sign shall not exceed thirty (30) feet in height and shall be permanently affixed to the ground.
- (f) Where a principal building fronts on more than one (1) street, one (1) freestanding sign may be erected for each frontage, provided that the building complies with Subsection F(3)(a).
- (g) One (1) freestanding sign shall be permitted within an approved industrial park, provided that such sign does not exceed five hundred (500) square feet in area, that it is used solely for the purpose of identifying the park, its occupancies and uses, location and layout, and that such sign shall be set back from any highway side line a distance of not less than thirty (30) feet.

K. Signs permitted in the CWD Cocheco Waterfront District. Regulations governing the placement of size of sign(s) to be located in the Cocheco Waterfront District are the

same as the standards established for the Central Business (and Urban Multiple Use) District, with the following exception: No sign shall be internally illuminated.

L. [Added 7-8-87 by Ord. No. 15-87;¹ amended 10-26-88 by Ord. No. 18-88] Signs permitted in ETP and B-4 Districts. Signs shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises.

(1) Freestanding signs. Freestanding signs may be erected.

(a) One (1) freestanding sign shall be permitted per development. Notwithstanding, where a development fronts on more than one (1) public street or roadway, one (1) freestanding sign shall be permitted for each frontage.

(b) Each freestanding sign shall not exceed sixteen (16) feet in height, except as provided for below, and shall be permanently affixed to the ground. Notwithstanding, freestanding signs fronting on the Spaulding Turnpike shall not exceed thirty (30) feet in height.

(c) Sign area shall not exceed sixty (60) square feet in area. Notwithstanding, a freestanding sign fronting the Spaulding Turnpike shall not exceed one hundred (100) square feet in area.

(2) Wall signs. Wall signs may be permitted subject to the following regulations:

(a) Each street level tenancy shall be permitted to erect one (1) wall sign, the area of which shall not exceed one (1) square foot for each foot of linear frontage of the tenancy.

M. Political signs. Political signs are subject to the following regulations:

¹ Editor's Note: This ordinance also provided for the redesignation of former Subsections L, M, N, O, P and Q as Subsections M, N, O, P, Q and R, respectively.

- (1) The provisions of this section are in addition to the political sign controls established under Chapter 70 of the New Hampshire Revised Statutes Annotated, as amended.
- (2) Political signs are permitted no sooner than thirty (30) days prior to a primary or regular election and must be removed within ten (10) days of the closing of the polls.
- (3) Political signs shall not be affixed in any manner to public property (city-owned) nor within street rights-of-way, nor to utility poles and fixtures, nor painted, pasted or affixed in any manner that prohibits quick and complete removal.
- (4) The person whose name appears on each political sign as required by Chapter 70 of the New Hampshire Revised Statutes Annotated, as amended, is respon-

(Cont'd on page 17032.13)

sible for the placement, distribution and removal of political signs in conformance with the requirements of this Zoning Ordinance.

- (5) No sign in any district, other than the Central Business District, shall be larger than four (4) feet by four (4) feet or a total square footage of sixteen (16) square feet.
 - (6) Any candidate failing to comply with the above requirements shall be subject to a fine not to exceed twenty dollars (\$20.) per sign violation.
- N. Obsolete signs. Any sign which is located on property which becomes vacant and unoccupied for a period of more than six (6) months or any sign which pertains to a business, service activity or event which no longer applies because of discontinuance or relocation of said business, service, activity or event shall be deemed to have been abandoned, and the sign shall be considered obsolete. Such obsolete signs are prohibited and shall be removed by the owner of the sign or owner of the premises. In the event that the said sign(s) and support(s) are not removed as requested by the Building Inspector, the City of Dover may remove said structure(s) and assess all costs and expenses incurred in said removal against the structure's owners and/or the owner of the land upon which said structure(s) is located.
- O. Nonconforming signs. A sign installed prior to the effective date of this section which meets the applicable requirements of the zoning code then in effect but which is not in conformance with the provisions of this code shall be deemed a permitted nonconforming sign if a permit is obtained for said sign within six (6) months after the effective date of this section. Such nonconforming sign shall, however, be subject to the following regulations:
- (1) No nonconforming sign shall be altered in any way in structure or material which makes the sign less in compliance with the requirements of this section than it was before the alteration.

- (2) No nonconforming sign shall be relocated to a position making it less compliant with the requirements of this section.
- (3) If the nonconforming sign is replaced, it shall be replaced with a sign that is in conformance with the provisions of this section.
- (4) Should a nonconforming sign be destroyed by any means to an extent of more than seventy-five percent (75%) of its replacement cost at the time of its destruction, it shall not be reconstructed except in conformity with the provisions of this section.

P. Mill motif design criteria.

- (1) Intent. A recurring architectural theme exists within the Central Business District, where the use of brick, granite and slate dominates much of the existing commercial building stock. Influenced by the early 19th century mill development, signage was closely integrated with the style and composition of the building, often consisting of handsomely carved and painted wooden signboards. The use of dark background tones, highlighted with bright lettering was dominant. Projecting signs were typically constructed from dark-hued metal, cast iron in particular, and internal lighting or use of plastics, aluminum and vinyl was nonexistent. The use of a mill motif signage theme is an attempt to promote a style of architectural continuity within Dover's urban center. Within the defined mill motif theme, a great amount of flexibility is permitted where design and materials are involved, and all signage should be guided by general design criteria.
- (2) Permit process.
 - (a) The Building Inspector shall be responsible for the issuance of sign permits relative to mill motif accessory signs. Application for said signs shall include the following items:

- [1] A scaled elevation drawing of the entire building facade(s).
 - [2] Proposed sign clearly delineated on the elevation drawing, plus detailed drawings indicating materials, size, colors and style of lettering, lighting and attachment method.
 - [3] A photograph of the building.
- (b) Upon completion of the review, the Building Inspector will approve or disapprove the application and inform the applicant in writing of the decision.
- (3) Sign location. The physical placement of signage on a building shall be as important in perpetuating the mill motif theme as the sign composition itself. To maximize the effectiveness of signs and a building's architecture, every sign shall be required to be an integral part of its building. Signs shall be located with respect to the basic architectural framework of the building, so as not to obscure the primary elements (door and

(Cont'd on page 17032.15)

window openings and decorative facade treatments) of a building's framework. Refer to Subsection O(4)(e) for graphic guidelines.

- (4) Sign composition. The visual style of a sign is determined by the relationship of its lettering, colors, lighting, and materials used. Within the defined mill motif theme, a great range of variations exist among these elements. The design standards set forth herein constitute general design criteria to be followed when determining conformity with the mill motif theme. Refer to Subsection O(4)(e) for graphic guidelines.
 - (a) Lettering.
 - [1] No more than one (1) lettering style shall be permitted per sign.
 - [2] Letters may be attached to the building facade.
 - [3] Light-colored letters on a dark background are preferred. Dark letters on a light background shall only be permitted if it complements the building's color composition.
 - [4] Lettering and signboards shall be located so as not to obstruct architectural detailing on the building face.
 - [5] Product trademarks are discouraged; however, trade signs (e.g., a shoe for a cobbler, a mortar and pestle for a druggist) are preferred.
 - [6] Letter styles shall be limited to the classic genre, i.e., copper plate Gothic, Times, Franklin Gothic, Benton, Clarendon, Haas Helvetica, Folio Caravelle Medium, Windsor, and Times Roman.
 - [7] The size of the lettering shall be in proportion to both the sign configuration and the building.

