

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted 3/22/2022

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

The City of Dover Ordains:

1. PURPOSE

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

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 151-6 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Gateway District” (G) to “Heritage Residential” (HR) District an area of approximately 1.8 acres located along Rutland Street, consisting of Map 13 lots 25, 26 and 27 and the portion of Map 13 lot 23 between lots 28A and 27, within approximately 280 feet of the Rutland Street right of way”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 151-6 of said Chapter as follows:

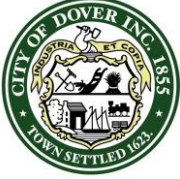
“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Medium Density Residential” (R-12) to “Heritage Residential” (HR) District an area of approximately 30 acres located along Clifford, Parker, Woodman Park Drive, Fisher Street and Rutland Street consisting of Map 13 lots 4, 4A, 5, 28, 28A, 29 and Map 15 lots 54, 55, 56, 57, 58, 58A, 58B, 59, 60 and 61”

3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Dimensional Regulations Table in the Gateway District (G) as follows:

DOWNTOWN ARCHITECTURAL STANDARDS*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business Gateway District is integral to maintaining the character and identity of



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our community. Buildings designs and materials [along Central Ave](#) should enhance the appearance of Dover, reinforce pedestrian character where appropriate, reflect a consistency found within the sub-district, neighboring buildings, and natural and cultural resources. Building design should also minimize potential aesthetic conflicts between residential and nonresidential uses and between single family and multifamily uses. Architectural Standards are not intended to stifle creativity or variety, but produce designs respectful of place and context. **For more information, please see Section 2 of Dover’s CBD Architectural Design Guidelines.**

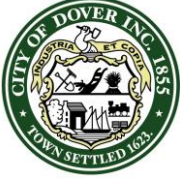
The following **Architectural Standards** must apply for a residential building with 5 units or more and all mixed use/non-residential uses [along Central Ave](#). Applicants will also be expected to prepare a narrative explaining how the project meets all of the architectural standards.

Required Ground Floor Standards:

- No less than 30% of the façade shall be windows.
- A pedestrian entrance shall be required at the street side or front façade.
- Residential uses permitted.
- The use of ground floor exterior lighting on the building should offer a feeling of warm security and increase safety to pedestrians without being overwhelming.

Required Building Standards:

- Building designs shall be harmonious with neighboring structures in terms of mass, width, height, proportion, spacing, and setback.
- All exterior walls that front on a public way with adjacent pedestrian traffic/infrastructure must incorporate wood, brick, stone or a suitable contemporary material appropriately detailed within the first 20 vertical feet.
- Large structures shall be broken into smaller masses to provide human scale, variation, and depth.
- The design of the building shall incorporate views that are directed to the street and garden/courtyard rather than adjacent neighbors.
- Buildings shall be placed at or near the street, along the outer edge of their sites, to ensure the unity of those streets and to encourage and facilitate pedestrian activity.
- Building design shall enhance the pedestrian environment and streetscape.
- Utility elements shall be screened in an aesthetically pleasing manner.
- Use of architectural details and changes in depth are included on building elevations to increase visual interest and scale.
- Garages shall not face the street.
- Solar/Green Roof Standard:
 - All buildings must be solar ready
 - Commercial and mixed use buildings that are 25,000 sq ft or more must also incorporate solar panels and a green roof on at least 30 percent of the roof area.



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Optional Standards:

- Use of elements that accentuate and/or provide coverage at the entry such as canopy, porch, recessed entry, etc. are encouraged.
 - Ornamental roof features that exceed the allowed building height are subject to the CUP process.
 - Energy efficient design techniques, LEED standards, or an equivalent standard are encouraged.
 - Other integrated green infrastructure elements are encouraged.
 - Approved public art is encouraged.
- *CUP (170-20B) may be used to adjust standards.*

STREETSCAPE STANDARDS

Streetscape standards were crafted to ensure streets in mixed use areas of the **CBD Gateway district** have a relationship with adjacent buildings, accommodate pedestrians and bicyclists, and are compatible with the character of Dover's neighborhoods. All street elements must be consistent with Dover Streetscape and Landscape Standards. **For more information on streetscape standards, please see Section 3 of Dover's CBD**

Architectural Design Guidelines.

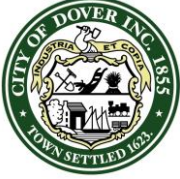
- Sidewalks ~~shall be encouraged to~~ be brick and a shall be minimum of 5 feet wide.
- Street trees shall be planted at an average spacing of 25 to 30 feet on center. Planting method shall allow for maximum root zone space where possible. Existing healthy street trees shall be protected, if possible.
- Unpaved ground area along the frontage shall be planted with appropriate groundcover or shrubs, no bare ground permitted. Low Impact Development techniques such as rain gardens, bioretention areas, tree boxes and other green infrastructure techniques shall be incorporated into these landscaped areas and maintained to ensure 5' wide walkway.
- Projects shall be designed to maintain and enhance, the quality of vehicular, bicycle and pedestrian circulation and safety on affected public streets.
- Street furniture ~~shall be encouraged to~~ be provided as follows:
 - 1 bench for every 75 feet of frontage.
 - At least 1 waste bin at each block corner.
 - 1 bike rack per non-residential project.
- Lighting and mechanical equipment standards per 170-20(E) (3)(d).

