

# CITY OF DOVER – ORDINANCE

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

The City of Dover Ordains:

**1. PURPOSE**

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

**2. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to add a new “Gateway” (G) district to subsection A (3) “Mixed Use”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to add a new subsection (f) and purpose statement to subsection B (3) to read as follows:

“(f) Gateway (G). The purpose of this district is to mark a transition point where you move from the less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (multi-story buildings, civic buildings, etc.). In Dover the primary Gateways (eg Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.”

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 170-8 of said Chapter as follows:

- 3. “The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Central Business District” (CBD) “Downtown Gateway sub-district” to “Gateway” (G) District an area of approximately 109 acres located along Broadway from New York Street to Oak Street, Portland Avenue from Chapel Street to Atlantic Avenue and Central Avenue between Stark Avenue and Silver Street, and Ham Street to Abbey Sawyer Memorial Highway, consisting of Map 12 lots 1, 2, 3, 4, 5, 6, 20, 21 and 25, Map 15 lots 67, 68, 69, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87,



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88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101,102, 103, 105, 106, 107, 111, 112, 112A, 113 and 113A Map 19 Lots 31, 32, 48, 49, 50 and 51 Map 20 lots 60, 61, 62, 63 and 64 Map 24 lots 1, 2J, 62, 64, 68, 68C, 69, 70, 71, 72, 73, 74, 75, 76, 77109, 110, 111, 111A, 114, 115, 115A, 115B, 116A, 128, 128-B, 129,129-1, 129-2, 130 and 131 Map 26 lots 6, 7A, 8, 9,10,11, 12 and 28A Map 27 Lots 53, 66, 67, 68, 68A, 69, 70, 71, 72, 73, 74, 75143, 144, 145, 147, 148, 149, 150, 169, 170, 171, 184, 185, 186, 203, 204, 205, 219, 222, 223, 224, 225, 226, 227, 273, 274, 275, 276, 277, 278, 286A, 291A, 291C, 291D and 292 Map 28 lots 7, 9A, 10, 11, 12, 12A, 13, 18, 18B and 19 Map 29 Lots 2, 3, 4, 9, 10, 11, 12, 16, 17, 19, 20 and 100 Map 30 lots 120, 120-1, 126, 127, 128, 129-1, 130, 131, 132, 133, 134, 135, 136, 137, 138 and 139 and the portion of Map 24 lot 115B that is within the Downtown Gateway District”

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 170-8 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 “Office” (O) to “Gateway” (G) District an area of approximately .77 acres located along Reservoir Street and Mount Vernon Street, consisting of Map 29 lots 1, 5, 6 and 7”

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 170-8 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 Urban Density Multi-Residential District (RM-U) to “Gateway” (G) District an area of approximately .38 acres located along Reservoir Street and Mount Vernon Street, consisting of Map 30 lots 141-B”

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 170-8 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 “Restricted Industrial” (I-1) to “Gateway” (G) District an area of approximately 24 acres located along Locust Street and Rutland Street,



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consisting of Map 15 lots 35, 36, 37, 38, 39, 41, 42, 21, and 62 as well as the portion of Map 15 lots 40, 45 and 51 zoned I-1”

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 170-8 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 “Restricted Industrial” (I-1) to “Gateway” (G) District an area of approximately 9.4 acres located along Oak Street, consisting of the portions of Map 24 lot 2-A and Map 26 lot 3-1 zoned I-1”

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 170-8 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 “Thoroughfare Business” (B-3) to “Gateway” (G) District an area of approximately 21.9 acres located along Portland Avenue and Oak Street, consisting of Map 25 Lots 43, 43-A, 43-C, 43-D, 43-E, 43-F, 43-G, 43-H, 47, and 48 and the portion of Map 25 lots 43-B, 46 zoned B-3.”

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 170-8 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 “Office” (O) to “Gateway” (G) District an area of approximately 25 acres located along New Rochester Road, consisting of Map 39 lots 17, 18, 29, 26, 27, 28, 29, 36, 37, 38, 39, 49, 50, 51, 52, 63, 64, 69A, 69E, 69F, 69I, 69J, 69K, 99, 100, 101, and 106 and Map 40 lots 4, 5, 6, 13, 14, 15, 16, 35, 35-A, 36, 37 and 38 and the portions of Map 39 lots 34, 47, 53, 61, 66, 75, 102, 103, 104 and 105 and Map 40 lots 2, 7, 12, 38, 38B, 38F, 47 and 17 zoned O”

AND



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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 170-8 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 “Neighborhood Business” (B-1) to “Gateway” (G) District an area of approximately 5.2 acres located along Dover Point Road and Old Dover Point Road, consisting of Map M lots 24, 24-A, 25, 26, 48, and 49.”

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 170-8 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 “Highway Business” (B-5) to “Gateway (G) District an area of approximately 30 acres located along Central Avenue, consisting of Map 15 lots 4, 19, 20 and 71 and Map 16 lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 13-A and 38 and Map 17 lots 76 and 76-E-1.”

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 170-8 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 “Low Density Residential” (R-20) to “Gateway” (G) District an area of approximately 7.4 acres located along Durham Road, consisting of Map H lot 11, and Map I lot 7”

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 170-8 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 “Gateway”



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(G) District an area of approximately 17.2 acres located along Cataract Avenue and Rutland Street, consisting of Map 13 lots 23, 24, 25, 26, 27, and Map 15 lots 14, 15, 16, 17, 18, 58, 59, 60, 61, 63, 65, 66A, 15-1, 66.”

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 170-8 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 “Suburban Density Multi-Residential” (RM-SU) to “Gateway” (G) District an area of approximately 7.9 acres located along Cataract Avenue and Rutland Street, consisting of Map 14 lots 14, 16, 17, 17-A, and Map 15 lotS 12, 13, 13-A, 13-B.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-20 “Central Business District Regulations” as a whole by replacing any instance of the term “Downtown Gateway Sub-district ” with Gateway District”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by district”, to remove the “Downtown Gateway” table and replace it with a “Gateway” table, in the same order as 170-7, to read as attached:

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-6 “Definitions”, to amend the definition of “Lot” to read as attached:

**LOT** means a parcel of land which fronts on and has ingress and egress by means of a public vehicular right-of way and is occupied by, or is intended to be occupied by one (1) **PRINCIPAL BUILDING** and its accessory **BUILDING**s or uses customarily incidental to it, together with such **OPEN SPACES** and yards as are required by this Chapter. More than one (1) **PRINCIPAL BUILDING** may be placed on a **LOT** located in the Central Business or Gateway District. More than



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one (1) PRINCIPAL BUILDING may also be placed on a LOT in all other districts with PLANNING BOARD approval for non-residential developments, MULTI-FAMILY DWELLING developments, and OPEN SPACE subdivisions.

#### 4. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to remove the “Restricted Industrial” (I-1) district from subsection A (2) “Nonresidential”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to remove the “Restricted Industrial” (I-1) district from subsection B (2) (e) “Nonresidential”, eliminating the purpose statements [1] and [2] and renumbering subsequent items to reflect the elimination.

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 170-8 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 Restricted Industrial (I-1) to Urban Density Multi-Residential District (RM-U) District an area of approximately 4.2 acres located along Maple Street, consisting of Map 30 lots 19, 19-A and 19-B, and the portion of Map 30 lots 4 and 18 zoned I-1”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by district”, to remove the “Restricted Industrial” (I-1) table in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by eliminating Section 170-19 “Flexible Uses in the I-1 District” in its entirety and replacing it with a “reserved” notation.



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### 5. 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 170-8 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 “Hotel/Retail” (B-4) District an area of approximately 20 acres located along Indian Brook Drive, Alder Lane, Wilbroad Ave and Glenwood, consisting of Map D lots 18-3, 18-4, 18-5, 18-6, 18-9, 18-10 and the portion of Map D lots 18-7 and 18-8 from the Centerline of Indian Brook drive into the lot 200’ and the portion of Map D lots 19 and 20, the portion of the lot between the Indian Brook Drive centerline and 400; from Glenwood.”

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 170-8 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 “Executive and Technology Park” (ETP) District an area of approximately 14 acres located along Sixth Street, consisting of Map E lots 20, 20-D, 73, 73-A, and the portion of Map E lot 19 up to 400’ from the Sixth Street centerline and Map E lots 19 and 19B.”

### 6. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to remove the “Neighborhood Business” (B-1) district from subsection A (2) “Nonresidential”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to remove the “Neighborhood Business” (B-1) district from subsection B (2) (a) “Nonresidential”, eliminating the purpose statements and renumbering subsequent items to reflect the elimination.

AND



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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 170-8 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 “Neighborhood Business” (B-1) to “Thoroughfare Business” (B-3) District an area of approximately .5 acres located along Weeks Lane, consisting of Map 39 lot 4 and Map 38 lot 38.”

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 170-8 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 “Thoroughfare Business” (B-3) District an area of approximately .4 acres located along Pincrest Lane, consisting of Map 38 lots 38 Lots 41 and 42.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by district”, to remove the “Neighborhood Business” (B-1) table in its entirety.

### 7. 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 170-8 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 “Rural Residential” (R-40) to “Hotel/Retail” (B-4) District an area of approximately 39 acres located along Durham Road and Mast Road, consisting of Map H lots 4-2, 4-B, 4-G, 4-L, 5 and 5A and Map I lot 22A, and the portion of Map I lot 22 that is 225’ off the centerline of Mast Road and 194’ off Durham Road.”

AND



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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 170-8 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 “Low Density Residential” (R-20) to “Hotel/Retail” (B-4) District an area of approximately 3.4 acres located along Durham Road and Mast Road, consisting of Map I lots 20-E, 20-F, 20-G, 20-H, 21, and 20-J.”

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 170-8 of said Chapter as follows:

7“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Low Density Residential” (R-20) to “Suburban Density Multi-Residential” (RM-SU) District an area of approximately 2.3 acres located along Surrey Run, consisting of Map I lot 20I’

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 170-8 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 “Rural Residential” (R-40) to “Office and Assembly” (I-4) District an area of approximately 29 acres located off Durham Road and Spruce Lane, consisting of a portion of Map I lot 27.”

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 170-8 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 “Hotel/Retail” (B-4) to “Office and Assembly” (I-4) District an area of approximately 45 acres located along Durham Road, consisting of Map I lots 22D, 24, 122, 123, 129, 131 and 132.”



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### 8. 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 170-8 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 “Low Density Residential” (R-12) to “Rural Restricted Industrial District” (I-2) District an area of approximately 101 acres located along Littleworth Road and Old Littleworth Road, consisting of Map H lots 25, 26, 26-1, 26A, 27, 28A, 28, 28-1, 29-A, 29-A-1, 29-A-2, 29-A-3, 29-A-4, 29-A-5, 30, 31 and 31-A, and Map 11 lots 1 and 2A and the portion of Map G lot 5 zoned R-20”

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 170-8 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 “Hotel/Retail” (B-4) to “Rural Restricted Industrial District” (I-2) District an area of approximately 54 acres located along Knox Marsh Road, consisting of Map H lots 32, 32A-1, 32A-2, 33, 33A, 33B, 33-B, 33-C, 33-E and 34.”

### 9. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to rename the “Rural Restricted Industrial” (I-2) District to “Commercial Manufacturing” (CM) District in subsection A(2) “Nonresidential”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to rename the “Rural Restricted Industrial” (I-2) District to “Commercial Manufacturing” (CM) District in subsection B(2).

AND



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by district”, to remove the “Rural Restricted Industrial” (I-2) table and replace it with the “Commercial Manufacturing” (CM) District, in the same order as 170-7, to read as attached:

### 10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to rename the “Thoroughfare Business” (B-3) District to “Commercial” (C) District in subsection A (2) “Nonresidential”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to rename the “Thoroughfare Business” (B-3) District to “Commercial” (C) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by district”, to remove the “Thoroughfare Business” (B-3) table and replace it with the “Commercial” (C) District, in the same order as 170-7, to read as attached:

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 170-8 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 “Highway Business” (B-5) to “Commercial” (C) District an area of approximately 30 acres located along •Indian Brook Drive, New Rochester Rd and Willand Pond Ave, consisting of Map 39 lots 9, 11, 11-B, 15, 16, 76, 79, 80, 81, 82, 83, 93, 94, 95, 96, 97 and 113-B.”

AND



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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 170-8 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 “Hotel/Retail” (B-4) to “Commercial” (C) District an area of approximately 108 acres located along Indian Brook Drive, Heather Lane and Sixth Street, consisting of Map D lots 16-A, 16-F, 16-G, 17, 17-B, 17-C , 17-D, 17-E, 17-F , 18, 18-10, and the portion of Map D lots 16 and 16-B that is within 400’ of the centerline of Sixth Street.”