(b) Color.

- [1] No more than three (3) colors are preferred, including black and white. Lettering shall preferably be one (1) color.
- [2] Colors used in signage should relate to the color composition of the building material and be compatible with them.
- [3] The determination of sign color must relate to the degree of contrast between the sign lettering and sign background.

(c) Lighting.

- [1] Internally-lit or back-lit signs are prohibited.
- [2] Only shielded indirect light shall be permitted if lighting is used.

(d) Materials.

- [1] Traditional materials, such as wood, glass, brass, bronze or iron, are preferred. The use of plastic, aluminum and vinyl will only be permitted if styled and composed to imitate wood or iron.
- [2] Wooden signs shall be constructed of dense, clear wood that adapts to engraving/carving and paint or stain. Ordinary plywood will not withstand exposure; therefore, only overlay, exterior or marine plywood shall be permitted.
- [3] Projecting signs shall be supported by black, iron attachments to the building. Guy wires shall not be permitted as a principle sign support member.
- [4] No support for a projecting sign shall extend above the cornice line of the building to which it is attached.

(e) Graphic guidelines. The zoning ordinance regarding signs was developed in an effort to limit the

size, clutter and inefficiency of uncontrolled signage, while encouraging more effective signs through better and more appropriate design. The regulations that have been outlined in § 170-32 pertain primarily to maximums for height, size and content of business signs. Concern for size alone, however, does not guarantee the effectiveness of a sign or its appropriateness to its location, and both are important for the overall selling power of the sign. In order to help business owners, manufacturers, designers and others with the design of quality mill motif signs, the following notes have been prepared as a brief guide:

- [1] Because it is an old city, Dover's Central Business District (CBD) has evolved from a mill era architectural influence. Almost all of the business structures in this area have an architectural character worth preserving and enhancing. In this district, however, whether an individual building is of great architectural merit does not matter as much as the fact that individual buildings and rows of buildings visually relate to each other. This sense of history and feeling of architectural unity is one of Dover's unique characteristics; it is attractive to both tourists and residents alike. And although nothing in the long run can replace the quality and character of a business concern's services or merchandise in drawing and keeping customers, the architecture of an individual building, and the combined impact of groups of adjoining buildings, can be part of the attraction of a shopping district. Ideally, then, to maximize the effectiveness of signs and building architecture, every sign should be an integral, but of course noticeable, part of its building, and each building should have a good visual influence within its block of buildings. As a result, the building and its sign become

part of an overall image, each supporting the other and helping to draw customers. This leads to a simple but vital point: A sign on a building should always be thought of as part of the building and not as an unrelated object attached to it. Figures A, B, C and D illustrate this point.⁸

- [2] Just as a sign should respect a building facade, a row of shops and their signs is most effective when the architecture and rhythm of the street is preserved and even emphasized by the design of all the signs. The matter of signs becomes a concern for all neighboring businesses; a harmonious and uncluttered row of shops with legible, well-designed signs is much more attractive to shoppers than a hodgepodge of signs that confuse the shopper rather than draw him to the area and the individual shops. One of the most common causes of this confusion is the tendency of shop fronts to burst out of their frames in an upward and outward direction until nothing of the original frontage is visible. Figures E, F and G illustrate the effects of this on a typical stretch of street front.⁹

- [3] Letter styles:¹⁰

P. Definitions. As used in this section, the following terms shall have the meanings indicated:

BUSINESS FLOOR AREA — That area, leased or occupied by a business, excluding hallway(s) or shared building/tenant facilities.

⁸ Editor's Note: Figures A, B, C and D are included in Sign Diagrams, Part III, at the end of this chapter.

⁹ Editor's Note: Figures E, F and G are included in Sign Diagrams, Part IV, at the end of this chapter.

¹⁰ Editor's Note: Samples of the various letter styles are on file in the office of the City Clerk and are available for inspection during normal business hours.

BUSINESS FRONTAGE — The length along the ground floor of a building front, having frontage on the street, which is occupied by a separate and distinct principal use; or the length along the ground floor of a building side, having frontage on a street, which is occupied by a separate and distinct principal use or by the same principal use which occupies the front of said building.

FREESTANDING SIGN — A sign permanently erected on a free standing frame, mast or pole and not attached to any building. A-frame signs shall not be considered free-standing but rather a temporary portable sign. (See the definition of “temporary portable sign.”)

PROJECTING SIGN — A sign attached to a building with the plane of the sign at an angle to the plane of the wall of the building.

SHOPPING CENTER — Any building containing five (5) or more tenants and containing more than fifty thousand (50,000) square feet of gross floor area.

SIGN — Any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, in view of the general public, and which directs attention to a product, place, activity, person, institution or business. A “sign” shall include writing, representation or other figure of similar character within a building only when illuminated and located in a window.

SIGN AREA — The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such perimeter which do not form an integral part of the display. For projecting or double-faced signs, only one (1) display space shall be measured in computing total surface area where the sign faces are parallel or where the interior angle formed by the faces is ninety degrees (90°) or less.¹¹

¹¹ Editor's Note: See Figures 8 and 9 of the Sign Diagrams, Part II, included at the end of this chapter.

TEMPORARY PORTABLE SIGN — A sign(s) customarily located on a trailer or similar wheeled apparatus, whether self-propelled or pulled by another vehicle, intended for promotional purposes or to convey an advertising message of any kind, which is not permanently affixed to the ground. A-frame, sandwich board and other signs not permanently affixed, directly or indirectly, upon a building, structure or land and not otherwise referenced under the definitions of “freestanding sign,” “projecting sign” or “wall sign,” shall also be considered as “temporary portable signs.”

WALL SIGN — A sign attached to or erected against the wall of a building, with the face in a parallel plane to the plane of the building wall, and projecting no more than fourteen (14) inches from the building wall.¹²

- Q. Fees. The minimum fee of five dollars (\$5.) per sign shall be assessed by the Building Inspector for issuance of a sign permit. Any sign in excess of fifty (50) square feet shall be assessed an additional one dollar (\$1.) per square foot of sign area, in excess of the fifty (50) square feet. A fee of fifty dollars (\$50.) shall be assessed for all temporary sidewalk/A-frame signs.

§ 170-33. Fence review and regulations.

