 <p>CITY OF DOVER</p>	<h2 style="text-align: center; background-color: #2e5496; color: white; padding: 5px;">CITY OF DOVER – ORDINANCE</h2> <p>Ordinance Number: O – yyyy.mm.dd - Ordinance Title: Updating the Dover Zoning Ordinance Chapter: 170</p>
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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 Chapter 170-6.B., “Word Usage and Definitions”, by adding the following definition to the ordinance, which is to read as follows:

“COMMUNITY RESIDENCE means an establishment qualified for certification or licensure by the State of New Hampshire which provides resident services to individuals with a developmental disability or an acquired brain disorder. This use shall be permitted by right in all zoning districts.”

3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6.B., “Word Usage and Definitions”, by revising the definition below to read as follows:

“OPEN SPACE means land that is not built upon or substantially altered by human activity, including open fields, such as meadows and farmland, and forest as well as undeveloped shorelands and water bodies. No more than 35% of any required open space may be comprised of any protected overlay zone such as wetlands, buffers to wetlands, steep slopes, or no-cut/ no-disturb buffers.”

4. AMENDMENT

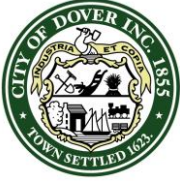
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6.B., “Word Usage and Definitions”, by adding the following definition to the ordinance, which is to read as follows:

“ELECTRIC VEHICLE (“EV”) READINESS means having installed electrical conduit and stub-outs to accommodate the power requirements of industry-standard EV chargers for future installation.”

5. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6.B., “Word Usage and Definitions”, by adding the following definition to the ordinance, which is to read as follows:

“SOLAR READINESS pursuant to a structure means that the structure in question is proven to be physically capable of supporting the industry standards for nominal loads of a roof-mounted solar array in proportion with the size and use of the structure, including electrical conduit access from the service panel to the future array location.”



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

6. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6.B., “Word Usage and Definitions”, by adding the following definition to the ordinance, which is to read as follows:

“GRAND OPENING SIGN means any temporary sign, to include banner-type signs, which is installed prior to the initial opening of a new business. Such signs shall not exceed twenty-four (24) sf. in total and shall be installed for a period not to exceed two (2) weeks.”

7. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6.B., “Word Usage and Definitions”, by revising the definition of Accessory Dwelling Unit to read as follows:

“ACCESSORY DWELLING UNIT means a secondary dwelling unit attached and subordinate to a SINGLE-FAMILY DWELLING or constructed within a detached ~~garage structure~~ that is accessory and subordinate to a single-family dwelling. See § 170-24 for the accessory dwelling unit regulations.”

8. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6.B., “Word Usage and Definitions”, by amending the definition of a single-family home, which is to read as follows:

“DWELLING, SINGLE-FAMILY — A detached building, to include MANUFACTURED HOUSING, containing one dwelling unit only.

9. AMENDMENT

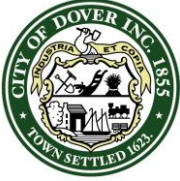
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6.B., “Word Usage and Definitions”, by amending the definition of unsuitable development area, which is to read as follows:

“UNSUITABLE DEVELOPMENT AREA — The area of a site that includes wetlands, water bodies, slopes exceeding a grade of 20% and totaling more than 2,000 square feet of contiguous area, land used for septic systems, floodways, areas within 25 feet of a designated burial ground, ~~and~~ floodway fringe within the 100-year floodplain as shown on the latest FEMA maps accepted by the City, and public utility easements

10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12, Commercial District (C) Table of Uses, by amending the solar/green roof standards under footnote 8, to eliminate forced installation of solar or green roofs while upholding the solar readiness standard:

“Solar/Green Roof Standard:



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

- All buildings ~~must~~ shall be constructed to be solar ready, ensuring that future installation of solar energy systems can be easily and effectively accommodated.
- ~~Commercial and mixed use buildings that are 25,000 sq. ft. or more must also incorporate solar panels and/or a green roof on at least 30 percent of the roof area.~~
- ~~Commercial and mixed use buildings that are 25,000 sq. ft. or more must also incorporate solar panels and/or green roof on at least 30 percent of the roof area.~~