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 170-8 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 “Hotel/Retail” (B-4) to “Office and Assembly” (I-4) District an area of approximately 72.3 acres located along Sixth Street, consisting of Map D lots 5A and 15 and the portion of Map D lot 16 and 16-B that is further than 400’ from the centerline of Sixth Street.”

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 170-8 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 “Hotel/Retail” (B-4) to “Commercial” (C) District an area of approximately 77 acres located along Knox Marsh Road, consisting of Map H lots 37, 37-A, 37-B, 37-C, 38, 38-A, 38-B, 39, 40-B, 40, 40-6, 40-C, 40-C-1, 40-D, 40-E, 40-F, 40-G, and the portion of Map H lot 35-D that is zoned B-4.”

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 170-8 of said Chapter as follows:



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“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Hotel/Retail” (B-4) to “Commercial” (C) District an area of approximately 48 acres located along Durham Road and Mast Road, consisting of Map H lots 1, 1-B, 2, 2B, 3, 4N, 4-1 and 4-3.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to eliminate the “Hotel/Retail” (B-4) and “Highway Business” (B-5) District in subsection A(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to eliminate the “Hotel/Retail” (B-4) and “Highway Business” (B-5) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by district”, to remove the “Hotel/Retail” (B-4) table and “Highway Business” (B-5) table.

### 11. AMENDMENT

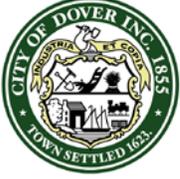
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to rename the “Office and Assembly” (I-4) District to “Innovative Technology” (IT) District in subsection A(2) “Nonresidential”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to rename the “Office and Assembly” (I-4) District to “Innovative Technology” (IT) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by



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district”, to remove the “Office and Assembly” (I-4) table and replace it with the “Innovative Technology” (IT) District, in the same order as 170-7, to read as attached:

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 170-8 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 “Executive Technology Park” (ETP) to “Innovative Technology” (IT) District an area of approximately 406 acres located along Sixth Street, consisting of Map E lots 24, 24-1, 26-B, 27-1, 27-A, 27-B, 27-C, 17-D, 27-E, 28, 29, 31, 32, 32-1, 32-2, 32-4, 33, 70A and 70B.”

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 170-8 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 “Executive Technology Park” (ETP) to “Innovative Technology” (IT) District an area of approximately 102 acres located along Pointe Place, consisting of Map K lots 18A-10, 19, 19-1, 19-2, 19-3, 19-4, 19-5, 19-7 and Map M lots 4, and 4-OPN, and the portion of Map K lots 19-C, 19-B, 22, 23, 24, 25, 25-B zoned ETP.”

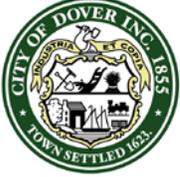
AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to eliminate the “Executive Technology Park” (ETP) District in subsection A(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to eliminate the “Executive Technology Park” (ETP) District in subsection B(2).

AND



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by district”, to remove the “Executive Technology Park” (ETP) District table.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-15 “Recreation Space and Separation between Use Requirements”, to amend sub section F as follows:

“F. All screening and setback requirements pursuant to this section shall not be binding in the ~~ETP~~ IT or any Mixed Use Zoning District.”

### 12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-21 “Small Wind Energy Systems” to update and amend as follows:

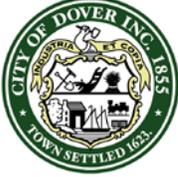
“ 170-21. ~~SMALL WIND~~ Alternative ENERGY SYSTEMS.

A. Authority/Purpose:

This ~~SMALL WIND~~ Alternative ENERGY SYSTEMS ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate ~~SMALL WIND~~ Alternative ENERGY SYSTEMS in appropriate locations, while protecting the public’s health, safety and welfare. In addition, this ordinance provides a permitting process for ~~SMALL WIND~~ Alternative ENERGY SYSTEMS to ensure compliance with the provisions of the requirements and standards established herein.

B. Procedure for Review:

(1) Building Permit: ~~SMALL WIND~~ Alternative ENERGY SYSTEMS and met TOWERS are an ACCESSORY USE permitted in all zoning districts where STRUCTURES of any sort are allowed. No ~~SMALL WIND~~ Alternative ENERGY SYSTEM shall be erected, constructed, or installed without first receiving a BUILDING permit from the Building Inspector. A BUILDING permit shall be required for any physical MODIFICATION to an existing ~~SMALL WIND~~ Alternative ENERGY SYSTEM. Met TOWERS that receive a BUILDING



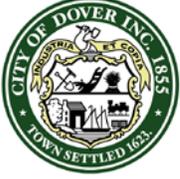
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permit shall be permitted on a temporary basis not to exceed three (3) years from the date the BUILDING permit was issued.

- (2) Consumer Use. For the purposes of this Section, Alternative energy systems are intended to be incidental and subordinate to a use on the same parcel and shall supply electrical power principally for on-site consumption.
- a. To the extent net metering is allowed, excess power may be contributed to the grid. Should the excess power contributed exceed 125% of the power required on site for one year, the use shall be considered no longer be incidental and subordinate, and shall require Technical Review.
- (3) Application: Applications submitted to the Building Inspector shall contain a site plan with the following information where appropriate:
- (a) Property lines and physical dimensions of the APPLICANT’s property.
  - (b) Location, dimensions, and types of existing major STRUCTUREs on the property.
  - (c) Location of the proposed ~~SMALL WIND~~ Alternative ENERGY SYSTEM, including, foundations, guy anchors and associated equipment.
  - (d) TOWER foundation blueprints or drawings.
  - (e) TOWER blueprints or drawings.
  - (f) SETBACK requirements as outlined in this ordinance.
  - (g) The RIGHT-OF-WAY of any public road that is CONTIGUOUS with the property.
  - (h) Any overhead utility lines.
  - (i) SMALL WIND ENERGY SYSTEM:
    - i. Specifications, including manufacturer, model, rotor diameter, TOWER HEIGHT, TOWER type, nameplate generation capacity.



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- ii. SMALL WIND ENERGY SYSTEMs that will be connected to the POWER GRID shall include a copy of the application for interconnection with their electric utility provider.
  - iii. Sound level analysis prepared by the WIND GENERATOR manufacturer or qualified engineer.
  - iv. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.
  - v. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
- (j) Solar Panel Systems
- i. Specifications, including manufacturer, model, type, nameplate generation capacity.
  - ii. Solar Panels that will be connected to the POWER GRID shall include a copy of the application for interconnection with their electric utility provider.
  - iii. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code, as well as applicable Electric Code.
- (k) List of ABUTTERs to the APPLICANT’s property.
- (4) ABUTTER and Regional Notification: In accordance with RSA 674:66, the Building Inspector shall notify all ABUTTERs and the local governing body by certified mail upon application for a BUILDING permit to construct an ~~SMALL WIND~~ Alternative ENERGY SYSTEM. The public will be afforded 30 days to submit comments to the Building Inspector prior to the issuance of the BUILDING permit. The Building Inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Building Inspector shall follow the procedures set forth in RSA 36:57, IV.



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**C. SMALL WIND ENERGY SYSTEM Standards:**

(1) The Building Inspector shall evaluate the application for compliance with the following standards;

(a) **SETBACK:** The SETBACK shall be calculated by multiplying the minimum SETBACK requirement number by the SYSTEM HEIGHT and measured from the center of the TOWER base to property line, public roads, or nearest point on the foundation of an occupied BUILDING.

<b>Minimum SETBACK Requirements</b>			
Occupied BUILDINGs on Participating Landowner Property	Occupied BUILDINGs on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

(i) **SMALL WIND ENERGY SYSTEMs** must meet all SETBACKs for principal STRUCTUREs for the zoning district in which the system is located.

(ii) Guy wires used to support the TOWER are exempt from the **SMALL WIND ENERGY SYSTEM SETBACK** requirements.

(b) **TOWER:** The maximum TOWER HEIGHT shall be restricted to thirty five (35) feet above the tree canopy within three hundred (300) feet of the **SMALL WIND ENERGY SYSTEM**. In no situation shall the TOWER HEIGHT exceed one hundred fifty (150) feet.

(c) **Sound Level:** The **SMALL WIND ENERGY SYSTEM** shall not exceed sixty (60) decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

(d) **SHADOW FLICKER:** **SMALL WIND ENERGY SYSTEMs** shall be sited in a manner that does not result in significant SHADOW FLICKER impacts.



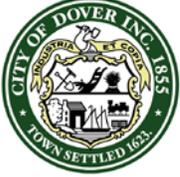
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Significant SHADOW FLICKER is defined as more than thirty (30) hours per year on abutting occupied BUILDINGS. The APPLICANT has the burden of proving that the SHADOW FLICKER will not have significant adverse impact on neighboring or adjacent uses. Potential SHADOW FLICKER will be addressed either through siting or mitigation measures.

- (e) **SIGNS:** All SIGNS including flags streamers and decorative items, both temporary and permanent, are prohibited on the SMALL WIND ENERGY SYSTEM, except for manufacturer identification or appropriate warning SIGNS.
- (f) **Code Compliance:** The SMALL WIND ENERGY SYSTEM shall comply with all applicable sections of the New Hampshire State BUILDING Code.
- (g) **Aviation:** The SMALL WIND ENERGY SYSTEM shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.
- (h) **Visual Impacts:** It is inherent that SMALL WIND ENERGY SYSTEMS may pose some visual impacts due to the TOWER HEIGHT needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.
  - (i) The APPLICANT shall demonstrate through project site planning and proposed mitigation that the SMALL WIND ENERGY SYSTEM's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, WIND GENERATOR design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.
  - (ii) The color of the SMALL WIND ENERGY SYSTEM shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.



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(iii) A SMALL WIND ENERGY SYSTEM shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the APPLICANT shall provide a copy of the FAA determination to establish the required markings and/or lights for the SMALL WIND ENERGY SYSTEM.

- (i) Approved WIND GENERATORS: The manufacturer and model of the WIND GENERATOR to be used in the proposed SMALL WIND ENERGY SYSTEM must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.
- (j) Utility Connection: If the proposed SMALL WIND ENERGY SYSTEM is to be connected to the POWER GRID through NET METERING, it shall adhere to RSA 362-A:9.
- (k) Access: The TOWER shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum HEIGHT of eight (8) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (l) Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the SMALL WIND ENERGY SYSTEM and as otherwise prescribed by applicable laws, regulations, and ordinances.

### D. Solar Panel Standards

- a. Lot Coverage: solar systems do not constitute an increase to lot coverage unless the panel(s)/collector(s) and supporting structures constitute a building.
- b. Placement of solar systems:
  - i. The height of a roof mounted solar panel shall not be counted towards the maximum permitted height of the structure it is affixed to the zoning district.



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- ii. Ground-mounted solar panels, shall not be located in the front yard and shall meet or exceed required side and rear yard setbacks for accessory buildings.
- iii. In no case shall a ground mounted unit exceed 20 feet in height.
- iv. When solar storage batteries are included as part of the solar energy system, they must be housed in a secure space or enclosure meeting the requirements of the City's building and electrical codes when in use and, when no longer used, shall be disposed of in accordance with all applicable City, state and federal laws and regulations.

### E. ~~D~~: Abandonment:

- (1) At such time that a SMALL WIND ENERGY SYSTEM is scheduled to be abandoned or discontinued, the APPLICANT will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
- (2) Upon abandonment or discontinuation of use, the owner shall physically remove the SMALL WIND ENERGY SYSTEM within ninety (90) days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Inspector. “Physically remove” shall include, but not be limited to:
  - (a) Removal of the WIND GENERATOR and TOWER and related above-grade STRUCTURES.
  - (b) Restoration of the location of the SMALL WIND ENERGY SYSTEM to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.
- (3) In the event that an APPLICANT fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous twelve (12) month period. After the twelve (12) months of inoperability, the Building Inspector may issue a Notice of Abandonment to the owner of the SMALL WIND ENERGY SYSTEM. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from



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Notice receipt date. After review of the information provided by the owner, the Building Inspector shall determine if the SMALL WIND ENERGY SYSTEM has been abandoned. If it is determined that the SMALL WIND ENERGY SYSTEM has not been abandoned, the Building Inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

- (4) If the owner fails to respond to the Notice of Abandonment or if, after review by the Building Inspector, it is determined that the SMALL WIND ENERGY SYSTEM has been abandoned or discontinued, the owner of the SMALL WIND ENERGY SYSTEM shall remove the WIND GENERATOR and TOWER at the owner’s sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the SMALL WIND ENERGY SYSTEM after the Notice of Abandonment procedure, the Building Inspector may pursue legal action to have the SMALL WIND ENERGY SYSTEM removed at the owner’s expense.

F. ~~E~~. Violation:

It is unlawful for any person to construct, install, or operate a SMALL WIND ENERGY SYSTEM that is not in compliance with this ordinance. SMALL WIND ENERGY SYSTEMS installed prior to the adoption of this ordinance are exempt from this ordinance except when MODIFICATIONS are proposed to the SMALL WIND ENERGY SYSTEM.

G. Penalties:

Any person who fails to comply with any provision of this ordinance or a BUILDING permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by RSA 676:17.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-6 “Definitions” to add the following terms to read as follows:

“Alternative energy System means a system where energy is derived from a renewable natural source, such as the sun, wind, tides, or waves.”

“Energy storage is the capture of energy produced at one time for use at a later time. A device that stores energy is generally called an accumulator or battery. Energy comes in



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multiple forms including radiation, chemical, gravitational potential, electrical potential, electricity, elevated temperature, latent heat and kinetic. Energy storage involves converting energy from forms that are difficult to store to more conveniently or economically storable forms.”

“Geothermal energy means a system generating electricity by tapping into steam or hot water reservoirs underground; the heat is used to drive an electrical generator.”

“Ground mounted solar means a system installed on the ground rather than on the roof of a building. This allows the solar panels to be placed anywhere on the property and mounted at any height, from a few inches to many feet off the ground. Ground mounted solar may include motorized ground-mounts that track the sun throughout the day, ensuring the panels are facing the sun at all times.”

“Rooftop solar mean a photovoltaic system that generates electricity by capturing solar thermal energy and is mounted on the rooftop of a residential or commercial building or structure”

### 13. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-27.2 “Transfer of Development Rights” to update and amend as follows:

#### “170-27.2. TRANSFER OF DEVELOPMENT RIGHTS.

- A. Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring DEVELOPMENT RIGHTS (TDR) within said districts.
- B. Purpose and Intent. Within the City of Dover there are certain lands that possess significant conservation features, including but not limited to wetlands, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic viewsheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect



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lands possessing significant conservation features that provide unique values in their undisturbed condition.

Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission who are active in protecting and preserving OPEN SPACE.

C. Applicability. Upon request by an APPLICANT for development approval and at the discretion of the PLANNING BOARD, the provisions of this subsection may apply to the district(s) defined in this subsection E below.

D. Districts Defined.

(1) The Industrial TDR DISTRICT is hereby determined to be any ~~I-4~~ IT or ~~B-4~~ CM zoning district as shown on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be OPEN SPACE and related SETBACKS as defined by the City of Dover Wetland Protection District, Chapter 170-27.1, which are located in any ~~I-4~~ IT or ~~B-4~~ CM zoning district. The RECEIVING AREA is defined to be all remaining land in be any ~~I-4~~ IT or ~~B-4~~ CM zoning district.

(2) The Residential TDR DISTRICT is hereby determined to be Residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R-20 residential zoning districts. The RECEIVING AREA is defined to be all non-R-40 or R-20 zoning districts east of the Spaulding Turnpike which allow residential development.

a. If the units created are purchased, the receiving area may be any zoning district that allows residential development.

E. Procedural Requirements.

(1) At the discretion of the PLANNING BOARD, an APPLICANT for development approval within the RECEIVING AREA of the defined Industrial TDR DISTRICT may apply the performance standards specified in Subsection F below in return for the acquisition of land or DEVELOPMENT RIGHTS from the



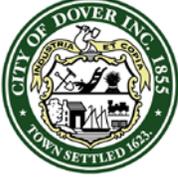
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SENDING AREA within the same TDR DISTRICT. The performance standards for the Residential TDR DISTRICT are outlined in Subsection G below.

- (2) A certified boundary survey of the associated land in the SENDING AREA shall be submitted as a supplement to the site plan or subdivision plan for development within the RECEIVING AREA.
- (3) The owner of the subject OPEN SPACE within the SENDING AREA of the TDR DISTRICT shall SIGN all application materials as a co- APPLICANT of the development application. For residential application, proof of an agreement to sell DEVELOPMENT RIGHTS must be provided by the Conservation Commission.
- (4) A sketch plan estimating layout of the development site and identifying the OPEN SPACE associated with the plan ~~shall~~ may be submitted to the PLANNING BOARD for review at a regularly scheduled meeting. The PLANNING BOARD, within thirty (30) days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections G and H below. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section.
  - a. The determination of whether a proposed TDR project requires a sketch plan review shall be made by the Director of Planning and Community Development based on initial discussions with the applicant. The determination, made in writing, shall be made prior to the submittal of any plans and shall specify the Director's reasoning, including a review of known conditions, including: traffic, existing layout/topography, environmental. This determination shall be included in the staff report to the Board. If the applicant does not agree with the Director's determination, they may appeal the decision to the Board at its next meeting.
  - b. If the sketch plan requires an environmental Conditional Use Permit to develop homes, the applicant must appear before the Conservation Commission for review and endorsement prior to the Planning Board's review.



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- (5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated OPEN SPACE within the SENDING AREA. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and access crossings in accordance with subsection I below. The designation of the land protection agency to hold the easement shall be approved by the PLANNING BOARD.

### F. Industrial Performance Standards.

- (1) Land within a SENDING AREA, when surveyed, approved by the PLANNING BOARD and preserved by easement or covenant as specified in Subsection E above, may be counted for the OPEN SPACE requirement for a development site in a RECEIVING AREA. The amount of land preserved in a SENDING AREA shall equal or exceed the OPEN SPACE requirement for the development site, but in no case be less than one (1) acre. Notwithstanding, development sites within the ~~I-4~~ IT or ~~B-4~~ CM zoning districts shall maintain OPEN SPACE or landscaped area on at least ten percent (10%) of the site. The design of the development site shall locate the OPEN SPACE or landscaped area to maximize the aesthetic value of the site.
- (2) The minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.
- (3) The minimum FRONTAGE requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.
- (4) SETBACKS for parking, paved areas, and BUILDINGS may be waived by the PLANNING BOARD, and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, BUILDINGS shall be at least one hundred fifty (150) feet from residential STRUCTURES that exist on the date of enactment of the ~~I-4~~ IT or ~~B-4~~ CM Zoning districts, and seventy five (75) feet from the LOT LINE of a disagreeing residential ABUTTER.



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- (5) The developer shall record covenants that address architectural considerations for STRUCTURES, SIGNAGE and lighting that are designed to promote the highest possible aesthetic quality of the development site.
- (6) A landscaping plan shall be submitted with a development application that depicts landscaping or OPEN SPACE around the perimeter of the site, near the proposed BUILDINGS, and within the parking LOT that promotes the highest possible aesthetic quality of the development.

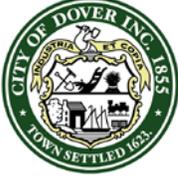
### G. Residential Performance Standards.

- (1) Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve OPEN SPACE within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission. This cost shall become the value at which DEVELOPMENT RIGHTS may be purchased.
- (2) Proceeds from the purchase of DEVELOPMENT RIGHTS, shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.
- (3) A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERING DEVELOPMENT RIGHTS.

#### (a) Single Family Detached method

- i. An applicant shall develop a baseline yield for the lot to be developed, through the following formula
  - 1. The square footage of the parent lot minus environmental constraints (wetlands, conservation areas etc) is the base lot size.
  - 2. The base lot size is then reduced by fifteen (15) percent to account for roadway, this creates the net area.
  - 3. The net area is then multiplied by a factor determined by the amount of wetlands over the parent lot. This is the developable area.

Percentage of Parcel that is wetlands	Factor
0<10%	0.85



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10<20%	0.8
20<30%	0.75
30%<	.7

4. The developable area is the divided by the minimum lot size, and the whole number value is the base number, with no rounding.
  - a. This base number is not required to be restricted by the requirements in subsection iii, unless the formula defined in item ii 1. is utilized.
5. The development plan shall be laid out in a design that meets the requirements for block length and cu de sac length.
- ii. The transfer shall equate to one of the following calculations:
  1. For construction of units no larger than six hundred (600) square feet of total living area, including the base calculated units, there shall be no density limit. The monthly cost of said units shall conform to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, and there shall be no TDR fee collected for said unit(s).
  2. For construction of units no larger than one thousand (1,000) square feet, of total living area, two (2) units per DEVELOPMENT RIGHT purchased shall be allowed.
  3. For construction of units no larger than fourteen hundred (1,400) square feet, of total living area, one ~~and a half~~ (1.5) unit per DEVELOPMENT RIGHT purchased shall be allowed. The unit count shall be the whole number value and not rounded up.
    - a. ~~If the math to devise the base number ends in more than half a unit but less than a whole, and a transfer is purchased, the result would be two (2) dwelling units.~~ Total living area shall mean the size of the home (in square feet) based upon the exterior dimensions, excluding unconditioned spaces.
- iii. The units created, through the transfer must be
  1. ~~Sold, and are not for rental purposes~~
  2. Limited to the square footage originally constructed.
- iv. A note shall be placed on the approved plan and any Building Permit shall note the adherence to this section of the Code.



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- v. A note shall be placed in the property/unit deed citing the restrictions listed above.
- vi. The plan shall be considered a subdivision application. Prior to submission, a determination by the Director of Planning and Community Development shall be made whether to follow the minor or major subdivision regulations.

(b) ~~Attached~~ Single Family, Two family, three family and 4 or more method

- (i) The transfer may be through the purchase of development rights, as described in G) (1) ~~and (2)~~, or through the protection of land via a permanent conservation easement as per section E) (5).
  - a. In mixed use or multi-family zones, the base density shall be derived from the underlying zoning, and not through a formula.
  - b. If the additional unit(s) resulting from TDR are restricted so that the rent of said units conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, there shall be no fee collected for said unit(s).
- (ii) The transfer shall equate to one (1) unit per acre preserved, or purchased. If the end result is a village themed residential/~~non-residential commercial~~ project, whereby 35% of the square footage being created is non-residential the transfer shall equate to one (1) unit per 2,500 square feet ~~tenth (10<sup>th</sup>)~~ of an acre preserved or purchased.
- (iii) Any development approved by the Planning Board after July 1, 2020, which will create a manufacturing or assembly facility over 40,000 square feet, may create and transfer one (1) unit per 2,000 square feet of building approved. The transfer shall not be completed prior to the issuance of the Certificate of Occupancy for the additional space.
- (iv) The plan shall be treated as a site plan application, unless otherwise determined by the Director of Planning and Community Development, prior to final submission.



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(4) Regardless of the method utilized, the minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.

(5) Regardless of the method utilized, the setbacks shall be:

MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS		MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS		
STREET Sides of Units	STREET Sides of Units	Abutting A STREET	Abutting A SIDE LOT LINE	Abutting A REAR LOT LINE
20 feet	20 feet	20 feet	10 feet	30 feet

(6) Regardless of the method utilized, the minimum FRONTAGE requirement may be waived by the PLANNING BOARD, to no less than forty feet (40') ~~for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved~~ Paved access to all developed areas shall be suitable for emergency vehicles is approved by the PLANNING BOARD.

(a) ~~If lots are proposed, the minimum frontage allowed shall be forty (40) feet per unit~~

(7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty (30) foot no cut, no disturb buffer.

(8) Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity:

(a) Is consistent with the Master Plan

(b) Is not incompatible with the land uses on neighboring LOTS (eg a multifamily building in a single family neighborhood)

(c) Is created on property served by public water and sanitary sewer

### 14. AMENDMENT



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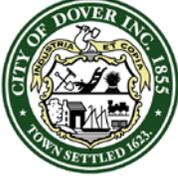
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-28.2 “Residential-Commercial Mixed Use (RCM) Overlay” to update and amend as follows:

A. “Purpose and intent.

- (1) The Residential-Commercial Mixed Use Overlay District is designed as an overlay district that allows a mixture of residential use and commercial uses on one parcel. In order for a developer to utilize these regulations, the Planning Board shall have granted a conditional use permit. The district includes options which enable and encourage greater flexibility in the design of residential housing ~~for older persons~~ with commercial projects. The overlay permits development of large tracts of land on a development-plan basis which allows flexibility in internal road design, with reduced dwelling lot sizes and modified dimensional requirements.
- (2) The mixed residential and commercial uses are intended to be complementary to one another and to create a sense of community between the mixed uses. Housing and commercial uses can be developed to provide appropriate use of land, facilitate the economical and efficient provision of public services, promote open space conservation, protect the natural and scenic attributes of the land, and expand opportunities for the development of housing ~~for older persons, as defined under RSA 354-A:15,~~ outside the traditional residential developments.

B. Conditional use permit.

- (1) Conditional use approval may be granted by the Planning Board (RSA 674:21, II) after proper public notice and public hearing, provided that the proposed project complies with the following standards:
  - (a) The applicant demonstrates that the development complies with the design guidelines that are outlined in § 153-16 of the Site Review Regulations. These guidelines encourage a context-sensitive development, which encourages components that act as one project and not as two adjacent projects.
  - (b) The applicant demonstrates that the development poses no detrimental effects on surrounding properties. Potential areas of impact that need to be analyzed include, but are not limited to, vehicular traffic, noise, property value, visual blight, natural resources degradation, light pollution, and offensive emissions such as dust, odor, or smoke.
  - (c) The applicant shall submit a fiscal impact analysis as defined in § 157-21C(1)(b) of the Land Subdivision Regulations. The analysis shall demonstrate that the project is at least a cost-neutral project for the City at present and 10 years from the occupation.

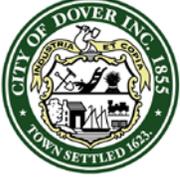


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- (2) Conditional use approval shall be subject to a formal agreement between the Planning Board and the applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds.
- C. Location. The Residential-Commercial Mixed Use Overlay District shall include any parcel located within the CM, IT B-4, I-4 or ~~ETP R-40~~ zone which is greater than 50 acres and has the ability to connect into municipal water and sewer.
- D. Permitted uses. The following uses are permitted:
- (1) Principal uses.
    - (a) ~~Housing for older persons as that term is defined under RSA 354 A:15 and 42 U.S.C. § 3607(b)(2) and the regulations adopted thereunder in the following settings:~~
      - (3) Single-family dwelling, including the use of manufactured housing.
      - (4) Two-family dwelling.
      - (5) Three- to four-family dwelling.
      - (6) Multifamily dwelling.
      - (7) Manufactured housing parks (permitted outright without a special exception).
  - B. Public and private utilities.
  - C. Nonresidential uses as allowed as follows:
    - (1) Any use allowed in the underlying zone ~~that is compatible with housing for older persons.~~
    - (2) Barber or beauty shop.
    - (3) Bank.
    - (4) Eating/drinking establishments (no drive-through service).
    - (5) Bed-and-breakfast.
    - (6) Office.
    - (7) Retail store.
    - (8) Theater.
    - (9) Adult day care.
    - (10) Nursing homes ~~(in areas not serviced by City water and sewer utilities at a density of one bedroom per 10,000 square feet of land; in areas serviced by City water and sewer utilities at a density of one bedroom per 7,500 square feet of land).~~
    - (11) Congregate care facilities ~~(in areas not serviced by City water and sewer utilities at a density of one unit per 10,000 square feet of land; in areas serviced by City water and sewer utilities at a density of one unit per 7,500 square feet of land).~~
    - (12) Other uses compatible with housing ~~for older persons~~ may be approved via Conditional Use, using the criteria in 170-20 B(2).



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- (13) Nonresidential uses in existence at the adoption of this section on adjacent parcels shall be allowed to expand within the development if conceptually shown on the approved plan.
- (2) Accessory uses.
- (a) Recreational facilities.
  - (b) "Community building," defined as a building used as a place of meeting, recreation or social activity typically for use by the residents of a particular development.
  - (c) Maintenance buildings.
  - (d) Rental and sales offices.
- E. Procedural concepts.
- (1) The developer shall prepare a development plan, which locates the proposed types of nonresidential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership but shall be treated as one development and shall be bound by the approval granted for the entire development plan. If approval is granted, individual lots must be developed as part of the larger development plan and phasing outlined below, and not separately. The development plan must identify the percentage of the nonresidential uses, residential uses and open space. Nonresidential and/or mixed-use uses must comprise at least 55% of the total proposed floor area for the development (outdoor display areas may be counted towards the minimum required floor area) residential uses must not exceed 45% of the total proposed floor area for the development. Nonresidential uses within projects located in the CM district must be 90% manufacturing and assembly in nature. A building shall be considered "mixed-use," provided that at least 50% of the floor area of the first floor is reserved as commercial space and provided that such commercial space is located roughly in the front half of the building and extends the length of the building facade. Residential accessory uses (e.g. mechanical, storage, laundry, etc.) are permitted to be located within the back half of the first floor of any mixed-use building.
  - (2) A minimum of 20% of the area of the original tract shall be reserved as open space and identified as such on the development plan. Fifty percent of the required open space (as defined in § 157-60) must be usable uplands and reasonably accessible to all property owners in the project. Any open space provided above 20% may be mixed wetlands and upland.
  - (3) Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in § 157-60) applied to the development lot and not individually to the internal dwelling lots.
  - (4) For residential development that includes single family homes over 1,001 square feet of total living area, ~~two-family,~~ three- to four-family or multifamily dwellings,



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- density shall be based upon calculating one unit per 40,000 square feet of contiguous upland, and using 150 feet of frontage on a public roadway.
- (5) For single-family residential homes 1,000 or less square feet of total living area, development, or two-family dwellings density shall be based upon calculating one unit per 10,000 square feet of contiguous upland, and using 100 feet of frontage on a public roadway.
  - (6) The development plan may be phased for a term of five years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Subsection A. For the purposes of this section, development shall include:
    - (a) Construction of structures;
    - (b) Environmental remediation;
    - (c) Site preparation or demolition;
    - (d) Roadway utility or recreation and common area design and construction; and
    - (e) Bonding or other security for site development.
  - (7) The phasing plan shall provide that no more than 50% of the residential development may be occupied prior to completion of between 25% and 50% of the nonresidential structures, as negotiated between the Planning Board and the developer, and included in the Conditional Use Approval.
  - (8) Provided that the developer is making reasonable efforts to develop the site, the Planning Board may extend the initial five-year phasing period, provided a request for extension is submitted before the expiration of the initial five-year phasing term.
  - (9) Residential development plan guidelines.
    - (a) The developer shall be permitted to allocate permitted density among internal dwelling lots in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the development lot or legal lot, unless the additional density is derived from the Transfer of Development Rights Ordinance. Layouts may include individual lots or a cluster of units without lot lines.
    - (b) Dwelling layouts shall be so designed that parking is screened from external roadways by garages, building locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external streets shall be preserved as much as possible.
    - (c) Where possible, it is desirable and encouraged to mix residential and nonresidential uses. This may be achieved through situating the buildings close to each other, or though allowing structures to house residential, preferably on the second or above floor, with nonresidential on the first floor. Creativity and flexibility is encouraged, and the development plan may offer another option for mixing uses. ~~Units created through the TDR program are~~



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~~not required to be housing for the elderly, as that term is defined under RSA 354-A:15 and 42 U.S.C. § 3607(b)(2).~~

- (d) All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include structures with peaked roofs and architectural shingles. The guidelines for this development are included in Chapter 153, Site Review Regulations,
  - (e) All manufactured houses shall adhere to the standards outlined in Chapter 101, Manufactured Home Parks, with the exception of §§ 101-3, 101-4, 101-5, 101-6, and 101-7F, which shall be controlled by the provisions hereof and unless noted below. Where there is a difference in the requirements between this overlay district and the provisions of Chapter 101, Manufactured Home Parks, the provisions of the overlay district shall apply.
- (10) Nonresidential development plan guidelines.
- (a) The general character of the nonresidential structures within the development lot is intended to be a pedestrian-friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, facade treatment, and signage.
  - (b) The guidelines for this development are included in Chapter 153, Site Review Regulations, § 153-16.
- F. Standards and regulations.
- (1) Internal roads. As part of the approval of the conditional use permit, the Planning Board shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below, roadways shall conform to the street design criteria laid out in the Code.
    - (a) Minimum internal right-of-way.
      - (1) Maximum residential: 35 feet.
      - (2) Maximum nonresidential: 50 feet.
    - (b) Minimum pavement width.
      - (1) Minimum residential: 20 feet.
      - (2) Minimum nonresidential: 28 feet.
      - (3) Minimum sidewalk pavement width: five feet.
      - (4) Minimum bike/Segway<sup>®</sup>/golf cart path width: five feet.
    - (c) Minimum tangent length at intersections: 75 feet.
    - (d) Maximum street angle at intersections: 60°.
    - (e) Minimum center-line radius: 100 feet.
    - (f) Minimum tangent length between reverse curves: 50 feet.
  - (2) Dimensional requirements.



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(a) Nonresidential/mixed-use buildings.

[1] Minimum structure setback from external lot line: 50 feet.

Expanding existing nonresidential uses are not held to this setback.

[2] Minimum structure setback from external right-of-way: 50 feet.

[3] Maximum nonresidential building height: 55 feet.

[4] For all other dimensional requirements for nonresidential structures and parking setbacks refer to the underlying zone.

(b) Residential dwellings.

[1] Minimum structure and parking setback from external lot line: 50 feet.

[2] Minimum structure and parking setback from external row: 100 feet.

[3] Maximum residential building height: 35 feet.

[4] Minimum frontage on internal road: 40 feet.

[5] Minimum setbacks:

[a] Front yard setbacks: 20 feet.

[b] Distance between buildings: 24 feet.

(c) There shall be no minimum lot size of frontage for internal lots created.

(3) Parking.

(a) All dwelling units shall require two independently accessible parking spaces per unit, except that the congregate-care and nursing-home requirements shall be as otherwise defined by this chapter. Nonresidential uses shall comply with parking requirements defined by this chapter.

(b) Overnight parking shall not be permitted on internal roadways.

(c) Parking shall be utilized and available to all components of the Development Plan, through the recording of access and parking easements.”

### 15. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-32 “Signs”, to amend sub sections E-Q as follows:

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 maintenance and inspection and by guidelines formulated to minimize clutter.

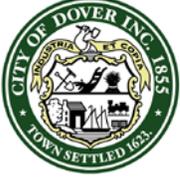


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- A. Permitted SIGNS. No SIGN shall be permitted within the City of Dover, except in accordance with the provisions of this Section. See tables of Use and Dimensional Regulations by District for overview of permitted SIGNS.
- B. Permit required. No SIGN, other than a residential nameplate or a SIGN exempted from the permitting requirements of this Section as described herein shall be erected or placed in the City of Dover without a SIGN permit. Said permit shall be issued by the Zoning Administrator, provided that the SIGN meets all the regulations of this Section, after the submission of an application and 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.
- C. General provisions. All SIGNS shall conform to the following regulations:
- (1) SIGN Location. SIGNS shall relate only to the premises upon which they are located, excluding TEMPORARY SIGNS as regulated in Subsection Q.
  - (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; 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 of a motorist.
    - (a) FLASHING SIGNS are prohibited.
    - (b) Illuminance of the SIGN face shall not exceed the following standards:



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- (i) **EXTERNAL ILLUMINATION:** fifty (50) foot-candles as measured on the SIGN face.
  - (ii) **INTERNAL ILLUMINATION:** five thousand (5,000) nits (candelas per square meter) during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the SIGN’s face.
  - (iii) **DIRECT ILLUMINATION:** five thousand (5,000) nits during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the SIGN’s face.
- (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.<sup>1</sup>
  - (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 SIGNS are prohibited, except as otherwise provided in Subsection Q.
  - (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 apply to SIGNS being necessary for the public welfare and, as such, are required by the municipal, State, or Federal government.
  - (12) The material and construction of any SIGN or supporting elements shall be in accordance with the Building and Electrical Codes (in use by the City at the time of installation) and all other applicable City regulations.
  - (13) On a CORNER LOT, no FREESTANDING SIGN or support element shall be erected to materially impede vision between a HEIGHT of two and a half (2 ½)

<sup>1</sup>See Figure 1 of the SIGN Diagrams, Part I, included at the end of this Chapter



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feet and eight (8) feet above curb grades in the same area bounded by the STREET lines of such CORNER LOT and a straight line joining points along said STREET lines thirty (30) feet from point of their intersection except as otherwise provided in this Section.

- (14) Essential directional SIGNS not exceeding four (4) square feet in area are permitted indicating entrance and exit driveways. Said SIGNS shall not be subject to the permitting requirements of this Section.
- (15) SIGNS not exceeding two (2) square feet in area are permitted in parking LOTs indicating aisles or reserved areas or spaces. Said SIGNS shall not be subject to the permitting requirements of this Section.
- (16) On a BUILDING or project under construction, or on a property currently for sale or rent, one additional SIGN is permitted and shall conform to the following additional regulations:
  - (a) One (1) SIGN not exceeding thirty-two (32) square feet is permitted on a BUILDING or project under construction. Such SIGN shall be removed upon the receipt of a CERTIFICATE OF OCCUPANCY or upon the expiration of the BUILDING permit. Said SIGN shall not be subject to the permitting requirements of this Section.
  - (b) One (1) SIGN not to exceed four (4) square feet may be erected on a property currently for sale or rent. Said SIGN shall not be subject to the permit requirements of this Section.
- (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.<sup>2</sup>
  - (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 upon each FRONTAGE. The SIGN AREA displayed shall

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<sup>2</sup>See Figure 2 of the SIGN Diagrams, Part I, included at the end of this Chapter.



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not exceed that area permitted by the FRONTAGE on that public STREET or parking LOT.<sup>3</sup>

- (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. Said SIGN shall not be subject to the permitting requirements of this Section.

(18) All FREESTANDING SIGNS shall conform to the following regulations:

- (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 (4) foot clear space is required along all approaches.<sup>4</sup>
- (b) No FREESTANDING SIGN shall be placed within fifty (50) feet of a low-density residential district (R-40, R-20) boundary.

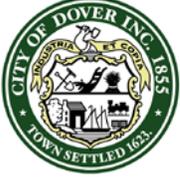
(19) All PROJECTING SIGNS shall conform to the following additional regulations:

- (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.<sup>5</sup>
- (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 upon each FRONTAGE. The SIGN AREA displayed shall not exceed that area permitted by the FRONTAGE on that public STREET or parking lot.

<sup>3</sup> See Figure 3 of the SIGN Diagrams, Part I, included at the end of this Chapter.

<sup>4</sup> See Figure 4 of the SIGN Diagrams, Part I, included at the end of this Chapter.

<sup>5</sup> See Figure 5 of the SIGN Diagrams, Part I, included at the end of this Chapter.



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(20) Awnings may be used in lieu of permitted WALL SIGNS provided said letters, insignia or emblems do not exceed the square footage allowed for a WALL SIGN in the applicable zoning district.

D. SIGNS permitted in residential districts. Any SIGN permitted in a Residential District shall conform to the following regulations (See tables for overview of permitted SIGNS):

- (1) CUSTOMARY HOME OCCUPATION SIGNS 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.
- (2) One (1) SIGN not to exceed sixteen (16) square feet may be erected in connection with any legally permitted non-residential use, excepting home occupations and BED AND BREAKFASTs.
- (3) One (1) SIGN may be erected in connection with a lawfully maintained NONCONFORMING USE.
- (4) All nonresidential SIGNS may only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m.
- (5) One (1) SIGN not to exceed four (4) square feet may be erected in connection with a BED AND BREAKFAST.
- (6) No SIGN shall be located greater than eight (8) feet above the ground, whether freestanding or attached to a BUILDING

E. SIGNS permitted in CBD and CWD Districts. ~~No SIGN in the CBD Downtown Gateway sub-district shall be illuminated after 9:00 p.m. or before 6:00 a.m.~~ (See table for overview of permitted SIGNS.)

(1) WALL SIGNS<sup>6</sup>

- (a) 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

<sup>6</sup> See Figure 6 of the SIGN Diagrams, Part II, included at the end of this Chapter.

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SIGN conforms to mill motif design criteria. Refer to Subsection O for applicable criteria.

F. SIGNs permitted in ~~B-3~~ C district. (See table for overview of permitted SIGNs.)

(1) FREESTANDING SIGNs

- (a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected upon each FRONTAGE, provided that the BUILDING complies with applicable SETBACKs.
- (b) 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.
- (c) 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.
- (d) Notwithstanding, no FREESTANDING SIGN shall be allowed on Old Rochester Road.

~~G. SIGNs permitted in B-1 districts. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted SIGNs.)~~

~~(1) PROJECTING SIGNs~~

- ~~(a) All PROJECTING SIGNs shall only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN.~~

H. SIGNs permitted in O and Gateway districts. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted SIGNs.)

- (1) SIGNs shall only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN.



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I. SIGNS permitted in ~~I-1~~, ~~I-2~~, CM I-4 districts. (See table for overview of permitted SIGNS.)

(1) FREESTANDING SIGNS

- (a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected upon each FRONTAGE, provided that the BUILDING complies with applicable SIGNAGE SETBACKS.
- (b) Two (2) FREESTANDING DEVELOPMENT IDENTIFICATION SIGNS shall be permitted per approved industrial park, provided that the combined square footage of such SIGNS does not exceed five hundred (500) square feet in area, and that, if on a CORNER LOT, such SIGNS shall be set so as to not materially impede vision.

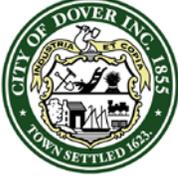
J. SIGNS permitted in ~~ETP IT~~ and ~~B-4~~ districts. (See table for overview of permitted SIGNS.)

(1) FREESTANDING SIGNS

- (a) Where a development fronts on more than one (1) public STREET or roadway, one (1) FREESTANDING SIGN shall be permitted upon 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.

~~K. SIGNS permitted in the B-5 District. (See table for overview of permitted SIGNS.)~~

~~(1) FREESTANDING SIGNS.~~



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~~(a) Where a development fronts on more than one (1) public STREET, one (1) FREESTANDING SIGN shall be permitted upon each FRONTAGE.~~

~~Notwithstanding, no FREESTANDING SIGN shall be allowed on Old Rochester Road.”~~

- L. Political advertising SIGNS. Political advertising SIGNS are permitted per the political advertising SIGN provisions of State law.
- M. Obsolete SIGNS. Any SIGN which is located on property which becomes vacant and unoccupied for a period of more than six (6) months 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 Zoning Administrator, 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.
- N. 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. 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 ALTERATIONS.
  - (2) No nonconforming SIGN shall be relocated to a position making it less compliant with the requirements of this Section.
  - (3) Non-conforming FREESTANDING SIGNS and PROJECTING SIGNS may be replaced upon approval of a SIGN permit application, provided that the support STRUCTURE of the SIGN remains in place and the dimensions of the SIGN are the same or smaller. If any other nonconforming SIGN is replaced, it shall be replaced in total with a SIGN that is in conformance with the provisions of this Section.



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- (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.

### O. Mill motif design criteria.

#### (1) Intent.

- a. 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.
- b. The use of a mill motif SIGNAGE theme is an attempt to promote a style or 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) SIGN location.

- (a) 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 window openings and decorative facade treatments) of a BUILDING's framework.

#### (3) SIGN composition.

##### (a) Lettering.

- (i) No more than one (1) font shall be permitted per SIGN. More than one (1) size is permitted.



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- (ii) Letters may be attached to the BUILDING façade.
  - (iii) Light-colored letters on a dark background are required.
  - (iv) Lettering shall be located so as not to obstruct architectural detailing on the BUILDING face.
  - (v) Product trademarks are not permitted. Generic trade symbols (e.g., a shoe for a cobbler, a mortar and pestle for a druggist) are permitted.
  - (vi) Letter styles shall be limited to the classic genre, i.e., Copperplate Gothic, Times, Franklin Gothic, Benton, Clarendon, Haas Helvetica, Folio Caravelle Medium, Windsor, and Times Roman.
  - (vii) The size of the lettering shall be in proportion to both the SIGN configuration and the BUILDING.
- (b) Color.
- (i) No more than three (3) colors are preferred, plus black and white. Differences in shade or hue are considered different colors. Lettering is limited to one (1) color.
  - (ii) Colors used in SIGNAGE should relate to the color composition of the BUILDING material and be compatible with them.
  - (iii) The determination of SIGN color must relate to the degree of contrast between the SIGN lettering and SIGN background.
- (c) Lighting.
- (i) INTERNAL ILLUMINATION and DIRECT IILLUMINATION are prohibited.
  - (ii) Only shielded EXTERNAL ILLUMINATION shall be permitted if lighting is used.
- (d) Materials.



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- (i) The appearance of traditional materials, such as wood, glass, brass, bronze or iron, is required.
- (ii) Wooden SIGNS shall be constructed of dense, clear wood that adapts to engraving/carving and paint or stain. The use of plywood shall be limited to overlay, exterior or marine plywood.
- (iii) PROJECTING SIGNS shall be supported by black, iron attachments to the BUILDING. Guy wires shall not be permitted as a principle SIGN support member.
- (iv) No support for a PROJECTING SIGN shall extend above the cornice line of the BUILDING to which it is attached.

### (2) Permit process

- (a) The Zoning Administrator shall be responsible for the issuance of SIGN permits relative to mill motif accessory SIGNS. Application for said SIGNS shall include the following items:
  - (i) A scaled elevation drawing of the entire BUILDING façade(s).
  - (ii) Proposed SIGN clearly delineated on the elevation drawing.
  - (iii) Detailed drawings indicating materials, size, colors and style of lettering, lighting and attachment method.
  - (iv) A photograph of the BUILDING.
  - (v) A sample color rendering of the intended SIGN.
- (b) Upon completion of the review, the Zoning Administrator will approve or disapprove the application and inform the APPLICANT of the decision in writing.

P. Fees for the review of SIGNAGE are set annually and may be found in the City's Fee Schedule.



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**Q TEMPORARY SIGNs.** No TEMPORARY SIGN shall be erected or placed in the City of Dover without a TEMPORARY SIGN permit issued by the Planning Department, except as noted in Subsections (1)(b). The following regulations shall apply:

- (1) TEMPORARY SIGNs are prohibited in all residential zoning districts (R-40, R-20, R-12, RM-SU, RM-U, HR, and CBD-R) ~~and the NEIGHBORHOOD Business District (B-1)~~. Where permitted TEMPORARY SIGNs are subject to the following regulations:
  - (i) One-week TEMPORARY SIGN permits are valid for a consecutive seven (7) day period and may be obtained once every three (3) months, for a maximum of four (4) one-week TEMPORARY SIGNs per year. If the permit is not used in one (1) quarter, it shall not be carried over to the next quarter.
  - (ii) The TEMPORARY SIGN shall be limited to twenty-four (24) square feet in size and shall not be placed in such a manner so as to create a traffic or safety hazard. Banner type TEMPORARY SIGNs are permitted only in the ~~B-3 and B-5~~ C Zoning Districts.
  - (iii) The TEMPORARY SIGN shall be removed within twenty-four (24) hours after the end of the approved display period. If the TEMPORARY SIGN or banner is not removed within twenty-four (24) hours, the TEMPORARY SIGN or banner may be removed by the City of Dover.
  - (iv) If the TEMPORARY SIGN is located on a City SIDEWALK or within a public right-of-way directly in front of the BUILDING, the requirements in Subsection Q.(1)(d) must be met.
- (b) TEMPORARY SIGNs Allowed Without a Permit. One (1) A-frame sandwich board TEMPORARY SIGN is permitted per LOT or tenant and does not require a permit, provided all of the following conditions are met:
  - (i) The TEMPORARY SIGN is not located on a City SIDEWALK or within a public right-of-way.
  - (ii) The maximum size of the TEMPORARY SIGN is eight (8) square feet.



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(iii) The TEMPORARY SIGN must be placed directly in front of the BUILDING at a distance no greater than two (2) feet from the BUILDING and must not impede pedestrian or handicapped access to the business or adjacent businesses.

(c) TEMPORARY SIGNs Allowed With Annual Permit. One (1) TEMPORARY SIGN shall be permitted per each PRINCIPAL BUILDING. BUILDINGs with an excess of one hundred (100) feet of STREET FRONTAGE shall be permitted one (1) additional TEMPORARY SIGN per every additional one hundred (100) feet of STREET FRONTAGE. See District Tables of Use for additional requirements.

(i) If the TEMPORARY SIGN is located on a City SIDEWALK or within a public right-of-way directly in front of the BUILDING, the requirements in Subsection Q.(1)(d) must be met.

(ii) The following additional regulations shall apply to TEMPORARY SIGNs located in the CBD-General District:

1. The structure of the TEMPORARY SIGN must consist of medium density overlay plywood, or a similar durable wood-like material which can withstand the weather, or metal (except as supplemented by material for changeable messages, see below). The use of other materials is permitted if styled and composed to imitate wood or metal.
2. Any graphics, lettering, words, numbers, messages and/or symbols on the TEMPORARY SIGN shall be applied directly onto the surface of the SIGN and/or shall be made with SIGN plastic film.
3. The material for changeable messages shall be either chalk board or dry erase board. TEMPORARY SIGNs with moveable slide-in plastic letters are not permitted.
4. TEMPORARY SIGNs using stencils or spray paint are not permitted.

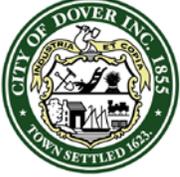


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5. TEMPORARY SIGNS may not be painted traffic yellow or construction-zone orange or use any reflective or fluorescent materials.
- (d) TEMPORARY SIGNS Located on a City SIDEWALK or Within a Public Right-of-Way. TEMPORARY SIGNS located on a City SIDEWALK or within a public right-of-way shall meet the following requirements:
- (i) A certificate of insurance in the amount of one hundred thousand (\$100,000.00) dollars (bodily injury/property damage) shall be filed as part of the TEMPORARY SIGN permit application to ensure sufficient liability coverage of the APPLICANT.
  - (ii) A hold-harmless certification letter shall be filed as part of the temporary SIGN permit application to relieve the City of Dover from bodily injury and property damage liability.
  - (iii) TEMPORARY SIGNS shall only be displayed during business hours.
  - (iv) A five (5) foot, clear passageway must be maintained at all times.
  - (v) TEMPORARY SIGNS shall be located directly in front of the BUILDING or in front of the space within the BUILDING occupied by the TEMPORARY SIGN owner.
- (2) Community SIGNS. With a permit, TEMPORARY SIGNS may be located in the public right of way at Central Square, Weeks Crossing, and the intersections of Durham Road and Back River Road, Sixth Street and Indian Brook Drive, and Knox Marsh Road and Littleworth Road provided that the following requirements are met:
- (a) Community SIGNS shall be a-frame/sandwich board type and no larger than six (6) square feet in area and no greater than three (3) feet in height.
  - (b) No more than three (3) permits shall be issued per location, per display period.
  - (c) Each week of the year shall constitute one display period. No APPLICANT will be issued a community SIGN permit for more than twelve (12) display periods per calendar year.



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- (d) Applications for community SIGN permits will be accepted by the Planning and Community Development Department only during the week prior to the display period. Applications will not be accepted in advance unless an entire calendar year’s display schedule and payment of fees are submitted by the APPLICANT. Permits will be granted on a first-come, first-served basis.
- (e) Applications must be signed by the property owner (APPLICANT or APPLICANT’s landlord) and shall include:
  - (i) A certificate of insurance in the amount of one hundred thousand dollars (\$100,000.00) (bodily injury/property damage) to ensure sufficient liability coverage of the APPLICANT.
  - (ii) A hold-harmless certification letter to relieve the City of Dover from bodily injury and property liability.
- (f) A display period sticker will be issued with the community SIGN permit and shall be affixed to the lower right corner of the SIGN face.

### 16. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-33 “Fence Review and Regulations”, to amend sub section C as follows:

- A. FENCE HEIGHTs. No person, or other entity shall erect or cause to be erected a FENCE exceeding four (4) feet in HEIGHT between the RIGHT OF WAY and either ten (10) feet from the RIGHT OF WAY or a line parallel with the front of the house closest to the RIGHT OF WAY, whichever is less. FENCES may be up to eight (8) feet in HEIGHT for the remainder of the lot. HEIGHT is measured 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 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.



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(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. For CORNER LOTS that are located on the inside curve of STREETS and at intersections that are not perpendicular, adequate and safe sight distances in both directions, as determined by the Zoning Administrator, shall be provided. Property owners shall maintain vegetation such that it does not grow to limit site distance.

C. Exceptions. The provisions described in Subsection A shall not apply in ~~Industrial (I-2)~~ Commercial Manufacturing (CM), ~~Restricted Industrial (I-1)~~, ~~Thoroughfare Business (B-3)~~ Commercial (C), Central Business (CBD), Gateway (G), OFFICE (O), and Cochecho Waterfront (CWD) Zoning Districts, or whenever the ZONING BOARD OF ADJUSTMENT, as a condition attached to the granting of a variance or special exception to this Chapter, requires for screening purposes a FENCE exceeding eight (8) feet.”

### 17. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to replace as a whole, based upon the preceding amendments, follows:

“A. Districts. The City of Dover is hereby divided into the following districts:

(1) Residential.

- HR Heritage Residential District
- R-40 Rural Residential District
- R-20 Low-Density Residential District
- R-12 Medium-Density Residential District
- RM-SU Suburban Density Multi-residential District
- RM-U Urban Density Multi-residential District

(2) Nonresidential. [Amended 8-22-2018 by Ord. No. 2018.08.08-009]

- C Commercial District
- CM Commercial Manufacturing
- IT Innovative Technology

(8) Mixed-use.

- G Gateway
- H Hospital
- LBW Little Bay Waterfront District



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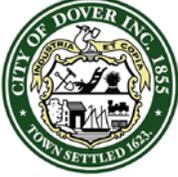
O Office District  
CBD Central Business District  
CWD Cochecho Waterfront District

(9) Overriding.

CD Conservation District  
URD Urban Renewal District  
RRD Riverfront Residential Overlay District  
GWP Groundwater Protection District  
HWD Hazardous Waste Landfill District  
RCM Residential-Commercial Mixed-Use  
SRD Scenic Road Overlay District  
TDR Transfer of Development Rights  
TEL Telecommunications Facilities  
WPD Wetland Protection District

D. District purpose statements.

- (1) Residential districts. The residential districts are intended to provide a wide range of residential units to provide the citizens of Dover with a balance of housing choices, with varying housing types, densities and costs. The goal is to preserve and create City neighborhoods that are safe and promote harmonious development.
- (a) Rural Residential District (R-40). The purpose of this residential district is to provide for conventional single-family neighborhoods in the more rural areas of the City. These areas have larger lot sizes (one or more acres) and the homes are most likely served by on-site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as open space developments with reduced lot sizes allowed in return for the permanent preservation of open space. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, hospitals, elementary schools, high schools and child-care facilities.
- (b) Low-Density Residential District (R-20). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 20,000 square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on-site septic systems and wells. These districts are located near major roadways. The development of parcels with at least 15 acres can be done as open space subdivisions. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools and child-care facilities.

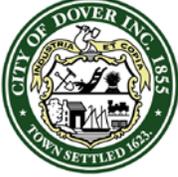


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- (c) Medium-Density Residential District (R-12). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 12,000 square feet. The homes in this district are almost all served by municipal sewer and water. Many of the neighborhoods surrounding the elementary schools are in this district and have a sidewalk system that is conducive to children walking to school. The development of parcels with at least five acres can be done as open space subdivisions. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and child-care facilities.
- (d) Suburban Density Multi-Residential District (RM-SU) The purpose of this residential district is to provide an environment suitable for a variety of moderate-density housing types, including single-family, two-family, three- to four-family and multifamily dwellings. These districts are suburban neighborhoods located along major roadways outside of the center of the City. The homes in this district are almost all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and child-care facilities.
- (e) Urban Density Multi-Residential District (RM-U). The purpose of this residential district is to provide an environment suitable for a variety of moderate/high-density housing types, including single-family, two-family, and three- to four-family dwellings. These districts are urban neighborhoods located close to the downtown area and contain many historic homes that are built close to the sidewalks and streets. The homes in this district are all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, funeral parlors, elementary schools, high schools, and child-care facilities.
- (g) Heritage Residential District (HR).
  - (a) These primarily residential neighborhoods surrounding the Silver Street area exhibit a rare collection of interesting architecture. While primarily Victorian and characterized by wide porches, bay windows, steep roofs, and intricate and involved woodwork, there are noteworthy Colonial buildings as well. In both instances, their original occupants were likely community leaders, whether early tavern keepers, or later senior managers and foremen from the mill facilities that lined the Cochecho River, as well as other community professionals.
  - (b) The common theme through all of these designs is both the massing and the placement of these structures in a manner that is compatible with what had gone before. It is the intent that in this district, new construction, replacement construction, and new additions should continue that tradition of compatibility with the existing neighborhood.

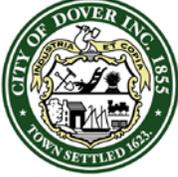


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- F. Nonresidential districts. The nonresidential districts are intended to provide suitable areas for commercial, service, retail, office and industrial developments, to provide employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.
- (1) Commercial District (C). The purpose of this business district is to provide an environment that encourages efficient and attractive automobile-oriented commercial development along major highways outside of the downtown. The minimum lot size of 20,000 square feet encourages moderately sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, automobile sales, hotels, offices, banks, and theaters. Other commercial uses and multifamily dwellings are allowed by special exception.
  - (2) Commercial/Manufacturing District (CM). The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, warehousing, wholesaling and shipping activities that expand the economic base of the City and provide employment opportunities. This area is the location of one of the first industrial parks in the City, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller minimum lot size of 20,000 square feet also encourages business uses such as publishing, hotels, vehicle refueling/recharging stations, restaurants, car sales, offices, and personal services.
  - (3) Innovative Technology (IT). The purpose of this district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, warehousing, wholesaling, publishing and shipping activities that expand the economic base of the City and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The newer business parks are located in this district. The minimum lot size in this district is two acres, which encourages larger assembling and manufacturing users.
- (3) Mixed-use districts. The mixed use districts are intended to provide suitable areas for a mixture of urban neighborhoods containing residential, commercial, service, retail, and office uses. The mixed-use development is intended to create a sense of community between the mixed uses and facilitate the economical and efficient use of land. The districts are intended to provide housing and employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high- quality design is encouraged.
- (a) Gateway (G). The purpose of this district is to mark a transition point where you move from the less developed area (the highway, the rural landscape,



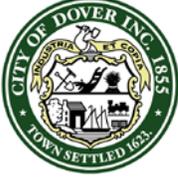
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etc.) to a more formal, densely developed urban core (multi-story buildings, civic buildings, etc.). In Dover the primary Gateways (eg Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.

- (b) Hospital (H). The purpose of the Hospital District is to provide appropriate locations for hospitals and medical offices associated with a hospital. This district also encourages other health care services and various housing facilities providing levels of service for older persons. Single- and two- family residential uses are permitted along with commercial uses such as offices, banks, funeral parlors, assembly halls, and schools.
- (c) Little Bay Waterfront District (LBW). The purpose of this mixed-use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum lot size encourages a mix of various-sized commercial uses, with water-related uses, such as marinas, specifically permitted. Single- and two-family homes are allowed in recognition of the historically residential use of the area. Three- or four-family dwellings are allowed only as part of a mixed-use building. Businesses that take advantage of the unique location along Little Bay are encouraged.
- (d) Office District (O). The purpose of this Office District is to provide appropriate locations for a mixture of residential and office uses along higher-volume streets. The remaining large historic homes are no longer suitable for single-family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential areas on the side streets. Residential uses up to four dwelling units per structure are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, nursing homes and congregational care facilities. The density for residential uses is about eight units per acre, and in new buildings, residential is only allowed on the second floor or higher.
- (e) Central Business District (CBD). The purpose of this district is to provide the appropriate locations for context-sensitive zoning. The form-based code in this district is intended to foster a vital main street both for itself and for its adjacent neighborhoods through a lively mix of uses, with shop fronts, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper story residences and offices. The district has an



CITY OF DOVER

## CITY OF DOVER – ORDINANCE

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

increased emphasis on the form and placement of structures and a decreased emphasis on the function(s) contained within them.

- (f) Cochecho Waterfront District (CWD). The purpose of this mixed use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cochecho River. This district has very flexible dimensional requirements, with no minimum lot size, frontage or setback requirements and a density of 43 dwelling units per acre. Several water-related land uses are permitted in the district, including marinas, waterborne passenger transportation facilities and water-related education and resource centers. The architecture of the waterfront areas should encourage the development of marine-, history- or tourism-related land uses and activities, which take advantage of the unique characteristics of the waterfront as well as its central location and proximity to historic areas.

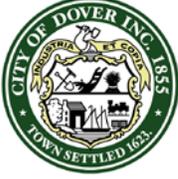
- (4) Overriding districts. The purpose of the overriding districts is to provide an additional layer of land use regulation or protection in certain sensitive areas of the City. The requirements of these overlay districts are in addition to the underlying zoning districts. Most of the districts are intended to protect environmentally sensitive areas. For specific purpose statements, review the text of each overriding district.”

### 18. 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:	Deputy Mayor Dennis Ciotti City Council Planning Board Representative
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Susan Mistretta City Clerk		



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Chapter: 170

### 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 Ciotti, Ward 2		
Councilor Michelle Moffet Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor Lindsey Williams, At Large		
Councilor John O'Connor, At Large		
Total Votes:		
Resolution does   does not pass.		

### ORDINANCE BACKGROUND MATERIAL:



**Permitted Uses**

- ADULT DAY CARE
- AUTO SERVICE STATION
- Bank
- Barber and Beauty Shop
- CHILD CARE FACILITY
- Clinic
- COMMERCIAL PARKING FACILITY
- COMMERCIAL RECREATION
- Computer and data processing
- DWELLING, MULTI-FAMILY [3]
- Eating and Drinking Establishment [4]
- Farm
- HOTEL / MOTEL
- New Car Sales
- OFFICE
- PERSONAL SERVICE ESTABLISHMENT
- Public Utility [5]
- PUBLISHING FACILITY
- Retail Store
- Theater
- USED CAR LOT [6]
- Veterinary Office, Animal Hospital or KENNEL

**Uses Permitted by Special Exception**

- ADULT BOOKSTORE AND/ OR VIDEO STORE
- ADULT CABARET
- VEHICLE REFUELING AND RECHARGING STATION

**Sign Regulations**

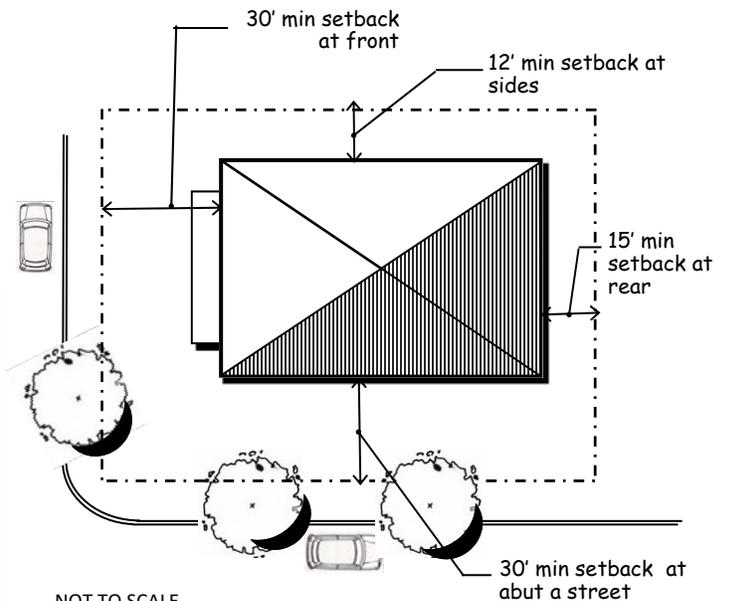
Size	C District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	2 sf for each lineal foot of business FRONTAGE (see 170-32 for regulations for businesses bordering the Spaulding Turnpike)
Type	
FREESTANDING	(Max size 60 sf, max height 16 ft. One SIGN per side of frontage. FREESTANDING signs shall be located on low planter walls or be monument SIGNS.)
PROJECTING	permitted (max size 8 sf)
WALL/ Awning	(Provide building signage that is proportional to the SCALE of the tenant façade, Max 1 sf for each lineal foot of business FRONTAGE)
Temporary	permitted (max ht 4 ft, max size 32 sf)

**Dimensional Regulations [1] [2]**

LOT	
Minimum LOT Size	20,000 sf
Maximum COVERAGE	50%
Minimum FRONTAGE	125 ft
PRINCIPAL	
Front SETBACK	30 ft
Abut a Street SETBACK	30 ft
Side SETBACK [7]	12 ft
Rear SETBACK [7]	15 ft
OUTBUILDING/ ACCESSORY USE	
Front SETBACK	50 ft
Abut a Street SETBACK	50 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	40 ft max
OUTBUILDING	40 ft max

\*Parking areas shall be set back at least twenty-five (25) feet from property lines.

**Principal Building Placement**



SIGNS shall be designed and located to be visible from both pedestrian and vehicular areas, and shall be designed to further the design theme of the building and be consistent with any SIGN package. Paint SIGN backgrounds and SIGN cabinets to complement building colors.)



## Footnotes

- [1] Refer to 170-13 and 170-14 for exceptions to lot size, frontage and setback requirements.
- [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required.
- [3] Provided the lot contain five thousand (5,000) square feet per dwelling unit. Units are allowed only in mixed use buildings, where no more than 2/3rd of the overall square footage of the building is residential.
- [4] If the eating and drinking establishment has drive-in services, said service shall be setback either 50' from a residential abutting lot line, or 100' from the abutting residential structure whichever is greater. [Added 1-22-2003 by Ord. No. 35].
- [5] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within. [Amended 10-28-88 by Ord. No. 18-88]
- [6] Permitted if an accessory use to a new car dealership. [Amended 8-1-90 by Ord. 8-90]
- [7] A vegetated buffer of no less than fifty feet (50') must be established and maintained along the C/R-12 zoning boundary abutting the southern property line of the Tax Assessor's Map 37, Lot 38. The buffer must be populated with existing vegetation, where available, and where existing vegetation is not available or not adequate, the buffer shall be improved to provide visual screening on a year-round basis for the benefit of the residential uses abutting the B-3 Zoning District. The buffer may feature new landscaping vegetation and materials, berms, fences, walls and other screening techniques, with a preference toward preserving existing healthy trees, where feasible. Buildings, impervious surfaces, mechanical equipment, parking and storage and display of goods and materials are prohibited in the buffer. Following installation, the buffer must be adequately maintained by the owner(s) of Tax Assessor's Map 37, Lot 38.

## Special Exception Criteria (see 170-52(C)(3) for additional regulations)

**ADULT BOOKSTORE AND/OR VIDEO STORE, ADULT CABARET [Added 10-20-93 by Ord. No. 28-93]:** ADULT BOOKSTORE AND/OR VIDEO STORE AND ADULT CABARET shall be subject to the following conditions:

- A. An ADULT BOOKSTORE, VIDEO STORE OR CABARET shall be at least 500 feet from a parcel of land containing an existing residential use.
- B. An ADULT BOOKSTORE, VIDEO STORE OR CABARET shall be at least 1000 feet from a parcel of land containing a school, church, community park or public recreational area.
- C. No ADULT BOOKSTORE, VIDEO STORE OR CABARET shall be permitted within 1000 ft. of an existing similar use.
- D. The proposed use shall comply with all other state statutes, and city ordinances and codes.

### VEHICLE REFUELING/RECHARGING 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. 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.
- 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.
- E. 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.

# Commercial Manufacturing (CM) District

Created: MM-DD-2020 by Ord. No. 2020-MM.DD-##,



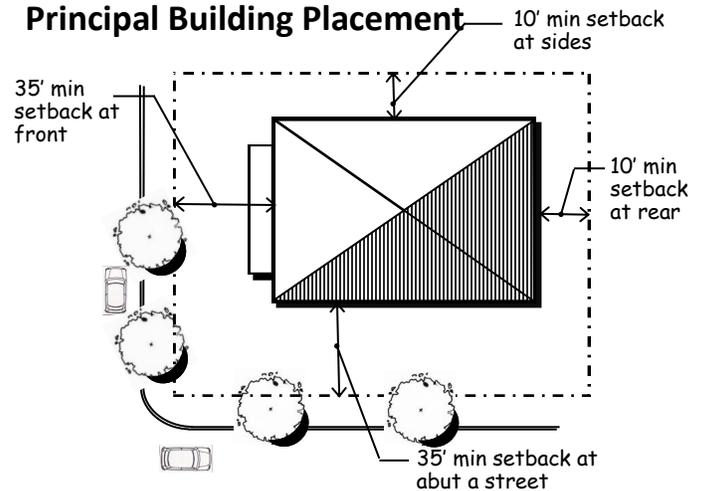
## Permitted Uses

- ADULT DAY CARE
- CHILD CARE FACILITY
- COMMERCIAL RECREATION
- Eating and Drinking Establishment [5]
- Establishments for the manufacture assembly, services and repair of the products listed below and other uses of a similar nature:
  - ◊ Drugs
  - ◊ Office, computing and accounting machines
  - ◊ Radio and television receiving equipment  
Communication equipment
  - ◊ Electronic components and Engineering, laboratory, scientific and research instruments and associated equipment
  - ◊ Measuring and controlling instruments
  - ◊ Optical instruments and lenses
  - ◊ Surgical, medical and dental instruments and supplies
  - ◊ Photographic equipment and supplies
  - ◊ Electrotherapeutic, electro-medical and X-ray apparatus
- FARM [6]
- Fuel, Oil, or Gas Storage
- Helicopter Take Offs & Landings [7]
- HOTEL/MOTEL
- Industry
- LIGHT INDUSTRY
- OFFICE
- Open Storage [8]
- PERSONAL SERVICE ESTABLISHMENT
- Public Utility
- PUBLISHING FACILITY
- Research Institutions
- Retail Sale of Agricultural or Farm Products Raised on Site
- Trucking Terminal
- WAREHOUSING
- WHOLESALING

## Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size	20,000 sf
Maximum LOT COVERAGE	50%
Minimum FRONTAGE	100 ft
PRINCIPAL BUILDING	
Front SETBACK [3]	35 ft
Abut a Street SETBACK	35 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
OUTBUILDING/ACCESSORY USE	
Front SETBACK	35 ft
Abut a Street SETBACK	35 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
BUILDING HEIGHT	
PRINCIPAL BUILDING [4]	50 ft max
OUTBUILDING/ACCESSORY USE	40 ft max

## Principal Building Placement



NOT TO SCALE

## Uses Permitted by Special Exception

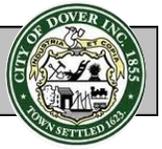
- AUTO SERVICE
- VEHICLE REFUELING AND RECHARGING STATION

## Uses Permitted by Conditional Use

- Alternative Treatment Center
- Educational Institution, Post Secondary
- Hotel/Motel
- SELF-SERVICE STORAGE FACILITY

## Sign Regulations

Size	CM District
Total SIGNS permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each 100 sf of leased space (if less than 700 sf of leased space, then 6 sf max)
Type	
FREESTANDING	permitted, provided that the principal building is set back at least 35 ft (max size 100 sf, max ht 30 ft)
PROJECTING	permitted
WALL/ Awning	permitted
Temporary	permitted



## Footnotes

- [1] Refer to 170-13 and 170-14 for exceptions to lot size, frontage and setback requirements.
  - [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required.
  - [3] The maximum building heights may be increased to seventy- five (75') feet provided the following conditions are met:
    - A. The additional building height above fifty (50') feet is necessary to meet an industrial function.
    - B. The building is located a minimum of 150 feet from a Residential District.
    - C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.
    - D. The building is for a permitted use, and not one granted by special exception, conditional use permit or variance.
  - [5] If the eating and drinking establishment has drive-in services, said service shall be setback either 150' from a residential abutting lot line, or 200' from the abutting residential structure whichever is greater.
  - [6] Shall not include the raising and sale of FARM ANIMALS; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of fresh water fish or other aquaculture products; and/or the breeding of poultry or game birds.
  - [7] Helicopter take offs and landings are allowed subject to the following conditions:
    - A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
    - B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
    - C. The facility shall be accessory to the principal use located on the lot.
    - D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.
  - [8] Provided that safety precautions be implemented so to prevent the endangerment of people and property adjacent to said storage. Screening, of at least six (6) feet in height, of all open storage shall be accomplished through use of a fence, wall or vegetal (evergreens) material.
- B. 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.
  - 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.

## Conditional Use Permit Criteria

An *Alternative Treatment Center*, as defined in RSA 126:X-1, I, shall be allowed if a Conditional Use Permit is granted by the PLANNING BOARD upon a finding that the following criteria are met:

- A. An Alternative Treatment Center shall not be located within one thousand (1,000) feet of the property line of a public or private elementary or secondary school or designated drug free school zone.
- B. The Alternative Treatment Center shall be located in a permanent BUILDING and may not be located in a trailer, MANUFACTURED HOME, cargo container, or any STRUCTURE that has axles with wheels. DRIVE-IN SERVICES are prohibited.
- 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.
- D. The Alternative Treatment Center shall provide for the proper disposal of cannabis remnants or byproducts, which remnants or byproducts shall not be placed in the facility's exterior refuse containers.
- E. The APPLICANT shall provide a detailed narrative and floor plan, as well as any other relevant documentation, describing how the Alternative Treatment Center shall be secured. The security plan must take into account the measures that will be taken to ensure the safe delivery of any product to the facility (including permitted times for delivery), how the product will be secured on site, and how patient transactions will be facilitated in order to ensure safety. The security plan shall be reviewed and approved by the City of Dover Police Department.
- F. The use of cannabis on the premises is prohibited.
- G. The Alternative Treatment Center shall emit no cannabis related fumes, vapors or odors which can be smelled or otherwise perceived from beyond the LOT LINES of the property where the facility is located.

*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 storage unit BUILDING visible from the STREET shall be located to be perpendicular to the STREET, with no storage unit doors facing the STREET.
- C. 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. Not hold auctions or sales of contents of storage containers.
  - iv. Have screening sufficient to block the view of the BUILDINGS from abutting parcels and shall prohibit lighting from shedding onto abutting parcels.
  - v. All setbacks shall be double the setbacks required in the district, not just the front setback.
- D. The architectural design standards of Chapter 153-14L(8)(b) shall be adhered to.

## Special Exception Criteria (see 170-52(C)(3) for additional regulations)

### 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.

# Gateway District

The information included in this table represents the requirements for development in this district; see Section 170-20 for additional requirements (Adopted 12/9/2009 per O-2009.09.09-15).



## STATEMENT OF PURPOSE

A gateway is an area that marks a transition point where you move from one existing condition to another. In terms of land use, Gateways generally indicate transition points from a less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (multi-story buildings, civic buildings, etc.). In Dover the primary Gateways (Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.

## DIMENSIONAL REGULATIONS\*

Principal Building	
Lot Size	N/A
Lot Coverage	50%
Frontage Build-Out	60% min.
Front Primary BUILD TO LINE	5 ft. min - 20 ft. max
Front Secondary BUILD TO LINE	5 ft. min - 20 ft. max
Side Setback	10 ft. min
Rear Setback	15 ft. min
Outbuilding	
Front Setback	20 ft. min + bldg. setback
Side Setback	10 ft. min
Rear Setback	15 ft. min
Private Frontages	
Common Yard	Permitted
Porch and Fence	Permitted
Terrace/Lightwell	Permitted
Stoop	Permitted
Shopfront/Awning	Permitted
Gallery	Not permitted
Height of Building	
Principal Building	4 story max, 2 story min #
Outbuilding/Accessory	2 story max

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

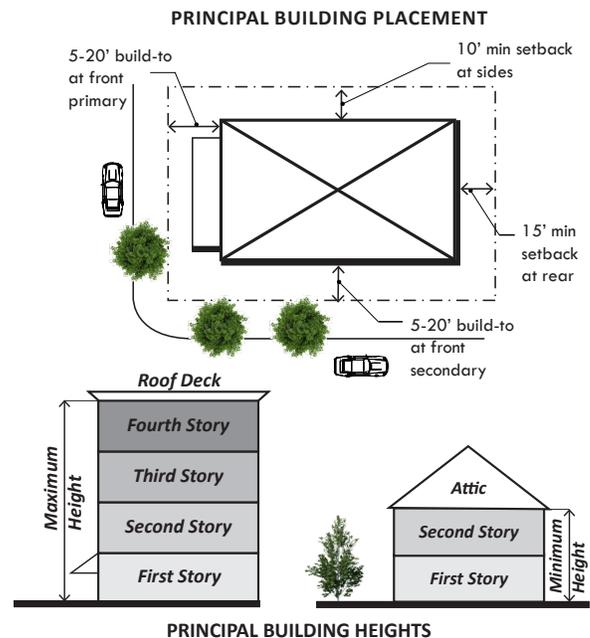
## PARKING LOCATION STANDARDS (SEE 153-14)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

## PERMITTED USES\*

Use	
Residential	Permitted; density: 4,000 sf. per unit**#
Lodging	Permitted, up to 12 rooms. Must be 150' from residential. 13 or more rooms are permitted with CUP.
Daycare	Adult and child permitted. Institutional not permitted.
Professional Services & Offices	Permitted #
Eating & Drinking Establishments	Permitted #
Retail/Personal Services	Permitted #
Industrial	Permitted on Broadway via CUP
Civic	Permitted
Drive-Thru Services	Not Permitted
Other	Via Conditional Use Permit

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



## SIGN REGULATIONS

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	24 sf
Sign Type	
Freestanding	Permitted- 16 ft. max ht.
Projecting	Permitted- 10 ft. min. above sidewalk, 25 ft. max height, 24 sq. ft. max.
Wall/Awning	Permitted
Temporary	Permitted per- 170-32.Q (1)

## ARCHITECTURAL STANDARDS\*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Buildings designs and materials 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. 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 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 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 brick and a 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 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



\*\* Density: 3,000 sf. per unit if part of a mixed-use building with 35 percent nonresidential uses. 2,000 sf. per unit if rents conform to HUD fair market rent rates for Dover, as published by the New Hampshire Housing Finance Authority.

Rooming houses and manufactured homes are considered other uses.

# On Dover Point Road and within 300 feet of the center line of New Rochester Road:

- Building Height is limited to 2 Stories
- Residential is limited to Single Family and Two Family Dwelling units
- Professional Service & Office, Eating and Drinking Establishments and Retail/Personal Services are limited to 2,000 sf per unit



## Permitted Uses [10] [11] [12] [13] [14]

- Adult Day Care
- CHILD CARE FACILITY
- Computer and data processing
- Eating and Drinking Establishments [7]
- Establishments for the manufacture assembly, services and repair of the products listed below and other uses of a similar nature:
  - ◇ Drugs
  - ◇ Office, computing and accounting machines
  - ◇ Radio and television receiving equipment  
Communication equipment
  - ◇ Electronic components and Engineering, laboratory, scientific and research instruments and associated equipment
  - ◇ Measuring and controlling instruments
  - ◇ Optical instruments and lenses
  - ◇ Surgical, medical and dental instruments and supplies
  - ◇ Photographic equipment and supplies
  - ◇ Electrotherapeutic, electro-medical and X-ray apparatus
- EXCAVATION
- FARM [8]
- Laboratories (scientific, medical chemical) and testing facilities devoted to experimental production, research, product development or similar activity
- OFFICE
- Public Utility [9]
- PUBLISHING FACILITY
- Veterinary Office, Animal Hospital or KENNEL [10]
- WAREHOUSING
- WHOLESALING

## Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size [3]	2 acres
Maximum LOT COVERAGE [4]	33%
Minimum FRONTAGE	200 ft [3]
PRINCIPAL BUILDING	
Front SETBACK [5]	50 ft
Abut a Street SETBACK	50 ft
Side SETBACK	50 ft
Rear SETBACK	50 ft
OUTBUILDING/ACCESSORY USE*	
Front SETBACK	50 ft
Abut a Street SETBACK	50 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING [6]	55 ft max
OUTBUILDING	55 ft max

\*Parking areas shall be set back at least twenty-five (25) feet from property lines. [Added 7-8-87 by Ord. No. 15-87]

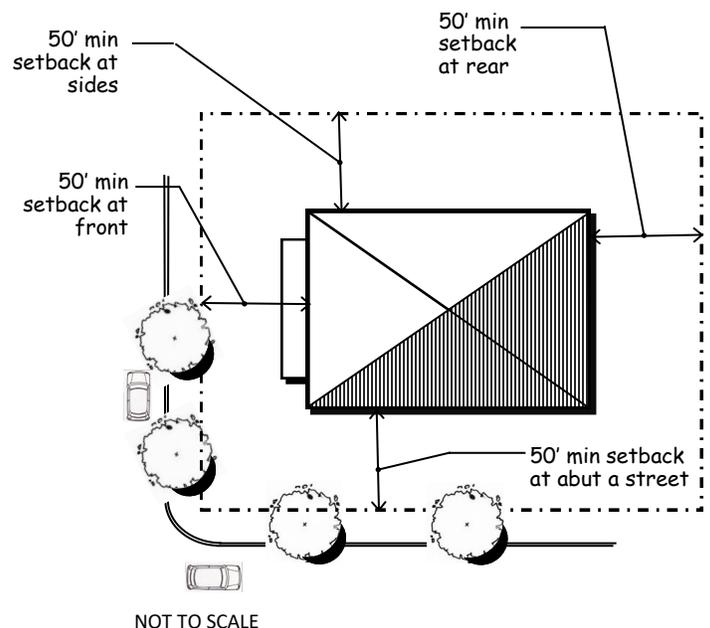
## Uses Permitted by Conditional Use

- Educational Institution, Post Secondary
- Helicopter Take Offs & Landings
- Personal Service Establishment
- SELF-SERVICE STORAGE FACILITY

## Sign Regulations

Size	IT District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each lineal foot of business FRONTAGE (see 170-32 for regulations for businesses bordering the Spaulding Turnpike)
Type	
FREESTANDING	permitted, provided that the principal building is setback at least 75 ft (max ht 16 ft, max size 100 sf)
PROJECTING	Not permitted
WALL/ Awning	permitted
Temporary	permitted

## Principal Building Placement





## Footnotes

- [1] Refer to 170-13 and 170-14 for exceptions to lot size, frontage and setback requirements.
- [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required.
- [3] Not applicable to lots off internal or private roadways
- [4] At least thirty-three percent (33%) of the site shall be maintained as open space, either landscaped or left natural. A maximum of thirty-three percent (33%) of the site can be covered by buildings. [Added 10-26-88 by Ord. No. 18-88]
- [5] See Section 170-15.
- [6] The maximum building heights may be increased to seventy-five (75') feet provided the following conditions are met:
  - A. The additional building height above fifty (50') feet is necessary to meet an industrial function.
  - B. The building is located a minimum of 200 feet from a Residential District.
  - C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.
  - D. The building is for a permitted use, and not one granted by special exception, conditional use permit or variance.
- [7] No Drive Thru Allowed
- [8] Where FARM ANIMALS are raised and boarded, shelters to house said animals shall not be less than one hundred (100) feet from any property boundary.
- [9] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within. [Amended 10-28-88 by Ord. No. 18-88]
- [10] Shelters and runs used to house and/or contain animals shall be no closer than one hundred (100) feet from any property line and must support a minimum tract size of one hundred thousand (100,000) square feet. [Amended 8-1-90 by Ord. 8-90]
- [11] Parking areas shall be screened from public streets and existing residential uses so as to minimize the visibility of such areas. Screening may consist of vegetation, earth berms, fencing or any combination of the above.
- [12] The allowed activities shall not be obnoxious or offensive by reason of emission of dust, odor, smoke, gas, noise or similar cause. Prior to site plan approval, the applicant shall submit evidence to the Planning Board identifying waste products to be generated by on-site activities. A plan for removal of the waste shall be approved by the Planning Board. Developments that will use, store or generate hazardous chemicals shall identify such chemicals prior to site plan approval. A plan for storage and use of hazardous chemicals shall be approved by the Planning Board. Plans pertaining to waste or hazardous chemicals shall verify compliance with applicable federal, state and local regulations.
- [13] A residential structure located within the Innovative Technology District and existing prior to 7-8-1987 may be increased up to twenty percent

(20%) of the gross floor area of habitable space. New dwelling units shall not be allowed. Furthermore, customary accessory structures shall be allowed within the Innovative Technology District, but must remain within seventy-five (75) feet of the nonconforming residential structure.

- [14] Development within the IT District shall conform to design standards contained in Chapter 153, entitled Site Review, Chapter 153-15.

## Conditional Use Permit Criteria

The following uses shall be allowed if a Conditional Use Permit is granted by the PLANNING BOARD upon a finding that the following criteria are met:

### Self Storage Facility

- A. The minimum front SETBACK shall be double the SETBACKS required in the district.
- B. Any storage unit BUILDING visible from the STREET shall be located to be perpendicular to the STREET, with no storage unit doors facing the STREET.
- C. 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. Not hold auctions or sales of contents of storage containers.
  - iv. Have screening sufficient to block the view of the BUILDINGS from abutting parcels and shall prohibit lighting from shedding onto abutting parcels.
  - V. All setbacks shall be double the setbacks required in the district, not just the front setback.
- D. The architectural design standards of Chapter 149-14L (8) (b) shall be adhered to.

### Helicopter take offs and landings:

- A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
- B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
- C. The facility shall be accessory to the principal use located on the lot.
- D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

### Educational Institution, Post Secondary:

- A. The school is a trade/vocational/career technical school
- B. The school is accredited by the State of New Hampshire

### Personal Service Establishments:

- A. The use is part of a larger retail/office or service center
- B. The use is complimentary to the adjacent advanced manufacturing or assembly uses