- A. Fence heights. No person, firm, corporation or other organization shall erect or cause to be erected a fence exceeding six (6) feet in height from ground level.
- B. Fence design.
- (1) The finished side of a fence shall face outward from the property on which the fence is located. The side of a fence containing the posts or poles and other bracing appurtenances shall face inward to the property being fenced in or on which the fence is located. When erected on a property or lot boundary line, all

¹² Editor's Note: See Figure 10 of the Sign Diagrams, Part II, included at the end of this chapter.

size, clutter and inefficiency of uncontrolled signage, while encouraging more effective signs through better and more appropriate design. The regulations that have been outlined in § 170-32 pertain primarily to maximums for height, size and content of business signs. Concern for size alone, however, does not guarantee the effectiveness of a sign or its appropriateness to its location, and both are important for the overall selling power of the sign. In order to help business owners, manufacturers, designers and others with the design of quality mill motif signs, the following notes have been prepared as a brief guide:

- [1] Because it is an old city, Dover's Central Business District (CBD) has evolved from a mill era architectural influence. Almost all of the business structures in this area have an architectural character worth preserving and enhancing. In this district, however, whether an individual building is of great architectural merit does not matter as much as the fact that individual buildings and rows of buildings visually relate to each other. This sense of history and feeling of architectural unity is one of Dover's unique characteristics; it is attractive to both tourists and residents alike. And although nothing in the long run can replace the quality and character of a business concern's services or merchandise in drawing and keeping customers, the architecture of an individual building, and the combined impact of groups of adjoining buildings, can be part of the attraction of a shopping district. Ideally, then, to maximize the effectiveness of signs and building architecture, every sign should be an integral, but of course noticeable, part of its building, and each building should have a good visual influence within its block of buildings. As a result, the building and its sign become

part of an overall image, each supporting the other and helping to draw customers. This leads to a simple but vital point: A sign on a building should always be thought of as part of the building and not as an unrelated object attached to it. Figures A, B, C and D illustrate this point.⁸

- [2] Just as a sign should respect a building facade, a row of shops and their signs are most effective when the architecture and rhythm of the street is preserved and even emphasized by the design of all the signs. The matter of signs becomes a concern for all neighboring businesses; a harmonious and uncluttered row of shops with legible, well-designed signs is much more attractive to shoppers than a hodge-podge of signs that confuse the shopper rather than draw him to the area and the individual shops. One of the most common causes of this confusion is the tendency of shop fronts to burst out of their frames in an upward and outward direction until nothing of the original frontage is visible. Figures E, F and G illustrate the effects of this on a typical stretch of street front.⁹

- [3] Letter styles:¹⁰

Q. Definitions. As used in this section, the following terms shall have the meanings indicated:

BUSINESS FLOOR AREA — That area, leased or occupied by a business, excluding hallway(s) or shared building/tenant facilities.

⁸ Editor's Note: Figures A, B, C and D are included in Sign Diagrams, Part III, at the end of this chapter.

⁹ Editor's Note: Figures E, F and G are included in Sign Diagrams, Part IV, at the end of this chapter.

¹⁰ Editor's Note: Samples of the various letter styles are on file in the office of the City Clerk and are available for inspection during normal business hours.

BUSINESS FRONTAGE — The length along the ground floor of a building front, having frontage on the street, which is occupied by a separate and distinct principal use; or the length along the ground floor of a building side, having frontage on a street, which is occupied by a separate and distinct principal use or by the same principal use which occupies the front of said building.

FREESTANDING SIGN — A sign permanently erected on a freestanding frame, mast or pole and not attached to any building. A-frame signs shall not be considered freestanding but rather a temporary portable sign. (See the definition of “temporary portable sign.”)

PROJECTING SIGN — A sign attached to a building with the plane of the sign at an angle to the plane of the wall of the building.

SHOPPING CENTER — Any building containing five (5) or more tenants and containing more than fifty thousand (50,000) square feet of gross floor area.

SIGN — Any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, in view of the general public, and which directs attention to a product, place, activity, person, institution or business. A “sign” shall include writing, representation or other figure of similar character within a building only when illuminated and located in a window.

SIGN AREA — The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such perimeter which do not form an integral part of the display. For projecting or double-faced signs, only one (1) display space shall be measured in computing total surface area where the sign faces are parallel or where the interior angle formed by the faces is ninety degrees (90°) or less.¹¹

¹¹ Editor's Note: See Figures 8 and 9 of the Sign Diagrams, Part II, included at the end of this chapter.

TEMPORARY PORTABLE SIGN — A sign(s) customarily located on a trailer or similar wheeled apparatus, whether self-propelled or pulled by another vehicle, intended for promotional purposes or to convey an advertising message of any kind, which is not permanently affixed to the ground. A-frame, sandwich board and other signs not permanently affixed, directly or indirectly, upon a building, structure or land and not otherwise referenced under the definitions of “freestanding sign,” “projecting sign” or “wall sign,” shall also be considered as “temporary portable signs.”

WALL SIGN — A sign attached to or erected against the wall of a building, with the face in a parallel plane to the plane of the building wall, and projecting no more than fourteen (14) inches from the building wall.¹²

- R. Fees. The minimum fee of five dollars (\$5.) per sign shall be assessed by the Building Inspector for issuance of a sign permit. Any sign in excess of fifty (50) square feet shall be assessed an additional one dollar (\$1.) per square foot of sign area, in excess of the fifty (50) square feet. A fee of fifty dollars (\$50.) shall be assessed for all temporary side-walk/A-frame signs.

§ 170-33. Fence review and regulations.

- A. Fence heights. No person, firm, corporation or other organization shall erect or cause to be erected a fence exceeding six (6) feet in height from ground level.
- B. Fence design.
- (1) The finished side of a fence shall face outward from the property on which the fence is located. The side of a fence containing the posts or poles and other bracing appurtenances shall face inward to the property being fenced in or on which the fence is located. When erected on a property or lot boundary line, all

¹² Editor's Note: See Figure 10 of the Sign Diagrams, Part II, included at the end of this chapter.

of the fence and any of its supporting structures or appurtenances shall be contained within the lot or property of the person erecting said fence.

- (2) On a corner lot, no fence or vegetal elements shall be erected or placed in such a manner(s) as to materially impede vision between that area bounded by the street lines of such corner lot and a straight line joining points along said street lines thirty (30) feet from the point to the intersection.

C. Exceptions. The provisions described in Subsection A shall not apply in Industrial (I-2), Restricted Industrial (I-1), Thoroughfare Business (B-3), Central Business (B-2), Office (O), Cocheco Waterfront (CWD) and Urban Multiple Use (UMUD) Zoning Districts, or whenever the Zoning Board of Adjustment, as a condition attached to the granting of a variance or special exception to the Zoning Ordinance, requires for screening purposes a fence exceeding six (6) feet.

§§ 170-34 through 170-38. (Reserved)

ARTICLE X

Nonconforming Lots, Uses and Structures

§ 170-39. Nonconforming lots.

In any district in which structures are permitted as a matter of right but not as a special exception may be erected on each lot which was a lot of record at the date of adoption or amendment of this chapter even though such lot fails to meet the requirements for area, width or frontage. Such lot must be in separate ownership and shall not be of continuous frontage with other lots in the same ownership. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter and if all or part of the lots do not meet the requirement established for lot width and area, the lands involved shall be

considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division or any parcel be made which creates a lot with width or area below the requirements stated in this chapter. See § 170-14 for exceptions to the dimensional regulations. Further, yard dimensions and requirements other than those applying to area, width and frontage shall conform to the regulations for the district in which the lot is located.

§ 170-40. Nonconforming uses of land.

Where, at the time of passage of this chapter, lawful use of land exists which would not be permitted by the regulations imposed by this chapter, the use may be continued so long as it remains otherwise lawful, provided that:

- A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- B. No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter.
- C. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) consecutive months or for twenty-four (24) months during any three-year period, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- D. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

(Cont'd on page 17033)

of the fence and any of its supporting structures or appurtenances shall be contained within the lot or property of the person erecting said fence.

- (2) On a corner lot, no fence or vegetal elements shall be erected or placed in such a manner(s) as to materially impede vision between that area bounded by the street lines of such corner lot and a straight line joining points along said street lines thirty (30) feet from the point to the intersection.
- C. Exceptions. The provisions described in Subsection A shall not apply in Industrial (I-2), Restricted Industrial (I-1), Thoroughfare Business (B-3), Central Business (B-2), Office (O), Coheco Waterfront (CWD) and Urban Multiple Use (UMUD) Zoning Districts, or whenever the Zoning Board of Adjustment, as a condition attached to the granting of a variance or special exception to the Zoning Ordinance, requires for screening purposes a fence exceeding six (6) feet.

§§ 170-34 through 170-38. (Reserved)

ARTICLE X

Nonconforming Lots, Uses and Structures

§ 170-39. Nonconforming lots. [Amended 6-10-87 by Ord. No. 13-87]

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. Such lot must be in separate ownership and shall not be adjacent or in continuous frontage with other lots in the same ownership. If two (2) or more nonconforming lots that are adjacent or with continuous frontage are in single ownership and are of record at the time of passage of amendment of this chapter, the lots involved shall be considered to be an undivided parcel for the purposes of

this chapter. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width, area or frontage requirements established by this chapter, nor shall any division or parcel be made which creates a lot with width, area or frontage below the requirements stated in this chapter. See § 170-14 for exceptions to the dimensional regulations. Further, yard dimensions and requirements other than those applying to area, width and frontage shall conform to the regulations for the district in which the lot is located.

§ 170-40. Nonconforming uses of land.

Where, at the time of passage of this chapter, lawful use of land exists which would not be permitted by the regulations imposed by this chapter, the use may be continued so long as it remains otherwise lawful, provided that:

- A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- B. No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter.
- C. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) consecutive months or for twenty-four (24) months during any three-year period, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- D. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

§ 170-41. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot, coverage, height or yards, its location on the lot or other requirements concerning the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. A building or structure nonconforming either in terms of use or bulk may be restored to its former bulk if destroyed by fire or other hazard, provided that:
 - (1) The structure was not destroyed to an extent requiring destruction of the remainder prior to reconstruction or it was not destroyed voluntarily.
 - (2) Restoration of the structure is begun within twelve (12) months after the act of destruction. All such structures in use at the time of destruction for agricultural purposes shall be exempt from the provisions of this subsection, provided that such reconstruction, alterations or repairs are in compliance with the provisions of Subsection A.
- C. Should such structure be intentionally moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

§ 170-42. Repairs and maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, ordinary repairs may be made, subject to the following provisions: if a nonconforming structure or portion of a structure containing a nonconforming use becomes

physically unsafe or unlawful due to lack of repairs and maintenance and is so declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. Any duly authorized official charged with protecting the public safety may rightfully order a structure to be secured to a safe condition.

§ 170-43. Uses permitted by special exception.

Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through the Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

**ARTICLE XI
Off-Street Parking and Loading**

§ 170-44. Applicability.

The following conditions shall apply to all parking and loading spaces provided in conformance with this chapter:

- A. Conformity with the Site Review Regulations, Chapter 149, §§ 149-14 and 149-15, site development criteria. [Amended 6-10-87 by Ord. No. 13-87]
- B. The enlargement of any building shall require the provision of off-street parking for the existing building as if it were newly erected, in addition to the required off-street parking spaces for the enlargement.
- C. All required parking spaces in residential districts shall be upon or adjacent to the lot upon which they are designed to serve. In all nonresidential districts, such parking spaces shall be provided within a five-hundred-foot radius of the primary structure.

- D. Where one (1) building is used for more than one (1) use, parking requirements shall be computed for each use as if it were a principal use.
- E. Where a parking area is provided to serve two (2) or more structures, the total number of spaces provided shall be not less than the sum of the individual total numbers of spaces required.
- F. Where parking spaces are provided for nonresidential structures and this parking area adjoins a residential use, suitable screening at least seven (7) feet in height shall be provided and maintained.
- G. Municipal parking lots shall not be substituted for the requirements of this section.
- H. In the B-2, UMUD and CWD Zoning Districts, all on-site parking standards required pursuant to § 170-45 of this chapter shall not be binding, except in such cases where new construction is proposed that would create additional building square footage. [Added 9-24-80 by Ord. No. 15-80; amended 3-30-83 by Ord. No. 5-83; 6-10-87 by Ord. No. 13-87]

§ 170-45. Required spaces.

The following number of spaces shall be required according to the use of the structure. Each space shall be provided with adequate and maneuvering space.

- A. Residential dwellings containing one (1) to four (4) units shall support two (2) parking spaces for each unit. [Amended 2-22-84 by Ord. No. 4-84]
- B. Multifamily dwelling: two (2) spaces for each dwelling unit. [Amended 6-10-87 by Ord. No. 13-87]
- 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 as 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) space per each employee in the maximum shift; or one (1) space per fifty (50) square feet of gross floor area, plus one (1) space per each employee in the maximum shift, whichever is greater. **[Amended 6-10-87 by Ord. No. 13-87]**
- E. Wholesale distribution: one (1) space per eight hundred (800) square feet of gross floor space or one (1) space per employee in maximum shift, whichever is greater. **[Amended 6-10-87 by Ord. No. 13-87]**
- F. Manufacturing: one (1) space per each one and five-tenths (1.5) employees or one (1) space per five hundred (500) square feet of gross floor area, whichever is greater. **[Amended 6-10-87 by Ord. No. 13-87]**
- G. Hotel, motel, 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 space.
- I. Office (professional, medical): one (1) space per two hundred fifty (250) square feet of gross floor space or five (5) spaces per professional person keeping office and one (1) per each staff member, whichever is greater. **[Amended 6-10-87 by Ord. No. 13-87]**
- J. Retail I (service establishment, auto retail, real estate, laundry): one (1) space per three hundred (300) square feet of gross floor area.
- K. Retail II (furniture, hardware, 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, clothing): one (1) space for two hundred 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, 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, 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: the sum of various uses computed separately.
- U. Other: closest similar use as shall be determined by the Director of Planning.
- V. Elderly multifamily: one (1) space for every two (2) units.
[Added 9-24-80 by Ord. No. 15-80]
- W. Rooming house: one and one-half (1½) spaces per room so occupied. [Added 2-22-84 by Ord. No. 4-84]

§ 170-46. Loading spaces.

In all districts, no nonresidential structure shall be erected, enlarged or used unless off-street loading spaces are provided as specified herein.

- A. Off-street loading spaces shall be provided on the same lot as the principal use they are intended to serve. In no instance shall an off-street loading space be counted as part of an area to satisfy the off-street parking requirements and vice versa.

- B. No loading bay in a nonresidential district shall be located within one hundred (100) feet of a residential district boundary or within one hundred (100) feet of the lot line of an abutting residential use.
- C. All bays shall be located at the side or rear of the building they are intended to serve.

| Principal Land Use | Number of Loading Spaces Required by Gross Floor Area | | | |
|--------------------|---|------------------------------|-------------------------------|--|
| | 5,000 to 25,000 square feet | 25,000 to 60,000 square feet | 60,000 to 150,000 square feet | Over 150,000 square feet or fraction thereof |
| Retail trade | 1 | 1 | 2 | 1 |
| Wholesale trade | 1 | 2 | 3 | 1 |
| Transport trade | 1 | 2 | 3 | 1 |
| Manufacturing | 1 | 2 | 3 | 1 |

**ARTICLE XII
Administration**

§ 170-47. Administrative officer.

- A. This chapter shall be enforced by the Building Inspector, who shall have the authority to make inspections necessary to carry out his/her duties in the enforcement of this chapter.
- B. The Building Inspector shall not approve an application or issue a building permit or certificate of occupancy for any purpose, except in compliance with the provisions of this chapter.

§ 170-48. Building permit procedure. [Amended 6-10-87 by Ord. No. 13-87]

- A. Applicability. It shall be unlawful to construct, enlarge, alter, relocate or demolish a structure; or change the occupancy of a building or structure requiring greater strength, exit or

sanitary provisions; or to change to another use; or to install or alter any equipment for which provision is made or the installation of which is regulated by the currently adopted Building Code¹ for the City of Dover without first filing an application with the Building Official, in writing, and obtaining the required permit therefor. Building permits are not required for simple and normal maintenance and repairs, provided that such work does not exceed one thousand dollars (\$1,000.).

- B. Prerequisite approvals. An applicant for a building permit approval shall be responsible for providing certified verification of all requisite state and/or local approvals prior to the issuance of said building permit.
- C. Application. Application for a building permit shall be made in duplicate on standard forms provided by the Building Inspector and accompanied by the required fee. In addition, all applications for building permits shall be accompanied by the following:
- (1) Plans and specifications. The application for the permit shall be accompanied by not less than two (2) copies of specifications and of plans drawn to scale, with sufficient clarity, detail and dimensions to show the nature and character of the work to be performed. When quality of materials is essential for conformity to the Building Code, specific information shall be given to establish such quality; and the Building Code shall not be cited or the term "legal" or its equivalent be used as a substitute for specific information. The Building Inspector may waive the requirement for filing plans when the work involved is of a minor nature.
 - (2) Description of work. The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building or structure, and such additional information as may be required by the Building Inspector.

¹ Editor's Note: See Ch. 68, Building Construction.

- (3) The estimated cost of any structure or improvement and such other information as may be necessary to provide for the administration and enforcement of this chapter shall be provided.
 - (4) Site plan. There may also be required a site plan showing to scale the size and location of all the new construction and all existing structures on the site, the parcel's vehicular access, distances from lot lines, the established street grades and the proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site or plot.
 - (5) Engineering details. The Building Inspector may require to be filed adequate details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. All engineering plans and computations shall bear the signature of the engineer or architect responsible for the design. Plans for buildings more than two (2) stories in height shall indicate where penetrations will be made for electrical, mechanical, plumbing and communications conduits and pipes and the materials and methods for maintaining the required structural integrity, fire-resistance rating and firestopping.
- D. Action of application. Upon the filing of a completed application, the Building Inspector shall approve or deny the application within a reasonable period of time, not to exceed thirty (30) days.
- E. Statute of limitations. Any work for which a building permit has been issued shall be started within ninety (90) days from the date of issuance or such permit shall be considered null and void.
- F. Amendments to application. Amendments to a plan, application or other records accompanying the same may

be filed at any time before completion of the work for which the permit sought is issued, upon approval by the Building Inspector. Such amendments shall be deemed part of the original application and shall be filed therewith.

- G. Suspension of permit. Any permit issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.
- H. By whom application is made. Application for a permit shall be made by the owner or lessee of the building or structure, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by an affidavit of the owner or the qualified applicant or a signed statement of the qualified applicant witnessed by the Building Official or his designee to the effect that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant and of the responsible officer, if the owner or lessee is a corporate body, shall be stated in the application.

§ 170-49. Certificate of occupancy.

- A. Purpose. The purpose of a certificate of occupancy is to give the Building Inspector a mechanism by which he/she can verify conformance with provisions of this chapter, the building permit and other requisite approvals related thereto.
- B. Applicability. No person shall use or permit the use of any building, structure or premises or part thereof hereafter erected, relocated, altered, repaired, converted or extended until a certificate of occupancy is issued by the Building Inspector.
- C. Application. Application for a certificate of occupancy shall be made on standard forms provided by the Building Inspector. Application shall be required at such time as when

the applicant has complied with the provisions of this chapter, the building permit and/or any other requisite approval related thereto.

- D. Action of application. The Building Inspector shall, within fifteen (15) working days of receipt of such application, render a decision either granting a certificate of occupancy, a temporary certificate of occupancy or denying said application. When a certificate of occupancy is requested on a project, the Building Inspector shall defer action until in receipt of a sign-off from the Planning Director, Director of Public Works, Fire Chief and Police Chief certifying the adequacy of required improvements. [Amended 9-24-80 by Ord. No. 15-80]

§ 170-50. Building permit fees.

Fees shall be established by the Building Inspector. The City of Dover and any legal entity thereof shall be exempt from the payment of said fees.

§ 170-51. Violations and penalties.

- A. Violations. The administrative officer 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, 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 chapter; and such order shall direct the immediate discontinuance of the unlawful action, use or condition and the abatement of the violation. Any owner or person 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 or general welfare.
- B. Prosecution of violations. If the notice of violation and order is not complied with, the Building Inspector shall

cause to be initiated the appropriate action or proceeding so to prevent any continued unlawful action or condition and to restrain, correct or abate such violations. Any person who knowingly takes part in continuance of said violation(s) shall, for each and every violation(s), be liable to a fine not to exceed one hundred dollars (\$100.). Each day beyond the expiration of the aforementioned notice of violation and order shall constitute a separate offense. [Amended 9-24-80 by Ord. No. 15-80]

§ 170-52. Zoning Board of Adjustment.

- A. Purpose. The purpose of the Zoning Board of Adjustment is to hear and decide appeals of any person(s) who are aggrieved by the administration, enforcement and application of this chapter.
- B. Authority. The Board shall be duly constituted and shall have such duties and powers as specified under RSA 673:3 and 674:33 and this chapter as set forth herein. [Amended 6-10-87 by Ord. No. 13-87]
- C. Powers and duties.
- (1) Powers. The Board shall have the following powers:
 - (a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the Building Inspector in the enforcement of this chapter (interpretation of ordinance).
 - (b) To hear and decide special exceptions to the terms of this chapter upon which such Board is required to pass under this chapter (special exception).
 - (c) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unneces-

sary hardship and so that the spirit of this chapter shall be observed and substantial justice done (variance).

(2) Interpretation of chapter.

(a) 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:

[1] Determination of the meaning of any provision of the text of this chapter.

[2] Determination of the exact location of any district boundary shown on the Zoning Map.⁷

(b) 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 chapter. Upon such appeal, the Board may, in accordance with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify any such order, requirement 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.

(3) Special exceptions. The Board shall have the power to hear and decide on application for special exceptions. In applying 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:

⁷ Editor's Note: Said Zoning Map is on file in the office of the City Clerk, where it may be examined during regular business hours.

- (a) The requested use is essential or desirable to the public convenience or welfare.
 - (b) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
 - (c) 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. Refer to Article VI of this chapter for additional provisions regarding special exceptions. **[Amended 6-10-87 by Ord. No. 13-87]**
- (4) **Variances. [Amended 9-24-80 by Ord. No. 15-80]**
- (a) The Zoning Board of Adjustment may authorize a variance from the terms of this chapter for:
 - [1] A particular use.
 - [2] A parcel of land.
 - [3] An existing/proposed building.
 - (b) Said variance shall only be granted where unusual difficulty or special hardship would be imposed by the literal application and rigorous enforcement of this chapter.
 - (c) In granting variances, the Board, if it deems it proper to the carrying out of the intent and purpose of this chapter, may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purpose of the chapter.
- (5) **Other requirements.** The granting of any appeal by the Board shall not exempt the applicant from any provision of this chapter not specifically ruled upon by the Board or specifically set forth as excepted in this

particular case from a provision of this chapter. 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.

- (6) 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 this chapter, notice shall be given to all property owners within two hundred (200) feet of any portion of the lot in question. Notice shall be sent by registered mail and 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 ten (10) days, to abutters, from the hearing date and five (5) days from the hearing date for public notice. The costs of notice shall be paid by the appellant or applicant to the Building Inspector.

D. Appeal from the decision of the Board of Adjustment.

- (1) Rehearing. Within twenty (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.
- (2) 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

(Cont'd on page 17045)

been made, no ground not set forth herein 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 thirty (30) days after the application for a rehearing is denied or, if the application is granted, then within thirty (30) days of the decision on such rehearing, the applicant may appeal by petition to the Superior Court.

§ 170-53. Amendment procedure.

- A. Power to amend. The City Council may, from time to time, on its own motion or on petition or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this chapter after public notice and hearing as provided in Subsection C.
- B. Referral to the Planning Board. Every such proposed amendment or change whether initiated by the City Council or by petition shall be referred to the Planning Board. The Board shall hold a public hearing on all such amendments or changes to this chapter prior to transmitting its recommendation to the City Council.
- C. Public hearing. **[Amended 3-5-86 by Ord. No. 17-85]**
 - (1) Except as hereinafter provided, a letter of notification shall be sent to landowners whose property lies within that area affected by the proposed change or amendment and to landowners whose property lies within one hundred (100) feet of the subject area. All such notices shall be by first class mail and shall be sent at least five (5) working days prior to the scheduled public hearing date.
 - (2) A notice of said public hearing shall also be posted in a newspaper of general circulation in the city at least fifteen (15) days prior to the scheduled public hearing date.
 - (3) A notice of said public hearing shall be posted in at least three (3) conspicuous public places in the City of Dover.

- (4) All letters of notification and public notices shall state the time and place of the public hearing, the nature of the amendment or change and a general description of the property involved, where applicable.
- (5) In the event that the proposed amendment or change is comprehensive in nature, the aforementioned provisions requiring notice by first class mail to individual landowners may be waived by a majority vote of the full City Council, with respect to the public hearing to be held before it. An amendment or change shall be deemed to be comprehensive in nature if it affects more than one (1) of the zoning districts established by § 170-7 of this chapter. Under no circumstances may the provisions for publication of notice in a newspaper or posting of public notice contained in Subsection C(2) and (3) of this section be waived.

D. Action required.

- (1) The Planning Board shall make a report and recommendations on the amendments or changes referred to it by the City Council within thirty-one (31) days after the next regularly scheduled meeting of the Board. In specific instances where circumstances warrant, the City Council may extend the time of consideration by the Planning Board for a period of not greater than ninety (90) days.
- (2) Upon receipt of the Planning Board's recommendations or upon the expiration of a thirty-one-day study period, the Council shall establish a date for a public hearing and shall further publish and post a notice of such hearing as specified in Subsection C.
- (3) The City Council shall not have the right to overrule such Planning Board recommendations unless by a vote of not less than two-thirds (2/3) of its membership present and voting.
- (4) Any party requesting an amendment to this chapter, exclusive of the Planning Board and City Council, shall pay a fee of twenty-five dollars (\$25.) to the City of Dover to cover advertising and notification costs.

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TABLE OF USE REGULATIONS

City of Dover
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Districts

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|-------|-------|-------|------|------|---|-----|-----|-----|------------------|-----|-----|------------------|-------------------|------------------|--------------------|
| — | — | — | — | — | — | — | P | — | P | — | — | — | P | — | |
| — | — | — | — | — | — | — | — | — | — | — | — | — | — | P | |
| — | — | — | — | — | — | — | P | P | P | — | — | — | P | P | |
| — | — | — | — | — | — | — | — | — | — | — | 1 | — | — | — | |
| — | — | — | — | — | — | — | P | P | — | — | P | — | — | — | |
| 2 | 2 | 2 | 2 | — | P | — | P | P | P | P | P | P | P | P | |
| — | — | — | — | — | — | — | — | — | — | 3 | 3 | — | — | — | |
| — | — | — | — | — | — | P | P | P | P | P | — | — | P | P | |
| — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| — | — | — | — | — | — | P | P | P | P | — | — | — | P | P | |
| — | — | — | 4 | P | P | P | P | P | P | — | — | — | P | — | |
| — | — | — | — | — | — | — | — | P | P | — | — | — | P | P | |
| — | — | — | — | — | — | — | — | — | — | P | P | — | — | — | |
| — | — | — | — | — | — | — | 5 | 5 | — | — | — | — | — | — | |
| — | — | — | — | — | — | — | — | — | — | P | P | P | P | — | |
| — | — | — | — | — | — | — | — | — | — | P | P | P | P | — | |

seven (7) feet in height. No portion of the existing vehicular rights-of-way. (to definition in § 170-6B.)
dangerment of people and property adjacent to the property through use of a fence, wall or vegeta-
light.

⁴ Provided that there is no sale or consumption of alcoholic beverages on the premises.
⁵ If an accessory use to a franchised new car dealership.
⁶ If for the storage of farm products.
⁷ [Added 3-30-83 by Ord. No. 5-83]
⁸ [Added 4-27-83 by Ord. No. 12-83]
⁹ [Added 10-26-88 by Ord. No. 18-88]

City of Dover
TABLE OF USE REGULATIONS
Table I: Principal Uses, Part C2

TABLE OF USE REGULATIONS
City of Dover
Table I: Principal Uses, Parts D and E

Districts

| RM-20 | RM-12 | RM-10 | RM-8 | RM-6 | O | B-1 | B-2 | B-3 ⁴ | B-4 ³ | I-1 | I-2 | I-4 ³ | UMUD ¹ | CWD ² | Special Conditions |
|-------|-------|-------|------|------|---|-----|-----|------------------|------------------|-----|-----|------------------|-------------------|------------------|--------------------|
| — | — | — | — | — | — | — | — | — | — | P | P | P | P | — | |
| — | — | — | — | — | — | — | — | — | — | — | P | — | — | — | |

Districts

| RM-20 | RM-12 | RM-10 | RM-8 | RM-6 | O | B-1 | B-2 | B-3 | B-4 ⁵ | I-1 | I-2 | I-4 ⁵ | UMUD ³ | CWD ⁴ | Special Conditions |
|-------|-------|-------|------|------|---|-----|-----|-----|------------------|-----|-----|------------------|-------------------|------------------|--------------------|
| P | P | P | P | P | — | — | — | P | — | — | — | — | — | — | |
| — | — | — | — | — | P | — | — | — | — | — | P | — | P | — | |
| — | — | — | — | — | P | — | P | — | — | — | — | — | — | — | |
| — | — | — | — | — | — | — | — | — | P | — | — | P | — | — | |
| P | P | P | P | P | — | — | — | — | P | — | — | P | — | — | |
| — | — | 1 | 1 | — | P | — | P | — | P | P | — | P | P | — | |
| — | — | — | P | — | P | — | — | — | — | — | — | — | — | — | |
| P | P | P | P | P | P | — | P | — | — | P | — | — | P | P | |
| 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | — | P | P | 2 | 2 | 2 | |

to definition in § 170-6.)