**CUP (170-20B) may be used to adjust standards.*

STREETSCAPE ELEMENTS

"# On Dover Point Road, within 300 feet of the center line of New Rochester Road, and for lots on Rutland Street:

- *Building Height is limited to 2 Stories, unless an abutting structure is 3 stories, in which case this may be matched.*



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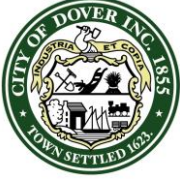
- Residential is limited to Single Family and Two Family Dwelling units, unless part of a permitted mixed use building
- Professional Service & Office, Eating and Drinking Establishments and Retail/Personal Services are limited to 2,000 sf per unit”

4. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-20 “Central Business District” subsection D (2) and (3) to allow residential uses in any part of a building, so long as non-residential uses meet the read as follows:

D. Standards and regulations

- (1) The standards for use and dimensions to be utilized within the CBD are shown on the tables at the end of the section. Included in each table are the following areas:
 - (a) District Purpose
 - (b) LOT Occupation Regulations
 - (c) Diagram of BUILDING HEIGHT
 - (d) Diagram of BUILD TO LINEs
 - (e) Special Regulations
 - (f) Permitted Uses
- (2) Through the issuance of a conditional use permit, BUILDING HEIGHT may be increased by one (1) story, which shall be setback from the allowed height to create a terrace, for either:
 - (a) Each ~~subgrade~~ fully below-grade story of parking provided on the site; or.
 - (b) Additional units resulting from this CUP are restricted so that the rent of said units conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority.
- (3) General Guiding Principles for BUILDING Placement



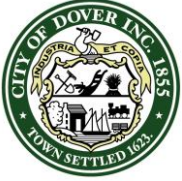
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- (a) The goal of the BUILDING HEIGHT and BUILD TO LINE standards is the creation of a healthy and vital public realm through good STREET space.
- (b) BUILDINGs are aligned and close to the STREET.
- (c) The STREET is a coherent space, with consistent BUILDING forms on both sides of the STREET, creating a clear PUBLIC SPACE and community identity.
- (d) BUILDINGs oversee the STREET (and SQUARE) with active fronts contributing to a vital and safe PUBLIC SPACE.
- (e) Property lines are physically defined by BUILDINGs or STREET WALLs.
- (f) BUILDINGs are designed for an urban feel and situation. Views are directed to the STREET and the garden/courtyard, not toward the neighbors. However within the STREET wall alcoves or small courtyards are permitted to allow for seating and public access
- (g) Vehicle storage, garbage and mechanical equipment are kept away from the STREET.
- (h) Within the General, and Mixed Use, sub-districts, new non-residential activities must make up at least 20 percent of the structure or be located on the GROUND FLOOR.
 - 1. If retail and commercial activities are located on the GROUND FLOOR of BUILDINGs not fronting directly onto a STREET or municipal parking lot, the HEIGHT of the BUILDING may be increased by one (1) story.
 - i. Any additional stories shall be setback to create a terrace, and approved via a Conditional Use Permit.
- (i) In the TOD residential may be located on the GROUND FLOOR, however new retail and commercial activities are encouraged to be developed.



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- (j) Parking (not including on-street parking) should be away from the STREETS and shared by multiple owners/users.
- (k) Historic character should be preserved and enhanced by context sensitive construction.

5. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Permitted Uses Table in the Commercial Manufacturing (CM) by adding footnote 8 as follows:

[8] Solar/Green Roof Standard:

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

6. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Permitted Uses Table in the Commercial (C) by adding footnote 9 as follows:

[9] Solar/Green Roof Standard:

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

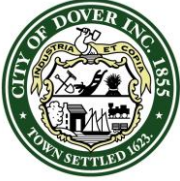
7. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Permitted Uses Table in the Innovative Technology (IT) by adding footnote 14 as follows:

[14] Solar/Green Roof Standard:

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

8. AMENDMENT



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “SIGN Review and Regulations” changing errant references to Subsection “Q” to Subsection “O”.

9. TAKES EFFECT

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

AUTHORIZATION

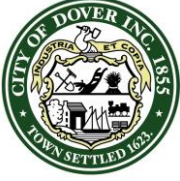
Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Councilor Fergus Cullen City Council Planning Board Representative
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Susan Mistretta City Clerk		

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor, Robert Carrier		
Deputy Mayor Dennis Shanahan, Ward 5		
Councilor Michelle Moffet Lipinski, Ward 1		
Councilor, Robert Hinckle, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hacket, Ward 4		
Councilor Fergus Cullen, Ward 6		



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Councilor Lindsey Williams, At Large		
Councilor Linea Nemeth, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL: