 <p><b>CITY OF DOVER</b></p>	<b>CITY OF DOVER – ORDINANCE</b>		Posted TBD
	Ordinance Number: <b>O – yyyy.mm.dd -</b>	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”

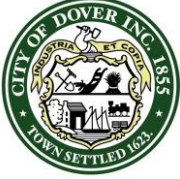
**AND**

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 Avenue, consisting of Map 12 lots 140, 140A, 140B, 141, 141A, 141B, 141C, 142, and 143, and Map 13 lots 4, 4A, 5, 28, 28A, 29, 30, 31, 32, and 33 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 Commercial Manufacturing District (CM) special exception criteria for a Vehicle Refueling and Recharging Station and Auto Service Station as follows:



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

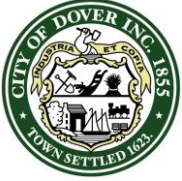
### “VEHICLE REFUELING AND RECHARGING and AUTO SERVICE STATIONS:

- A. The use of land for vehicle refueling/recharging station may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any vehicle refueling/recharging station which discontinues operations for a period in excess of one hundred eighty (180) 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. If petroleum based, the minimum lot size shall be eighty thousand (80,000) square feet, the minimum lot width shall be one hundred fifty (150) feet. Thirty-three percent (33%) of the subject parcel shall be open/green space.
- C. The total permitted sign area shall not exceed one hundred (100) square feet, inclusive of the canopy and fueling equipment, and any signage for retail or eating or drinking uses.-
- D. No fuel storage tanks may be constructed or enlarged closer than one-hundred (100) feet to any Conservation District, and two hundred (200) feet to a secondary groundwater protection zone.
- E. Year round consistent screening no less than 5 feet in height, shall be provided from the street, or any abutting residential structure to the pumps. The building may act as the screening.
- F. Hours of operations shall be limited to 6 am to 9 pm
- G. If a drive-in thru service is proposed, said facility shall be setback either fifty (50) feet from a residential abutting lot or one-hundred (100) feet from the abutting residential structure, whichever is greater.”

AND

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 Commercial \ District (C) special exception criteria for a Vehicle Refueling and Recharging Station and Auto Service Station as follows:

- A. The use of land for VEHICLE REFUELING/RECHARGING STATION may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any vehicle refueling/recharging station which discontinues operations for a period in excess of one hundred eighty (180) 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.



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

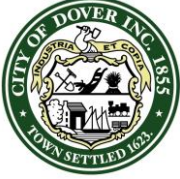
- B. ~~If petroleum based,~~ The minimum lot size shall be eighty thousand (80,000) square feet; the minimum lot width shall be one hundred fifty (150) feet. Thirty three percent (33%) of the subject parcel shall be open/green space.
- C. The total permitted sign area shall not exceed one-hundred (100) square feet, inclusive of the canopy and fueling equipment, and any signage for retail or eating or drinking uses.
- ~~D. If a drive-in thru service is proposed, said facility shall be setback either fifty (50) feet from a residential abutting lot or one hundred (100) feet from the abutting residential structure, whichever is greater. Additionally, adequate vegetative or fence screening shall be constructed. Audible ordering system design features shall include, but not be limited to; non-audible ordering systems (touchpad or human contact) shall be utilized, and hours of operation for the drive-in portion of the business shall be limited to 6:00 a.m. to 9:00 p.m. Hours of operations shall be limited to 6 am to 9 pm~~
- E. If a drive-in thru service is proposed, said facility shall be setback either fifty (50) feet from a residential abutting lot or one-hundred (100) feet from the abutting residential structure, whichever is greater.
- F. No fuel storage tanks may be constructed or enlarged closer than one-hundred (100) feet to any Conservation District, and two hundred (200) feet to a secondary groundwater protection zone.
- ~~D.G.~~ Year round consistent screening no less than 5 feet in height, shall be provided from the street, or any abutting residential structure to the pumps. The building may act as the screening.