Landscaping materials shall be required to be provided [Added 10-26-88 by Ord. No. 18-88]

³ [Added 3-30-83 by Ord. No. 5-83]

⁴ [Added 4-27-83 by Ord. No. 12-83]

⁵ [Added 10-26-88 by Ord. No. 18-88]

City of Dover
TABLE OF USE REGULATIONS
Table I: Principal Uses, Parts D and E

Table of Dimensional Regulations

City of Dover

City of Dover
TABLE OF USE REGULATIONS
Table I: Principal Uses, Part F

TABLE OF USE REGULATIONS

City of Dover

Table I: Principal Uses, Part C1

Districts

| I-20 | RM-12 | RM-10 | RM-8 | RM-6 | O | B-1 | B-2 | B-3 | B-4 ⁶ | I-1 | I-2 | I-4 ⁶ | UMUD ⁴ | CWD ⁵ | Special Conditions |
|------|-------|-------|------|------|---|-----|-----|-----|------------------|-----|-----|------------------|-------------------|------------------|--------------------|
| — | — | — | — | — | — | — | — | S | — | S | P | — | — | — | § 170-23 |
| — | — | S | S | — | — | P | P | P | — | — | — | — | P | — | § 170-22 |
| — | — | — | — | — | P | P | P | P | — | — | — | — | P | P | |
| — | — | — | P | — | — | — | P | — | P | P | P | — | P | P | |
| — | — | — | — | — | — | — | P | P | — | — | — | — | P | P | |
| — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| — | — | — | — | — | — | 1 | 1 | 3 | 1 | — | P | — | 1 | P | |
| — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| — | — | — | — | — | — | — | — | — | — | P | P | — | — | — | |
| — | — | — | P | — | P | — | — | — | — | — | — | — | — | — | |
| — | — | — | — | — | — | — | — | S | — | S | — | — | — | — | § 170-23 |
| — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| — | — | — | — | — | — | — | P | P | P | — | — | — | P | P | |
| — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | § 170-24 |

Footnote¹:
 size, sixty thousand (60,000) square feet;
 (%) of the parcel shall be open/green area;
 re feet.

⁴ [Added 3-30-83 by Ord. No. 5-83]
⁵ [Added 4-27-83 by Ord. No. 12-83]
⁶ [Added 10-26-88 by Ord. No. 18-88]

City of Dover
TABLE OF USE REGULATIONS
Table I: Principal Uses, Part C1

TABLE OF USE REGULATIONS

City of Dover

Table II: Accessory Uses²
Districts

| Uses | R-40 | R-20 | R-12 | RM-20 | RM-12 | RM-10 | RM-8 | RM-6 | O | B-1 | B-2 | B-3 | I-1 | I-2 | ETP |
|---------------|------|------|------|-------|-------|-------|------|------|---|-----|-----|-----|-----|-----|-----|
| Accessory | P | | | | | | | | | | | | | | |
| Swimming pool | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Open storage | | | | | | | | | | | | | | | |
| Other | | | | | | | | | | | | | | | |

Footnotes—Conditions Imposed

¹ Pools for swimming or bathing shall be in conformity with the following regulations:

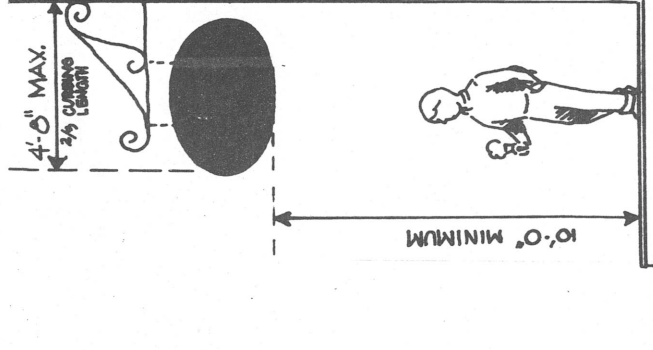
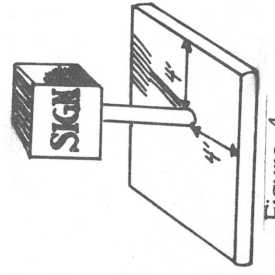
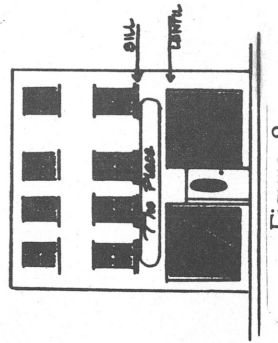
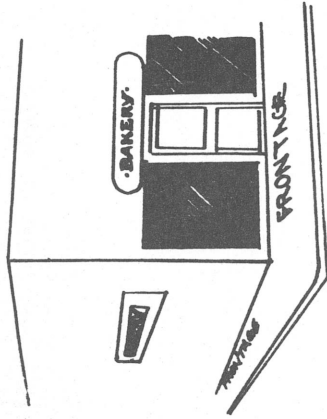
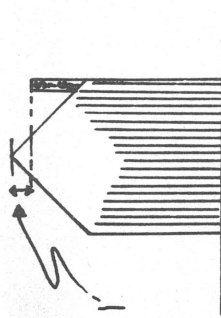
- A. Every outdoor swimming pool shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension, except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension shall not exceed four (4) inches. A primary dwelling or accessory building or structure may be used as part of the enclosure.
- B. Gates. All gates or door openings through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gates or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
- C. Applicability. The requirements of this chapter shall be applicable to all new swimming pools hereafter constructed, other than indoor pools, and shall apply to all existing pools which have a minimum depth of eighteen (18) inches of water. No person in possession of land within the city, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a swimming pool having a minimum depth of eighteen (18) inches of water. The Board of Adjustment, after public hearing, may make modifications in individual cases, upon a showing of good cause with respect to the height, nature or location of the fence, wall, gates or latches or the necessity therefor, provided that the protection as sought hereunder is not reduced thereby. The Board of Adjustment may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described herein.
- D. Appeals and hearings. The Board of Adjustment, after public hearing, may make modifications in individual cases, upon a showing of good cause with respect to the height, nature or location of the fence, wall, gates or latches or the necessity therefor, provided that the protection as sought hereunder is not reduced thereby. The Board of Adjustment may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described herein.
- E. State requirements. Swimming pools shall conform to all requirements of the New Hampshire Department of Health and Welfare.
- F. Option to fence regulation. When not in attendance, access ladders or slide ladders to pool shall be removed or raised and locked or otherwise made inaccessible from the outside to small children.

² [Amended 7-9-87 by Ord. No. 15-87]

³ Uses that are accessory and complimentary to the principal use. Such uses and related structures shall be designed and operated to serve only the principal use and not be designed and operated so as to serve the general public.