11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12, Commercial Manufacturing District (CM) Table of Uses, by amending the solar/green roof standards under footnote 9, to eliminate forced installation of solar or green roofs while upholding the solar readiness standard:

“Solar/Green Roof Standard:

- All buildings ~~must~~ shall be constructed to be solar ready, ensuring that future installation of solar energy systems can be easily and effectively accommodated.
- ~~Commercial and mixed use buildings that are 25,000 sq. ft. or more must also incorporate solar panels and/or a green roof on at least 30 percent of the roof area.~~
- ~~Commercial and mixed use buildings that are 25,000 sq. ft. or more must also incorporate solar panels and/or green roof on at least 30 percent of the roof area.~~

12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12, Innovative Technology District (IT) Table of Uses, by amending the solar/green roof standards under footnote 14, to eliminate forced installation of solar or green roofs while upholding the solar readiness standard:

“Solar/Green Roof Standard:

- All buildings ~~must~~ shall be constructed to be solar ready, ensuring that future installation of solar energy systems can be easily and effectively accommodated.
- ~~Commercial and mixed use buildings that are 25,000 sq. ft. or more must also incorporate solar panels and/or a green roof on at least 30 percent of the roof area.~~
- ~~Commercial and mixed use buildings that are 25,000 sq. ft. or more must also incorporate solar panels and/or green roof on at least 30 percent of the roof area.~~

13. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12, Central Business, General District (CBD-G) Table of Uses, by amending the solar/green roof standards under Required Building Standards, to eliminate forced installation of solar or green roofs while upholding the solar readiness standard:

“Solar/Green Roof Standard:

- All buildings ~~must~~ shall be constructed to be solar ready, ensuring that future installation of solar energy systems can be easily and effectively accommodated.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

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

14. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12, Central Business, Mixed Use District (CBD-M) Table of Uses, by amending the solar/green roof standards under Required Building Standards, to eliminate forced installation of solar or green roofs while upholding the solar readiness standard:

“Solar/Green Roof Standard:

- All buildings ~~must~~ shall be constructed to be solar ready, ensuring that future installation of solar energy systems can be easily and effectively accommodated.
- ~~• Commercial and mixed use buildings that are 25,000 sq. ft. or more must also incorporate solar panels and/or a green roof on at least 30 percent of the roof area.~~
- ~~• Commercial and mixed use buildings that are 25,000 sq. ft. or more must also incorporate solar panels and/or green roof on at least 30 percent of the roof area.~~

15. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12, Central Business, Transit Oriented Development District (CBD-TOD) Table of Uses, by amending the solar/green roof standards under Required Building Standards, to eliminate forced installation of solar or green roofs while upholding the solar readiness standard:

“Solar/Green Roof Standard:

- All buildings ~~must~~ shall be constructed to be solar ready, ensuring that future installation of solar energy systems can be easily and effectively accommodated.
- ~~• Commercial and mixed use buildings that are 25,000 sq. ft. or more must also incorporate solar panels and/or a green roof on at least 30 percent of the roof area.~~
- ~~• Commercial and mixed use buildings that are 25,000 sq. ft. or more must also incorporate solar panels and/or green roof on at least 30 percent of the roof area.~~

16. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12, Heritage Residential District (HR) Table of Uses, by amending CUP criteria for the conversion or creation of a 3-4 Family Dwelling, in anticipation of the enactment of SB 284, by decreasing the mandatory parking space per-unit count to one (1):

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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

- A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the HR District that are wholly or partly within two hundred (200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.
- B. Off-street parking, in accordance with Chapter 153, Site Review, shall be provided as to avoid vehicles backing into the street. ~~Two (2)~~ One (1) parking spaces per unit shall be required.
- C. Parking lots shall be at least five (5) feet from a side property line and ten (10) feet from a front property line.
- D. Parking areas shall be screened from the street and from abutting lots.
- E. Structures shall be at least twenty (20) feet from a front property line, thirty (30) feet from a rear property line and fifteen (15) from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet.
- F. For new construction, the building must be designed to look like a SINGLE FAMILY DWELLING. At a minimum, this shall mean that only one entrance shall be visible from a public street. For conversions, the building must retain its appearance as a SINGLE FAMILY DWELLING or a 2 family dwelling, whichever is the current use. Notwithstanding any other provision of Chapter 170, a legal or legal non-conforming accessory structure existing as of the effective date of these regulations may be converted into one or more residential units, provided that the building shall not be enlarged, nor shall any exterior improvements be made to alter its appearance as an accessory structure.”

17. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12, Urban Density Multi Residential District (RM-U) Table of Uses, by amending Special Exception criteria for the conversion or creation of a 3-4 Family Dwelling, in anticipation of the enactment of SB 284, by decreasing the mandatory parking space per-unit count to one (1):

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

- A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the RM-U District that are wholly or partly within two hundred (200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.
- B. Off-street parking, in accordance with Chapter 153, Site Review, shall be provided as to avoid vehicles backing into the street. ~~Two (2)~~ One (1) parking spaces per unit shall be required.
- C. Parking lots shall be at least five (5) feet from a side property line and ten (10) feet from a front property line.
- D. Parking areas shall be screened from the street and from abutting lots.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

- E. Structures shall be at least twenty (20) feet from a front property line, fifteen (15) feet from a rear property line and fifteen (15) from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet.
- F. If the units generated are restricted to the HUD Fair Market Rent rates, for Dover, criteria A and E do not apply.

18. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.A., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Conditional Use Permit criteria for the Education Institution, Post Secondary use in the Innovative Technology (IT) District, to read as follows:

- “A. The school is a trade/vocational/career technical school
- B. The school ~~is accredited by~~ has active licensure through the State of New Hampshire, or equivalent”

19. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.A, “Applicability of Tables of Use and Dimensional Regulations by District”, by adding “Personal Services” to the list of approved uses within the Urban Density Multi Residential (RM-U) District.

20. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Signage Table in the Central Business - General (CBD-G) District, to specify the maximum number of signs intends to refer to signs per tenancy, not per lot, which is to read as follows:

Sign Size & Quantity	
Total signs permitted	2 <u>[per tenancy, and is for lot (excluding development identification SIGNS)]</u>

21. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Signage Table in the Central Business Mixed Use (CBD-M) District, to specify the maximum number of signs intends to refer to signs per tenancy, not per lot, which is to read as follows:

Sign Size & Quantity



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

Total signs permitted	2 <u>[per tenancy, and is for lot (excluding development identification SIGNS)]</u>
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22. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Signage Table in the Central Business Residential (CBD-R) District, to specify the maximum number of signs intends to refer to signs per tenancy, not per lot, which is to read as follows:

Sign Size & Quantity	
Total signs permitted	1 <u>[per tenancy, and is for lot (excluding development identification SIGNS)]</u>

23. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Signage Table in the Central Business Transit Oriented Development (CBD-TOD) District, to specify the maximum number of signs intends to refer to signs per tenancy, not per lot, which is to read as follows:

Sign Size & Quantity	
Total signs permitted	2 <u>[per tenancy, and is for lot (excluding development identification SIGNS)]</u>

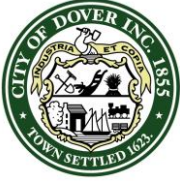
24. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Signage Table in the Commercial (C) District, to clarify the sign-per-frontage relief specified within the ordinance text, which is to read as follows:

Sign Size & Quantity	
Total signs permitted (<i>see §170-50 for multiple frontage exceptions</i>)	2 <u>[per tenancy, and is for lot (excluding development identification SIGNS)]</u>

25. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

revising the Signage Table in the Commercial Manufacturing (CM) District, to clarify the sign-per-frontage relief specified within the ordinance text, which is to read as follows:

Sign Size & Quantity	
Total signs permitted (<i>see §170-50 for multiple frontage exceptions</i>)	2 [per tenancy, and is for lot (excluding development identification SIGNS)]

26. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Signage Table in the Information Technology (IT) District, to clarify the sign-per-frontage relief specified within the ordinance text, which is to read as follows:

Sign Size & Quantity	
Total signs permitted (<i>see §170-50 for multiple frontage exceptions</i>)	2 [per tenancy, and is for lot (excluding development identification SIGNS)]

27. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Dimensional Regulations Table within the Central Business Mixed Use (CBD-M) District Table of Uses, correct errors within the table as follows:

Principal Building	
Lot Size	N/A
Lot coverage	75% – 100% <u>50% min</u>
Frontage build-out	80% min <u>60% min</u>
Front primary build-to line	0 ft. min – 0 ft. max <u>5 ft. min - 20 ft. max</u>
Front secondary build-to line	0 ft. min – 0 ft. max <u>5 ft. min - 20 ft. max</u>
Side setback	10 ft. min, 25 ft. max <u>5 ft. min - 20 ft. max</u>
Rear setback	0 ft. min, 25 ft. max <u>10 ft. min - 20 ft. max</u>
Outbuilding	
Front setback	Not permitted <u>20 ft. min + bldg. setback</u>
Side setback	Not permitted <u>5 ft. min</u>
Rear setback	Not permitted <u>5 ft. min</u>
Private Frontages	



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

Common yard	Not permitted <u>Permitted</u>
Porch and fence	Not permitted <u>Permitted</u>
Terrace/lightwell	Not permitted <u>Permitted</u>
Stoop	<u>Permitted</u> <u>Permitted</u>
Shopfront/awning	<u>Permitted</u> <u>Permitted</u>
Gallery	<u>Permitted</u> <u>Not permitted</u>
Height of Building	
Principal building	5 <u>3</u> story max, 3 <u>2</u> story min
Outbuilding/accessory	Not permitted <u>2 story max</u>

28. AMENDMENT

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

“STREETSCAPE STANDARDS

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

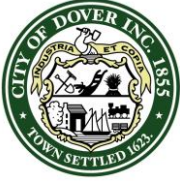
29. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Downtown Architectural Standards in the Gateway District (G) Table of Uses, to read as follows:

“DOWNTOWN ARCHITECTURAL STANDARDS*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Gateway District is integral to maintaining the character and identity of our community. Buildings designs and materials along Central Ave should enhance the appearance of Dover, reinforce pedestrian character where appropriate, reflect a consistency found within the sub-district, neighboring buildings, and natural and cultural resources. Building design should also minimize potential aesthetic conflicts between residential and nonresidential uses and between single family and multifamily uses. Architectural Standards are not intended to stifle creativity or variety, but produce designs respectful of place and context. ~~For more information, please see Section 2 of Dover’s CBD Architectural Design Guidelines.”~~

30. AMENDMENT



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-14, Nonconforming Lots, by amending the applicability statement, which is to read as follows:

“170-14. Nonconforming lots. [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 10-13-2021 by Ord. No. 2021.09.08-006]

In any district, structures which are allowed by right, ~~but not structures that are allowed by special exception,~~ may be erected on any nonconforming lot of record even though such lot fails to meet the requirements for area, width or frontage provided that:

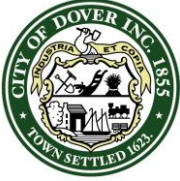
- A. The lot has been duly recorded at the Strafford County Registry of Deeds on or before the effective date of adoption of this chapter.
- B. Should the lot be less than 5,000 square feet and not have a minimum width of 50 feet, it may be developed as long as the home constructed is no larger than 1,000 square feet in total living space.
- C. If the lot has a land area of at least 5,000 square feet and a minimum width of 50 feet, a home constructed may be larger than 1,001 square feet in total living space.
- D. In either case, the following side yard restrictions shall apply:
 - (1) A lot with a width of 110 feet or less and greater than 75 feet shall have a minimum side yard of 10 feet
 - (2) A lot with a width of less than 75 feet shall have a minimum side yard of six feet

The above relief afforded for construction on nonconforming lots shall not apply to uses which are subject to either a Special Exception or a Conditional Use permit granted through the Zoning Board of Adjustment..”

31. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-15.B, “Recreation space and separation between use requirements”, by removing subsection B, instead relying on a more comprehensive metric for determining building separation, per NFPA guidelines.

- A. For each bedroom of a multifamily (greater than four dwelling units) residential structure, there shall be provided at least 100 square feet of usable recreation space. Half of this required recreation space shall be provided in such a manner so as to afford active recreational opportunities for children, to include such facilities as swings, sandboxes, slides, play areas, etc. The remainder of the required recreation space shall be provided in such a manner so as to afford passive recreational opportunities for adults, such as sitting areas, outdoor cooking facilities, walkways, etc. The active and passive recreational facilities may be



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

combined or separated as appropriate to the site and to the anticipated occupancy needs of the development.

- (1) Efficiency apartments shall be counted on the basis of 50 square feet per unit.
- (2) A payment in lieu of providing the recreation space on site, for an identified recreation area, may be agreed to by the Planning Board.
- B. The minimum distance between any main building and any accessory building not structurally attached to such main building shall ~~be not less than the height of the rear wall of the accessory building~~ comply with any and all applicable regulations as specified in the currently-adopted Fire Code.
- C. No part of a yard or other recreation space required for any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other recreation space similarly required for another building.
- D. Nonresidential uses requiring site plan review shall be at least 150 feet from all existing residential structures located within residential zones.
- E. A continuous and year-round visual buffer of either vegetation or fencing shall separate nonresidential structures or parking areas from existing residential structures located to the rear and side of any proposal.
- F. All screening and setback requirements pursuant to this section shall not be binding in the IT or any mixed-use zoning district. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**
- G. All recreation space requirements pursuant to this section shall not be binding in the CBD–General, TOD and CWD districts.

32. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-19.A, “Non-environmental conditional use permit criteria”, by adding a provision to clarify that exceptions granted to new or redeveloped projects for shared parking or driveways, as afforded in Chapter 153, shall also be afforded to any project requiring a non-environmental conditional for a use allowed by CUP in any of the City’s zoning districts. The additional provision shall read as follows:

“A. Purpose and intent.

- (1) Where a conditional use permit is being requested for relief by use or standards as allowed by this chapter, the following criteria in Subsection B shall be met.
- (2) Notwithstanding any other language herein, the relief granted in Chapter 153, Site Review Regulations, §17.C., shall apply to any use as defined in §11.B of this chapter.”

33. AMENDMENT



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-23, “Impact fees”, by repealing its applicability past the date established by the Planning Board.

“§ 170-23. Impact fees. [Amended 6-22-2016 by Ord. No. 2016.06.08-010]

- A. Purpose. This section is enacted pursuant to RSA 674:16 and 674:21 and in order to:
[Amended 8-22-2018 by Ord. No. 2018.08.08-009]
- (1) Assist in the implementation of the Master Plan and Capital Improvements Program.
 - (2) Provide adequate public capital facilities necessitated by new development.
 - (3) Assess an equitable share of the cost of public capital facilities to new development.
- B. Applicability. This section shall only apply to site plan approvals which were made prior to September 24, 2024. Projects that had verbiage about possible impact fee policy in their condition of approval, projects that received approval or reapproval in calendar year 2024, or projects submitted since September 24, 2024 are not required to meet this section. However, if impact fees have been paid for any project prior to the September 24, 2024 date, they are not to be voided or reimbursed unless the proposed development has been reduced or voided.
- C. Authority.
- (1) Impact fees may be assessed to new development to compensate the City of Dover and the School District for the proportional share of capital facilities generated by new development in the City of Dover. Any person who seeks approval for new development may be required to pay an impact fee in the manner set forth herein.
 - (2) The Planning Board may, as a condition of approval of any subdivision, site plan, or change of use, and when consistent with applicable Board regulations, require an applicant to pay an exaction for off-site improvements necessitated by the development.
 - (3) Nothing in this section shall be construed to limit the existing authority of the Planning Board to disapprove proposed development which is scattered or premature, or which would require an excessive expenditure of public funds, or which would otherwise violate applicable ordinances and regulations. Nothing in this section shall be construed to limit the Planning Board's authority to require off-site work to be performed by the applicant, in lieu of paying an exaction for off-site improvements, or the Board's authority to impose other types of conditions of approval. Nothing in this section shall be construed to affect types of fees governed by other statutes, ordinances or regulations.
- D. Assessment methodology.
- (1) Proportionality. The amount of the impact fee shall be calculated by the Planning Board to be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. The Planning Board may prepare, adopt, or amend studies or reports that are consistent with the above standards and which define a



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

methodology for impact fee assessment for public capital facilities and impact fee assessment schedules therefor.

(2) Existing deficiencies. Upgrading of existing facilities and structures, the need for which is not created by new development, shall not be paid for by impact fees. (3) In the case of new development created by conversion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee assessed for the new use as compared to the highest impact fee that was or would have been assessed for the previous use in existence on or after the effective date of this chapter. **[Added 8-22-2018 by Ord. No. 2018.08.08-009]**

E. Administration.

(1) Accounting. In accord with RSA 673:16, II, and 674:21, V(c), impact fees shall be accounted for separately, shall be segregated from the City's general fund, may be spent upon order of the City Council, and shall be used solely for the capital improvements for which they were collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fee was collected to meet. In the event that bonds or similar debt instruments have been or will be issued by the City of Dover or the Dover School District for the funding of capital improvements that are the subject of impact fee assessment, impact fees from the appropriate related capital facility impact fee accounts may be applied to pay debt service on such bonds or similar debt instruments.

(2) Assessment and collection.

- (a) Where subdivision or site plan approval is required for new development, impact fees shall be assessed at the time of Planning Board approval of a subdivision plat or site plan. The amount of such assessment shall be applicable to subsequent building construction within the approved subdivision or site plan for a period of five years from the date of Planning Board approval. Once this five-year period has expired, remaining construction for which no building permit has been obtained shall be subject to the adopted fee schedule in force at the time the building permit application is made. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**
- (b) With the exception of those plats and site plans meeting the conditions in Subsection D(2)(a) above, and when no other Planning Board approval is required or has been made prior to the adoption or amendment of this section, impact fees shall be assessed upon the issuance of a building permit. In such cases, the impact fee schedule in force at the time of the building permit application shall apply.
- (c) Impact fees will be collected prior to or at the time of issuance of a certificate of occupancy, unless the Planning Board establishes an alternate, mutually acceptable schedule of payment of impact fees imposed on an assessed property. If an alternate schedule of payment is established, the Planning Board may require security, in the form of a cash bond, letter of credit, or performance bond, so as to guarantee future payment of impact fees. In no case will an impact fee payment be allowed to be made after the issuance of a certificate of occupancy. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

- (3) Security. In the interim between assessment and collection, the Building Inspector may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed impact fees.
- (4) Refund of fees paid. The current owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest, under the following circumstances:
 - (a) When either the full or partial portion of the impact fee, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six years from the date of the full and final payment of the fee; or
 - (b) When the City of Dover or, in the case of school impact fees, the Dover School District, has failed, within the period of six years from the date of the full and final payment of such fee, to appropriate its proportionate non-impact-fee share of related capital improvement

F. Appeals.

- (1) A party aggrieved by a decision made by the Building Inspector regarding the assessment or collection of impact fees authorized by this section may appeal such decision to the Planning Board.
- (2) In accord with RSA 676:5, III, appeals of the decision of the Planning Board in administering this section may be made to Superior Court, as provided in RSA 676:5, III, and 677:15.

G. Waivers. The Planning Board may grant full or partial waivers of impact fees where the Planning Board finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed: [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-006]

- (1) The Planning Board may agree to waive all or part of an impact fee assessment and accept in lieu of a cash payment a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of impact fees under this provision that would involve a contribution of real property or the construction of capital facilities, the Planning Board shall submit a copy of the waiver request to the City Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind and may not be credited to other categories of impact fee assessment. The applicant shall pay all costs incurred by the City for the review of such proposal, including consultant and counsel fees.

34. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-24.B, “Accessory dwelling units”, by revising the ordinance to read as follows:



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

“B. Exterior alterations, enlargements, or extensions of the single-family dwelling or detached accessory structure are permitted in order to accommodate the accessory dwelling unit. However, no such change is permitted which would alter the appearance of the single-family dwelling to look like a duplex or any other multifamily structure (i.e., the house should not look like it was designed to occupy more than one family). The construction of any accessways into the house and/or detached ~~garage structure~~ which are required for access to the accessory dwelling unit shall be located to the side or rear of the building whenever possible.”

35. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-24.C, “Accessory dwelling units”, by revising the ordinance to read as follows:

“C. An ADU shall have an area of no less than 300 square feet and no greater than ~~800~~ 950 square feet. If located in a detached accessory structure, the accessory dwelling unit may be located on either floor of the structure.”

36. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28, of the Transfer of Development Rights Ordinance, §G, by amending the cost per-acre assessed by the TDR ordinance, which is to read as follows:

“G. Residential performance standards.

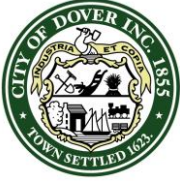
- (1) Annually, the City shall update a document identifying the ~~cumulative~~ cost per acre spent to preserve open space within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development and coordinated with the Conservation Commission. This cost shall become the value at which development rights may be purchased.”

37. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32.E(1), the procedural concepts section of the Residential-Commercial Mixed-Use overlay district, which is to read as follows:

“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; 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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

"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 or lessees in the project. Any open space provided above 20% may be mixed unsuitable areas 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.

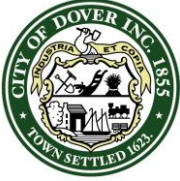
(4) For residential development that includes single-family homes over 1,001 square feet of total living area, or three- to four-family, density shall be based upon calculating one unit per 40,000 square feet of contiguous upland, and using 150 feet of frontage on a public roadway.

(5) For single-family residential homes 1,000 or less square feet of total living area, development, two-family dwellings, or multifamily 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.

(a) If units 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 density for said unit(s).

(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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

(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 § 170-29, Transfer of development rights. 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 through 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.

(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, § 153-16.

(e) All manufactured homes 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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

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.

38. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-33, Groundwater Protection, by amending §F, Performance Standards to correct an existing typographic error, which is to read as follows:

F. “Performance standards.

- (1) Applicability. Within the primary and secondary groundwater protection zones, the following performance standards shall apply to all new nonresidential and multifamily development, expansion of preexisting nonresidential and multifamily developments that expand the lot coverage of the existing structure(s) by more than 20%, and all subdivisions of four or more new lots:
 - (a) Post-development infiltration volumes shall be no greater than predevelopment volumes as determined by use of the Development Review Model described in Subsection G below.
 - (b) Stormwater shall be treated by use of a stormwater treatment system designed to remove no less than 80% of the annual load of total suspended solids. The removal rate shall be accomplished using best management practices installed in advance of the final infiltration system.
 - (c) No stormwater infiltration system shall be located within the ~~200~~ 50-day travel time of an existing or proposed municipal well as depicted on the map referenced in Subsection B above. In absence of a defined ~~200~~ 50-day-travel-time radius, the applicant shall submit a technical evaluation from a professional engineer, hydrologist or geologist that documents that the proposed discharge is consistent with the stated purpose and intent of this requirement.
- (2) Specific requirements. Within the primary and secondary groundwater protection zones, the following performance standards shall apply to specific activities which may impact the groundwater quality:
 - (a) Sand and gravel extraction operations shall not excavate below an elevation four feet above the seasonal high-water table observed when the associated water supply well has not been operating for at least two weeks prior to the date of measurement. The operator of the sand and gravel extraction operation shall prepare for the City an annual report documenting compliance with the requirements of this section. Pursuant to RSA 155-E:11, II, the requirements of this subsection may be waived if



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

the applicant demonstrates that such excavation will not adversely affect water quality and that written notice of such exception shall be recorded in the Registry of Deeds, and one copy filed with the New Hampshire Department of Environmental Services.

- (b) Pursuant to Chapter 81, Fire Prevention and Life Safety, § 81-24, on-premises use of heating oil tank facilities shall comply with the provisions of the National Fire Protection Association Standard NFPA 31, Installation of Oil-Burning Equipment.

39. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-50, “Sign review and regulations”, by eliminating irrelevant footnotes in reference to signage diagrams, eight (8) in total.

~~“Editor's Note: See Figures 8 and 9 of the Sign Diagrams, Part II, included as an attachment to this chapter.”~~

40. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-50.B, “Sign review and regulations”, by revising the ordinance to read as follows:

“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 of any newly proposed and existing sign on the premises, 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.”

41. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-50.O(1)(a)[2], “Sign review and regulations”, by revising the ordinance to read as follows:

“[2] The temporary sign shall be limited to 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 C Zoning District, with the exception of grand opening signs.”

42. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-53.D, “Nonconforming structures” to create a more equitable application of the relief afforded in this section, by revising the ordinance to read as follows:



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

“D. Additions to nonconforming single-family structures that were made nonconforming by a zoning amendment that changed the front, side or rear setback requirements shall be permitted within the front, side or rear setback areas, provided that the addition is no closer to the lot line than the existing nonconforming structure, and no closer than 10 feet to the lot line, or is no closer than six (6) feet from the lot line, whichever is greater.”

43. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-56, “Applicability”, by revising the ordinance to read as follows:

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

- A. Conformity with the Site Review Regulations, Chapter 153, §§ 153-14 and 153-17, site development criteria, as deemed necessary by the Director of Planning and Community Development.
- B. Where parking spaces are provided for nonresidential structures and this parking area adjoins a residential use, suitable screening at least seven feet in height shall be provided and maintained.
- C. In the Central Business District (CBD) and Cochecho Waterfront District (CWD), municipal parking facilities may be substituted for the requirements of this section.
- D. Parking spaces for nonresidential uses and multifamily dwellings shall have independent access to an aisle or driveway and be accessible year-round.

44. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-60.E, “Amendment procedure” by removing an erroneous reference to newspaper fees, which are not applicable to the amendment process. The updated language reads as follows:

“E. Submission requirements for petitioned amendments. A petitioned amendment proposal shall be accompanied by maps, data and narrative information describing the location, nature and purpose of the proposed amendment, as follows:

- (1) A properly drafted ordinance containing the amendment in a form meeting the requirements of the City Clerk;
- (2) A statement of the purposes and intent of the proposed amendment; City of Dover, NH
- (3) A statement of the impact of the proposed amendment on the City's economy, environment, municipal services, municipal facilities and neighborhoods;
- (4) map showing the existing zoning districts and the amendments to these districts as proposed in the amendment, if applicable;
- (5) The names, addresses, and telephone numbers of those submitting the petition and of any agents or representatives of the same;



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

- (6) A list and address labels including the name, address, and Tax Map number of each property owner of the area proposed for rezoning and each property owner within 100 feet of the subject area. The list shall be current within 10 days of submittal; and
- (7) ~~A nonrefundable fee as contained within the Fee Schedule to cover the cost of the newspaper notice, and a nonrefundable fee as contained within the Fee Schedule per landowner and abutter required to be notified per Subsection D(2)."~~

45. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-60.G, "Amendment procedure" by removing an erroneous reference to newspaper fees, which are not applicable to the amendment process. The updated language reads as follows:

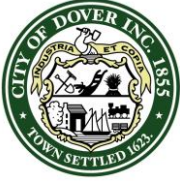
"G. City Council action on proposed amendments.

- (1) Setting a hearing date. Upon receipt of the Planning Board's report and recommendations on the proposed amendment, or upon the expiration of the sixty-day study period, the City Council shall establish a date for a public hearing and shall further publish and post a notice of such hearing as specified in Subsection D.
- ~~(2) Waiver of notice. In the event that the proposed amendment is comprehensive in nature, the aforementioned provisions requiring notice by first class mail to individual landowners and abutters may be waived by a majority vote of the full City Council, with respect to the public hearing to be held before it. An amendment shall be deemed to be comprehensive in nature if it affects more than one of the zoning districts established by § 170-7 of this chapter. Under no circumstances may the provisions for publication of notice in a newspaper or posting of public City of Dover, NH notice contained in Subsection D(1) of this section be waived.~~
- (3) Action on the proposed amendment. After holding the duly noticed public hearing on a proposed amendment, the City Council shall approve or disapprove the amendment. The City Council shall not have the right to overrule the Planning Board recommendations unless by a vote of not less than 2/3 of its membership present and voting.
- (4) Protest petition. If a valid protest petition, in accordance with RSA 675:5, has been filed against a proposed amendment, a favorable vote of 2/3 of the City Council members present shall be required.

46. TAKES EFFECT

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

AUTHORIZATION



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

Approved as to Funding: Daniel R. Lynch Sponsored by: TBD
Finance Director

Approved as to Legal
Form and Compliance: Jennifer Perez
Acting City Attorney

Recorded by: Jerrica Vansylvong-
Bizier
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor, Robert Carrier		
Deputy Mayor Dennis Shanahan, Ward 5		
Councilor April Richer, Ward 1		
Councilor, Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Lindsey Williams, At Large		
Councilor Linea Nemeth, At Large		
Total Votes:		
Resolution does does not pass.		