#### 4. 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 Commercial Manufacturing District (CM) Conditional Use Permit criteria for a Self-Storage Facility as follows:

SELF-SERVICE STORAGE FACILITY shall be allowed if a Conditional Use Permit is granted by the PLANNING BOARD upon a finding that the following criteria are met:

- A. The minimum front SETBACK shall be double the SETBACKS required in the district.
- ~~B. Any~~ No storage unit BUILDING which units are externally accessed shall be visible from the STREET ~~shall be located to be perpendicular to the STREET, with no storage unit doors facing the STREET.~~
- C. Hours of operation shall be limited to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.
- ~~B.—~~



CITY OF DOVER

## CITY OF DOVER – ORDINANCE

Posted TBD

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

- ~~C.D.~~ C.D. If adjacent to a residential district or a LOT containing a residential use, the facility shall:
- i. Be limited to a one story STRUCTURE with a height no more than twenty (20) feet.
  - ~~ii. Restrict the hours of operation to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.~~
  - ~~iii.ii.~~ iii.ii. Not hold auctions or sales of contents of storage containers.
  - ~~iv.iii.~~ iv.iii. Have screening sufficient to block the view of the BUILDINGS from abutting parcels and shall prohibit lighting from shedding onto abutting parcels.
- ~~D.E.~~ D.E. All setbacks shall be double the setbacks required in the district, not just the front setback.
- ~~E.F.~~ E.F. The architectural design standards of Chapter 153-14L(8)(b) shall be adhered to.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Word Usage and Definitions” by revising the definition for Self-Storage Facility as follows:

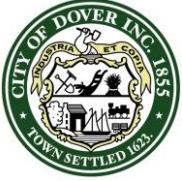
“**SELF-SERVICE STORAGE FACILITY** means a building or a group of buildings consisting of individual, self-contained units of various sizes rented or leased for self-storage of customers’ property. Internally accessed facilities shall be considered warehousing”

### 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 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 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



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

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.

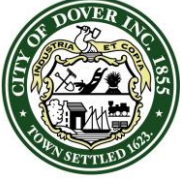
### ***Required Building Standards:***

- 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.

### ***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





**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

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 is 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).

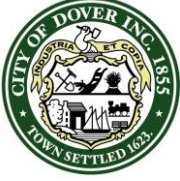
*\*CUP (170-20B) may be used to adjust standards.*

### STREETSCAPE ELEMENTS

*“# On Dover Point Road, within 300 feet of the center line of New Rochester Road, and for lots less than 1 acre in size on Rutland Street:*

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

## 6. AMENDMENT



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

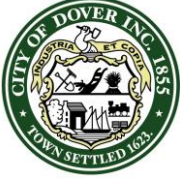
Posted TBD

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

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
  - (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.



**CITY OF DOVER**

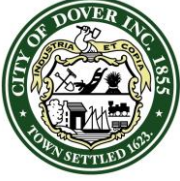
## CITY OF DOVER – ORDINANCE

Posted TBD

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

- (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.
- (j) Parking (not including on-street parking) should be away from the STREETs and shared by multiple owners/users.





**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

- (k) Historic character should be preserved and enhanced by context sensitive construction.

### 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 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.

### 8. 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.

### 9. AMENDMENT

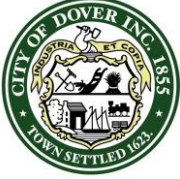
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Permitted Uses Table in the Innovative Technology (IT) by adding footnote 14 as follows:

[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.

### 10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.1 “Wetland Protection District” by revising the ordinance to read as follows:



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

“170-27.1. Wetland Protection District. [Amended on 9-14-88 by Ord. No. 15-88; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15, Amended on 07-22-2020 by Ord. No. 2020.07.08.006.]

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 ALTERATIONS 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 critical functions and values including but not limited to: flood protection, habitat for wildlife dependent on wetlands, enhance water quality (nutrient trapping/retention/transformation and sediment trapping), protect ecological integrity, recharge the groundwater supply and augment stream flow during dry periods and filtration of water flowing into ponds and streams.
- (3) Avoid and minimize impacts to wetlands and wetland buffers to the maximum extent practicable and when impacts are unavoidable, minimize impacts to the greatest extent practicable.
- (4) Protect unique and unusual natural areas and rare, threatened, and endangered species.
- (5) Protect wildlife habitats, maintain ecological balances and enhance ecological values such as those cited in RSA 482-A:1.
- (6) Protect potential water supplies and existing aquifers (water-bearing stratum) and aquifer recharge areas.
- (7) 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.



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

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

(11) Afford larger buffers to higher value wetlands based on functional components as determined by the N.H. method evaluation.

(12) Prioritize protection of vernal pools.

### C. District boundaries

(1) The Wetlands Protection District is hereby determined to be all areas of wetlands and their associated wetland buffers.

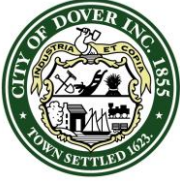
(a) A “Wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(b) A “Wetland Buffer” is a naturally vegetated segment of upland adjacent to a wetland.

(2) "Hydrophytic (water-loving) vegetation" is defined as those plants identified in the "2018 Wetland Plant List 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.



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

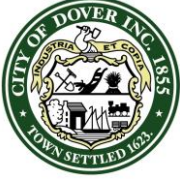
Posted TBD

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

- (a) Where field investigation indicate that a Wetland Protection District is present on a proposed development site, those wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, (January, 1987) or successor document. The hydric soils component of wetlands delineations shall be determined in accordance with the manual Field Indicators for Identifying Hydric Soils in New England (Version 4, May 2017, published by the New England Interstate Water Pollution Control Commission) or successor document. Pursuant to RSA 310-A:75 through 310-A: 87, a Certified Wetland Scientist shall conduct this delineation. The Certified Wetland Scientist is required, after providing delineations based on the Corps of Engineers Wetlands Delineation Manual, to score ~~present~~ wetlands using the N.H. Method in the functional areas of ecological integrity, flood storage, groundwater recharge, wetland dependent wildlife habitat, and water quality (nutrient trapping/retention/transformation and sediment trapping). Scores resulting from this evaluation shall be used by the Wetland Scientist to assign buffer widths in accordance with the guidelines described in section G (1). The Certified Wetland Scientist is required to submit all data sheets pertaining to their evaluation accompanying the application.

A Certified Wetland Scientist is defined as: “a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and prepare wetland maps; to classify wetlands; to prepare wetland function and value assessments; to design wetland mitigation; to implement wetland mitigation; to monitor wetlands functions and values; and to prepare associated reports, all in accordance with standards for identification of wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified by the board.” (RSA 310-A:76) If necessary, a botanist shall be used in conjunction with the wetlands scientist to identify wetland vegetation where required. The botanist shall have equivalent and practical experience to that of the wetlands scientist.

- (b) Applications for a BUILDING permit, major 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.



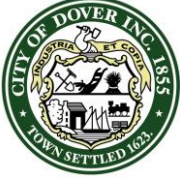
**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

- (c) The entire length of the upland limit of the wetland shall be marked at regular intervals with pink and black striped construction tape prior to, and maintained for the full duration of, any construction-related activities. The APPLICANT may also be required to place and maintain wooden stakes and/or construction tape at appropriate intervals along the wetlands buffer boundary to provide sufficient visual evidence of the buffer boundary during construction, if development is proposed within twenty feet of the wetlands buffer. The APPLICANT may be required to affix some form of marker or tag acceptable to the City to permanently delineate the wetlands buffer boundary at appropriate intervals, as determined by the Conservation Commission and PLANNING BOARD, for the purpose of notifying future landowners of the presence of the wetlands buffer. The presence of wetlands on residential properties created as part of a major subdivision shall be documented in the parcel's deed.
- (2) The Planning and Community Development 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. Consistent with RSA 482-A:11 III, the Conservation Commission shall have up to 40 days to make recommendations relative to a standard wetlands impact application and up to 21 days to make recommendations relative to an expedited permit per RSA 482-A:11, III(b)(1). The Conservation Commission, in acting on an application for a conditional use permit in the Wetlands Protection District, may attach conditions to its recommendations including but not limited to recommendations for ~~more extensive buffers~~ an evaluation of wetland functions using the New Hampshire Method, additional plantings in areas to be re-vegetated, performance guarantees, impact mitigation measures, and a reduction in proposed impervious surfaces.
- (3) In the event that the accuracy of the boundaries and/or evaluation of wetland functions submitted by the APPLICANT is suspect, the PLANNING BOARD may call upon the services of a certified wetland scientist and/or botanist to reexamine said area and report the findings to the PLANNING BOARD for a boundary determination. The APPLICANT shall pay the cost of said services.
- (4) The Building Inspector shall not issue a BUILDING permit for construction and the PLANNING BOARD shall not approve a ~~site plan or major~~ subdivision



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

PLAT [or site plan](#) unless such construction activity or proposal conforms to the provisions of this Chapter.

- (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 [within the Wetland Protection District](#).

~~E. Permitted Uses. Any use otherwise permitted by this Chapter, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under Section E (1) must first receive conditional use approval as provided for in Section F before any BUILDING permit or subdivision/site plan can be approved.~~

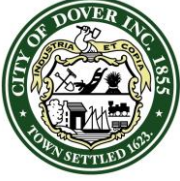
(1) [Permitted uses within a wetland without a conditional use permit](#)

- (a) The construction or reconstruction of FENCES, footbridges, catwalks, boat docks and wharves, provided that:
- (i) 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 (Env-Wt 300, 500 and 600).
  - (ii) The natural contour of the wetland is preserved.
  - (iii) All other applicable provisions of the city's Zoning Ordinance have been met

(2) [Permitted uses within a wetland with a conditional use permit](#).

Any use permitted under Section E (2) must first receive conditional use approval as provided for in Section F before any BUILDING permit or subdivision/site plan can be approved.





**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

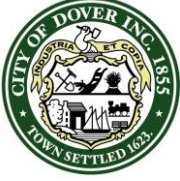
- (a) Crossing of a ~~Wetland Protection District~~ wetland as provided for in Section ~~F(4)~~.
- (3) Prohibited uses within a wetland.
  - (a) Uses listed in section E (6) (a-d).
  - ~~(a) On-site sewage disposal systems~~
- (4) Permitted uses within a wetland buffer without a conditional use permit.

The following uses and activities are allowed within a wetland buffer with the noted conditions:

- (a) Activities within wetlands jurisdictional areas that are allowed without a State of New Hampshire Dredge and Fill Permit, in accordance with NHDES Rules Env-Wt 308.01(a) and 308.02 – repair of an existing legal STRUCTURE; or successor rules.
- (b) The removal of vegetation in accordance with NHDES Rules Env-Wt 303.05(b), or successor rules, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.
- (c) The installation of monitoring or test wells or geotechnical borings completed in accordance with NHDES Rules Env-Wt 309.02(i) or successor rules.
- ~~(d) Temporary disturbance of the wetland buffer to facilitate construction activities completed under a valid City of Dover BUILDING permit, provided the temporary disturbance is restored in accordance with Section G (1) (b) above~~
- (e)(d) Low impact development stormwater management systems or natural systems which do not add impervious surfaces.
- (5) Permitted uses within a wetland buffer with a conditional use permit.

The following uses and activities are allowed within a wetland buffer only if a conditional use permit is obtained in accordance with Section ~~F~~ above:

- (a) All uses not specifically prohibited in Section ~~GE (16)~~ (ee) above, or specifically exempted in Section ~~GE (14)~~ (ge) below.



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

- (b) The erection or construction of a BUILDING or STRUCTURE, excluding FENCES that meet the requirements of 170-33, or the construction of parking LOTS or loading areas.
- (c) Timber harvesting, except as conducted in accordance with the terms and provisions of RSA 227-J, Timber Harvesting.
- (d) The removal of stumps and roots (grubbing), the recontouring or grading of the land, or the placement of impervious surfaces or creation of storm water detention ponds.
- (e) The installation of water, sewer, or buried electrical or telecommunications cables.
- (f) The installation of water-supply wells.

[Temporary disturbance of the wetland buffer to facilitate construction activities completed under a valid City of Dover Building Permit.](#)

(6) Prohibited uses within a wetland buffer

- (a) The establishment or expansion of salt storage, JUNKYARDS, resource recovery facilities, transfer stations, landfills, or solid or hazardous waste facilities;
- (b) The BULK storage of chemicals, petroleum products, or toxic and hazardous materials;
- (c) The dumping or disposal of snow and ice collected from roadways and parking LOTS;
- (d) On-site sewage disposal systems.

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 construction within the Wetland Protection District ~~or buffer~~. Said construction may include, but is not limited to a road or other accessway, utility right-of-way, communication lines,



**CITY OF DOVER**

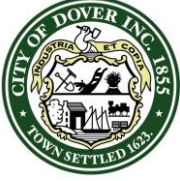
## CITY OF DOVER – ORDINANCE

Posted TBD

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

power lines and pipelines, STRUCTUREs, and parking LOTs provided that the proposed construction complies with the following standards:

- (a) *Practicable Alternative:* There is no practicable alternative that would have a less adverse impact on the area.
  - (b) *Avoidance:* The potential impacts have been avoided to the maximum extent practicable. The APPLICANT will demonstrate by plan and example that the proposed construction represents the least impacting alternative.
  - (c) *Minimization:* Any unavoidable impacts have been minimized. No reasonable Alternative to the proposed construction exists which does not impact a wetland or which has less detrimental impact on a wetland. 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.
  - (d) *Mitigation:* If the APPLICANT is required by State rules to prepare a compensatory mitigation plan, the APPLICANT shall provide the Conservation Commission and PLANNING BOARD with one copy each of said plan for their review.
  - (e) Approval for the wetlands impact has been received from the NHDES Wetlands Bureau pursuant to Section G (3), below.
- (2) 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.
  - (3) 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.
  - (4) 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



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

surety and conditions satisfactory to the PLANNING BOARD. The security shall be submitted and approved prior to issuance of any permit authorizing construction.

- (5) 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.

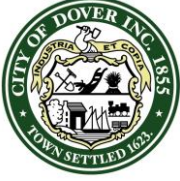
G. Specific provisions for wetlands.

(1) Wetland Buffers.

- (a) *Buffers Established*. Buffers are hereby established around and encircling all wetlands other than those that were created as legally permitted sedimentation/detention basins or roadside drainage ditches. The minimum width of the wetland buffers shall be fifty (50) to one hundred (100) feet horizontal distance as measured outward from the perimeter edge of the wetland. Wetland scientists shall score the following wetland functions using the N.H. method: ecological integrity, flood storage, groundwater recharge, wetland dependent wildlife habitat, and water quality (nutrient trapping/retention/transformation and sediment trapping). The Certified Wetland Scientist shall use these scores in accordance with Tables (1)(b) and (c) below to assign buffer widths. Buffer widths are determined based upon the following method:

- (i) Scores are determined for each function.
- (ii) Compare scores of each function to those outlined in Table (1)(b), to determine which ones meet minimum scoring criteria.
- (iii) Sum functions which meet minimum scoring criteria.
- (iv) Select applicable buffer width from Table (1)(c).

Wherever a permit to fill a wetland has been issued by either the New Hampshire Department of Environmental Services (NHDES) or the U.S. Army Corps of Engineers (USACOE), the perimeter of the wetland shall be deemed to be the new edge between the fill as placed in accordance with the permit and the remaining wetland. If there is no remaining wetland, there is no



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

buffer. All other wetland edges shall be determined in accordance with Section D (1) above.

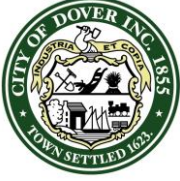
(b) Guideline for minimum function scores which trigger increased buffer widths.

<u>Buffer function</u>	<u>Minimum Threshold</u>
<u>Ecological integrity</u>	<u>5.6</u>
<u>Sediment trapping</u>	<u>7.2</u>
<u>Nutrient trapping/retention/transformation</u>	<u>6.8</u>
<u>Groundwater recharge</u>	<u>4.6</u>
<u>Flood water storage</u>	<u>3.0</u>
<u>Wetland dependent wildlife habitat</u>	<u>3.4</u>

(c) Buffer widths

<u>Qualifying buffer functions</u>	<u>Required buffer width</u>
<u>Minimum buffer width</u>	<u>50 feet</u>
<u>Three functions</u>	<u>75 feet</u>
<u>Four or more functions</u>	<u>100 feet</u>