SIGN DIAGRAMS, PART I

City of Dover



HANGING SIGN

Figure 5

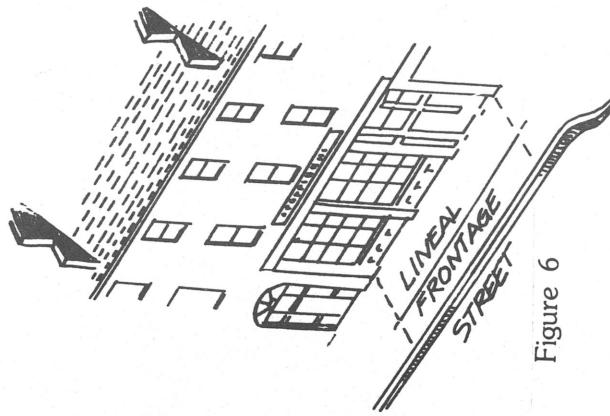


Figure 6

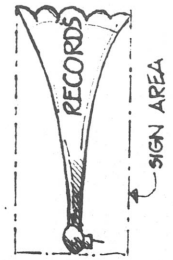


Figure 9

SIGN DIAGRAMS, PART II

City of Dover

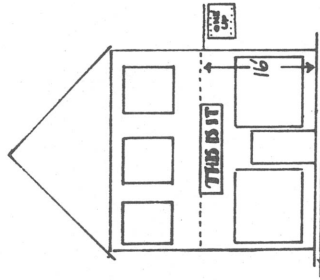
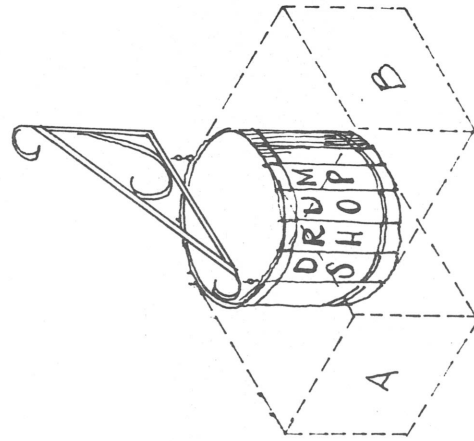


Figure 7



$$\text{SIGN AREA} = \frac{A+B}{2} \times C$$

Figure 8

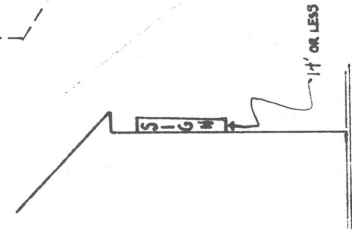


Figure 10

SIGN DIAGRAMS, PART III

City of Dover

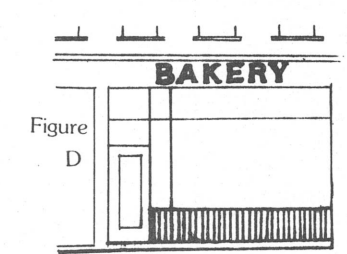
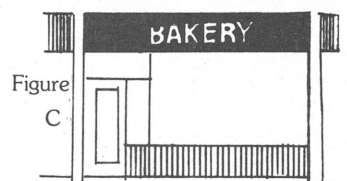
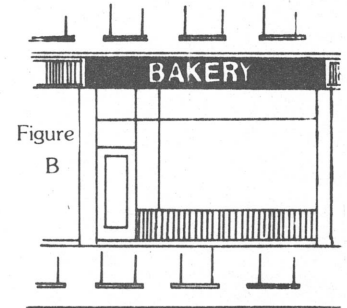
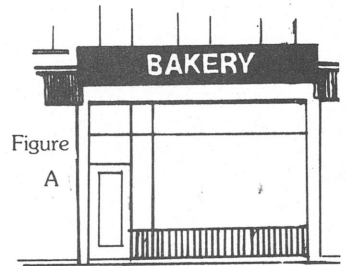
In Figure A, the sign above the shop front has been placed as high as it would be allowed in this particular instance: just below the sills of the second story windows. It is also as wide as is allowed: the full width of the building's sign frontage. The result is a jarring relationship between the sign and the building's facade. Nothing on the sign seems to line up with anything that is part of the building itself: the window sills appear to rest on top of the sign, the lintel (the horizontal beam over the shop front) is partly covered. The total effect is one of everything being slightly off balance.

Figures B, C and D, on the other hand, show three (3) different ways in which the same sign idea can be made to relate successfully to the rest of the building.

In Figure B, the sign becomes part of the architecture of the building by being lowered and reduced slightly in depth so it appears as a facing to the lintel, which was half covered in Figure A. This is a good solution if there is enough depth to the lintel to permit the use of legible-size letters.

Another approach, where the lintel is quite shallow, is shown in Figure C. Here the sign is integrated with the shop front by being enclosed within the frame of the building, which is outlined by the side walls and the lintel itself. This solution is particularly effective where the frame of the shop front is relatively high and may allow the use of a deeper sign than that shown in Figure B. Being placed lower, the sign may also be more legible from the street.

In Figure D, the sign is in the form of applied or painted letters, with the building lintel itself as the background. If carefully designed and executed, this treatment not only respects the building but enhances it; unlike signs mounted on boards, the open letters do not totally obscure any part of the building, and they cause the least interruption to the continuity of the building's architecture, which can be seen through and around the letters. The individually attached letters also give a sense of permanence to the business they advertise.



SIGN DIAGRAMS, PART IV City of Dover

Figure E shows the basic framework or pattern of the buildings that form the street front as they were originally conceived in terms of solid and void, or wall and hole. Despite the fact that the window and door holes of the different buildings do not line up exactly, which provides variety and adds to the interest of the street, there is quite a strong feeling of continuity and unity in the row of structures since they all have the same basic elements.

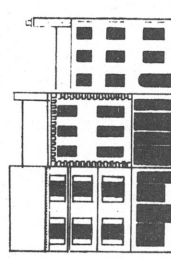


Figure E

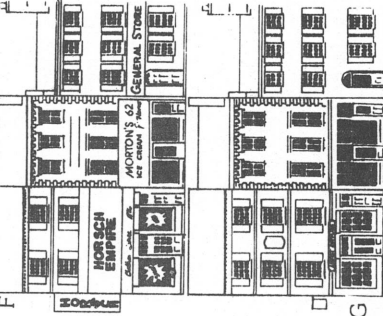


Figure F

Figure F, shows how the even rhythm of these basic elements (the shop front holes and the windows in the lower floors of the buildings) can be almost completely obliterated by the jumble of shop signs of widely varying shapes, sizes and heights.

In Figure G, the basic pattern of the street front has been retained by the simple fact that the shop fronts and their signs have stayed within the frames provided by the buildings. (The one exception is the sign on the right, because it is composed of individual letters applied directly to the buildings itself.) Three (3) of the shop fronts, quite different in the character of their signs and entrances, are now seen to form the ground floor of the same building, the sort of thing that helps create a feeling of continuity along the street.

It should be noted that the marked improvement to the street front shown in Figure G has been achieved without any sacrifice in the effectiveness of individual signs. Although the signs are smaller in size, they are actually easier to read because they are of cleaner and simpler design. This emphasizes another important point: Legibility and effectiveness do not depend on size alone, but also on design.