~~(b)~~(d) *Natural Conditions to be Maintained within Buffers.* Where wetland buffer disturbance is allowed pursuant to a state or federal permit, or a conditional use permit, restoration of the disturbed area is required. Restoration is defined as filling of ruts or excavated area with similar soils while maintaining original grade. Applications for a City of Dover BUILDING permit that includes a temporary disturbance of wetlands buffers, ~~pursuant to Section G (1) (e) (iv) below,~~ shall include a “Wetlands Buffer Encroachment and Restoration Plan.” Said plan shall be submitted, reviewed and approved by Building Inspector, in consultation with City staff, prior to the disturbance. Replanting to restore buffers shall be with native non-invasive species specified in the “Wetlands Buffer Encroachment and Restoration Plan”. Implementation of the plan shall include the clear delineation of the boundaries of wetland buffers in the field using construction tape or other



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

clear marking devise. Mowing to maintain an existing lawn or field within a wetland buffer area is allowed without a permit, as specified in Section ~~GE~~ (14)(ge), below, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.

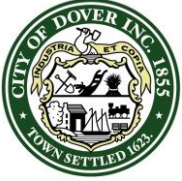
~~(e) Certain Uses Prohibited in Buffers. The following uses and activities are prohibited within a wetland buffer:~~

- ~~(i) The establishment or expansion of salt storage, JUNKYARDS, resource recovery facilities, transfer stations, landfills, or solid or hazardous waste facilities;~~
- ~~(ii) The BULK storage of chemicals, petroleum products, or toxic and hazardous materials;~~
- ~~(iii) The dumping or disposal of snow and ice collected from roadways and parking LOTS;~~

~~(f) Uses Allowed Only With a Conditional Use Permit. The following uses and activities are allowed within a wetland buffer only if a conditional use permit is obtained in accordance with Section F above:~~

- ~~(i) All uses not specifically prohibited in Section G (1) (e) above, or specifically exempted in Section G (1) (g) below.~~
- ~~(ii) The erection or construction of a BUILDING or STRUCTURE, excluding FENCES that meet the requirements of 170-33, or the construction of parking LOTS or loading areas.~~
- ~~(iii) Timber harvesting, except as conducted in accordance with the terms and provisions of RSA 227 J, Timber Harvesting.~~
- ~~(iv) The removal of stumps and roots (grubbing), the recontouring or grading of the land, or the placement of impervious surfaces or creation of storm water detention ponds.~~
- ~~(v) The installation of water, sewer, or buried electrical or telecommunications cables.~~





CITY OF DOVER

## CITY OF DOVER – ORDINANCE

Posted TBD

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

~~(vi) The installation of water supply wells~~

~~(g) Uses Allowed Without a Conditional Use Permit. The following uses and activities are allowed within a wetland buffer with the noted conditions:~~

~~(i) Activities within wetlands jurisdictional areas that are allowed without a State of New Hampshire Dredge and Fill Permit, in accordance with NHDES Rules Env Wt 308.01(a) and 308.02 repair of an existing legal STRUCTURE; or successor rules.~~

~~(ii) The removal of vegetation in accordance with NHDES Rules Env Wt 303.05(b), or successor rules, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.~~

~~(iii) The installation of monitoring or test wells or geotechnical borings completed in accordance with NHDES Rules Env Wt 309.02(i) or successor rules.~~

~~(iv) Temporary disturbance of the wetland buffer to facilitate construction activities completed under a valid City of Dover BUILDING permit, provided the temporary disturbance is restored in accordance with Section G (1) (b) above.~~

(2) No septic tank or leach field may be constructed or enlarged closer than ~~seventy-five~~ one hundred (10075) feet to any ~~Wetland Protection District~~ wetland. 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, after an initial review is conducted by the Conservation Commission and their subsequent recommendation.

(3) A state ~~wetland dredge and fill~~ application shall be submitted for any proposed change to a wetland (RSA 482-A).

### H. Specific provisions for vernal pools.



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

(1) Vernal Pools. A wetland scientist shall use the following definitions in Section G (4) (a)(b) to determine if the wetland present is a vernal pool. A vernal pool shall be defined as a surface water or wetland, including an area intentionally created for purposes of compensatory mitigation, that provides breeding habitat for amphibians and invertebrates that have adapted to the unique environments provided by such pools and that:

(a) Is not the result of on-going human-caused activities that are not intended to provide compensatory mitigation, including but not limited to:

(i) Gravel pit operations in a pit that has been mined at least every other year; and Logging and agricultural operations conducted in

(ii) accordance with all applicable New Hampshire statutes and rules; ~~and~~

(b) Typically has the following characteristics:

(i) Cycles annually from flooded to dry conditions, although the hydroperiod, size, and shape of the pool might vary from year to year;

(ii) Forms in a shallow depression or basin;

(iii) Has no permanently flowing outlet;

(iv) Holds water for at least 2 continuous months following spring ice-out;

(v) Lacks a viable fish population; and

(vi) Supports one or more primary vernal pool indicators, or 3 or more secondary vernal pool indicators. Primary and secondary vernal pool indicators are defined in the third edition of “Identifying and Documenting Vernal Pools in New Hampshire” published by New Hampshire Fish and Game.

(c) Where a vernal pool is identified, the Certified Wetland Scientist shall designate a no-disturb buffer where the no-disturb buffer zone shall include the vernal pool envelope which extends one hundred (100) feet from the edge of a vernal pool’s depression. A no-disturb buffer shall be defined as



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

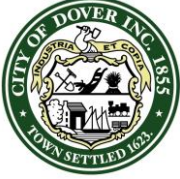
Ordinance Number: **O – yyyy.mm.dd -**  
Ordinance Title: Updating the Dover Zoning Ordinance  
Chapter: 170

undisturbed, natural vegetation where no activity is permitted including but not limited to grading, landscaping, clearing of vegetation, cutting, filling, excavation, road construction, and driveway construction, except for the process of removing unsafe trees upon recommendation by an arborist. If a survey is unable to be conducted to confirm the presence of a vernal pool, then the buffer established shall default to the minimum 50 foot buffer width.

(d) The PLANNING BOARD may approve an alternative directional buffer upon initial review and recommendation from the Conservation Commission. Directional buffers are used to link habitats used by pool-breeding amphibians with forested travel corridors at appropriate migration scales and may be considered a practicable alternative upon recommendation from the Conservation Commission. Providing that the Conservation Commission determines there is suitable habitat for vernal pools indicator species within a 750-foot range of the vernal pool envelope, the Conservation Commission may recommend to an applicant the alternative directional buffer as the area of regulation for the vernal pool in order to protect rare species habitat on a site by site basis.

An applicant may request to implement an alternative directional buffer as the area of regulation for the vernal pool, with the submittal of a narrative or study written by a Certified Wetland Scientist. The directional buffer recommendation shall be determined by the Certified Wetland Scientist and must adhere to the following criteria:

- (i) The Certified Wetland Scientist provides to the Conservation Commission habitat data relating to the vernal pool and surrounding area demonstrating that use of an alternative directional buffer would provide habitat protection value equal to or greater than would the use of the one hundred (100) foot no disturb perimeter radial buffer. The square footage area of a directional buffer shall not be greater than the square footage area if a radial buffer were to be imposed.
- (ii) The Conservation Commission determines that, based on the best available science, the alternative directional buffer would provide habitat protection value equal to or greater than would the fixed radial area.



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

(iii) An alternative directional buffer must include, at minimum, a functional water quality buffer around the vernal pool depression, which shall extend 50 feet from the vernal pool envelope.

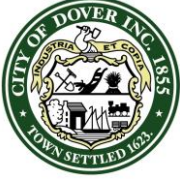
(iv) If an applicant requests that an alternative directional buffer be the area of regulation and the Conservation Commission does not approve the alternative directional buffer, the one hundred (100) foot no disturb buffer is the area of regulation.

H.I. 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.

H.J. Exemption for existing 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 or buffer, 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 any required State of New Hampshire Dredge and Fill Permit is obtained.
  - (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.



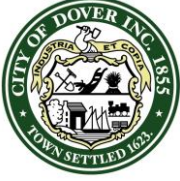
**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

- (2) Notwithstanding other provisions of the ordinance, a new one- or two-family dwelling shall be permitted in the Wetlands Protection District or buffer, 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 ordinance.
  - (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) 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 Department of Environmental Services 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.



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

J.K. 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.

### 11. AMENDMENT

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”.

### 12. 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		

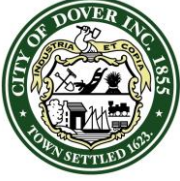
### DOCUMENT HISTORY:

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		





**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Posted TBD

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

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

### ORDINANCE BACKGROUND MATERIAL: