



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: April 12, 2016

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 Chapter 170-6 “Definitions”, to revise definitions as follows:

“**HEIGHT OF BUILDING** means the vertical distance measured from the **average** grade level **adjoining the BUILDING** to the highest level of the roof surface or front PARAPET, whichever is greater. Television and radio receiver ANTENNAS and photovoltaic systems as well as church steeples shall not be included in this calculation.”

“**NONCONFORMING USE** means a lawful use that ~~does not conform as to BULK~~ if it does not conform to the prescribed ~~use BULK~~ regulations of the district in which it is located.”

“~~TEMPORARY PORTABLE SIGN~~ means a SIGN(s) customarily located on a trailer or similar wheeled apparatus, whether self-propelled or pulled by another vehicle, ~~intended for promotional purposes or to convey an advertising message of any kind~~, which is not permanently affixed to the ground. A-frame, sandwich board, inflatable, and other SIGNS not permanently affixed, directly or indirectly, upon a BUILDING, STRUCTURE, or land and not otherwise referenced under the definitions of “FREESTANDING SIGN,” “PROJECTING SIGN,” or “WALL SIGN” shall also be considered as “TEMPORARY ~~PORTABLE~~ SIGNS.”

“**CHILD CARE FACILITY** means a non-residential facility use for the care of children for periods of less than twenty-four (24) hours per day, and/or the provision of educational services commonly associated with preschool, nursery schools or kindergartens. A CHILD CARE FACILITY requires Technical Review Committee review ~~and is subject to possible Site Review and PLANNING BOARD approval per Section 149-4.C.3 of the Site Review Regulations.~~”

“**OUTBUILDING** – see **ACCESSORY STRUCTURE** ~~means an accessory BUILDING, usually located toward the REAR of the same LOT as a PRINCIPAL BUILDING, and sometimes connected to the PRINCIPAL BUILDING.~~”



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3. AMENDMENT

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

“DIRECT ILLUMINATION means that the material of which a sign is made is itself illuminated (e.g. neon light).

EXTERNAL ILLUMINATION means a separate light fixture that shines onto a sign in order to illuminate it.

INTERNAL ILLUMINATION means illumination that is located within a translucent or otherwise diffusive sign material.

DEVELOPMENT IDENTIFICATION SIGN means a sign attached to a screening wall or landscape planter designed and intended to identify an approved multi-lot residential subdivision or multi-tenant site plan, located at the principal vehicular entry points.”

4. 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 December 9, 2009, is amended by changing from Urban Density Multi-Residential (RM-U) District to Heritage Residential (HR) District an area of approximately 5.06 acres located along Arch Street and Washington Street, consisting of lots 10-21*, 10-40*, and 10-151.”

* = only that portion of the lot within the RM-U District will be affected.

5. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, to add a new definition as follows:

“SELF-SERVICE STORAGE FACILITY means a building or a group of buildings consisting of individual, self-contained units of various sizes rented or leased for self-storage of customers’ property.”

AND



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Dimensional Regulations Tables in the Restricted Industrial District (I-1), Rural Restricted Industrial District (I-2) and Assembly and OFFICE District (I-4), to add SELF-SERVICE STORAGE FACILITY as a use allowed by Conditional Use Permit with criteria as follows:

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

- A. The minimum front SETBACK shall be double the SETBACKs required in the district.**
- B. Any 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.****
- D. The architectural design standards of Chapter 149-14L (8) (b) shall be adhered to.”**

6. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Dimensional Regulations Tables in the Hospital (H) District, Little Bay Waterfront (LBW) District, and Office (O) District, to add ACCESSORY DWELLING UNIT as a permitted use.

7. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Dimensional Regulations Table in the Suburban Density Multi-residential (RM-SU) District to delete footnote [4]: “~~A single family residential dwelling~~”



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~~may be constructed within this zoning district under the same dimensional regulations that govern development in a R-20 District.”~~

8. AMENDMENT

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

In the “Ground Floor Standards” section of “Special Regulations,” revise the third bullet point to read, “Residential uses permitted; ~~buildings with more than 4 units are required to follow architectural standards, see section 170-20F.~~”

In the “Permitted Uses – Central Business District” table, revise the residential row to read, “Permitted, ~~buildings of four or more units on GROUND FLOOR allowed only if Architectural Standards are followed.~~ Density allowed at 5,000 sf per unit, 10 units max.”

9. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Dimensional Regulations Table in the Cochecho Waterfront District (CWD) by removing an obsolete reference to the Mill Motif in the Sign Regulations table.

10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-20. “Central Business District Regulations” by revising Section H “Administration” to add language as follows:

“H. Administration

- (1) Deviations from the requirements herein may be requested by application to the PLANNING BOARD for a conditional use permit (see Section B). Administrative appeals from this Section may be directed to the ZONING BOARD OF ADJUSTMENT (as outlined in 170 – 52). Projects submitted shall follow the process outlined with Chapter 149, Site Review Regulations.

- a. **Any redevelopment of an existing STRUCTURE within the CBD Downtown Gateway or Mixed Use sub-districts does not require a Conditional Use Permit if it results in three (3) or fewer total residential units, or if it**



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increases the gross floor area of nonresidential space by less than twenty-five hundred (2,500) square feet, and is exempt from the regulations of this Section, except for SETBACK, BUILD TO, and use regulations. Density requirements for residential uses do not apply.

- (2) Any redevelopment within the CBD is exempt from Wetlands Regulations as described and administered in this Chapter.”

11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-23 “IMPACT FEE Ordinance”, by revising section F – “Waivers”, subsections (a) and (b) to read as follows and renumber subsection (c) to (b):

“(a) An APPLICANT may request a full or partial waiver of school IMPACT FEES for those residential units that are lawfully restricted to occupancy by senior citizens age sixty two (62) or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The PLANNING BOARD may waive school IMPACT FEE ASSESSMENTS on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age sixty two (62) or over for a period of at least twenty (20) years. **An APPLICANT may request a partial waiver of school IMPACT FEES, reduced to twenty (20) percent of the assessed school IMPACT FEE, for residential units in a development that are lawfully restricted to occupancy by at least one person fifty-five (55) or over per unit in at least eighty (80) percent of the units.**

~~(b) A person may request a full or partial waiver of IMPACT FEES for construction within a subdivision or site plan approved by the PLANNING BOARD prior to the effective date of this ordinance. Prior to granting such a waiver, the PLANNING BOARD must find that the proposed construction is entitled to the four (4) year exemption provided by RSA 674:39, pursuant to that statute. This waiver shall not be applicable to phases of a phased development project where active and substantial development, BUILDING and construction has not yet occurred in the phase in which construction is proposed.”~~

12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-24 “ACCESSORY DWELLING UNITS” as follows.

“170-24. ACCESSORY DWELLING UNITS. [Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]

Where permitted, an ACCESSORY DWELLING UNIT shall comply with the following:



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- A. A maximum of one (1) ACCESSORY DWELLING UNIT (ADU) per property is permitted. An ADU shall not be permitted on property where more than one DWELLING UNIT currently exists.
- 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 multi-family STRUCTURE (i.e., the house should not look like it was designed to occupy more than one family). The construction of any access ways into the house and/or detached garage which are required for access to the ACCESSORY DWELLING UNIT shall be located to the side or REAR of the BUILDING whenever possible.
- C. An ADU shall have an area of no less than ~~300~~ **three hundred (300)** square feet and no greater than ~~800~~ **eight hundred (800)** square feet. ~~An attached ACCESSORY DWELLING UNIT shall occupy no more than 30% of the FLOOR AREA of the SINGLE FAMILY DWELLING, including the ADU.~~ If located in a detached ACCESSORY STRUCTURE, the ACCESSORY DWELLING UNIT shall be located entirely on the second floor of the STRUCTURE.
- D. A minimum of one dedicated OFF-STREET PARKING space shall be provided for the ADU.
- E. The SINGLE-FAMILY DWELLING (and detached ACCESSORY STRUCTURE, when applicable) and LOT shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the SINGLE-FAMILY DWELLING. In order to ~~assure~~ **ensure** compliance with this requirement, the property owners at the time the ADU is established shall be required to execute a restrictive covenant running in favor of the City, which shall be recorded in the Strafford County Registry of Deeds and a copy **of which shall be** provided to the Planning and Community Development Department and the **City** Assessor prior to the issuance of a CERTIFICATE OF OCCUPANCY.
- F. The property owner must occupy one of the two DWELLING UNITS. Electric, water, and sewer utilities shall be metered on a single bill.
- G. Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.



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H. A certificate of use issued by the Zoning Administrator is required to verify conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1st following the date of approval of the certificate of use and then by every January 1st thereafter for so long as the ACCESSORY DWELLING UNIT continues. Fees shall be levied as set forth in the City of Dover **Fee Schedule** ~~Adopted Schedule of Fees~~, as amended annually, for ACCESSORY DWELLING UNIT certificates of use and renewals.”

13. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27 “Conservation District”, by revising section E(6), first paragraph to read as follows:

“(6) Upon the discretion of the Building Inspector, a STRUCTURE may be erected within the Conservation District as described in Subsection B(1) up to but never closer than seventy-five (75) feet of the **reference line (as defined in RSA 483-B:4, XVII)** ~~mean high water mark~~, provided that:”

14. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “SIGN Review and Regulations” as follows.

“ARTICLE X

SIGNS AND FENCES

170-32. SIGN Review and Regulations. [Amended on 3-14-84 by Ord. No. 7-84; on 6-10-87 by Ord. No. 13-87; on 10-26-88 by Ord. No. 18-88; on 08-01-90 by Ord. No. 8-90; on 04-21-93 by Ord. NO. 04-93; on 11-22-95 by Ord. No. 19-95; on 01-22-2003 by Ord. No. 35-02; on 03-21-2007 by Ord. No. 01-07; on 12-09-2009 by Ord. No. 2009.09.09-15; on 12-08-2010 by Ord. No. 2010.10.27-13; on 02-22-2012 by Ord. No. 2012.01.25; on 08-19-2015 by Ord. No. 2015.07.22 – 017

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



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unattractive can be eliminated by sensible quality control through maintenance and inspection and by guidelines formulated to minimize clutter.

- 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 ~~directional SIGN~~, a residential nameplate or a **SIGN exempted from the permitting requirements of this Section as described herein** or ~~SIGN advertising a sale or lease of a premise~~, shall be erected or placed in the City of Dover without a SIGN permit. Said permit shall be issued by the Zoning Administrator, provided that the SIGN meets all the regulations of this Section, after the submission of a set of plans to an appropriate scale, showing site location, dimensions, method of illumination, if any, and types of materials to be used in construction. Replacement of existing SIGNS and support STRUCTURES, where the area, location or materials are being ALTERed, shall require a permit, and such replacement shall conform to the regulations of this Section.
- C. General provisions. All SIGNS shall conform to the following regulations:
- (1) **SIGN Location.** ~~All SIGNS shall be located on the same LOT as the uses which they identify with the following exceptions:~~ **SIGNS shall relate only to the premises upon which they are located, excluding Temporary SIGNS as regulated in Subsection Q.**
- (a) ~~Political Advertising SIGNS. Political advertising SIGNS shall be regulated as required in Subsection L.~~
- (b) ~~Industrial Park SIGNS. Industrial Park SIGNS shall be regulated as required in Subsection J.(2)(g).~~
- (c) ~~Temporary Real Estate and Yard Sale SIGNS. Temporary (forty eight (48) hours) real estate and yard sale SIGNS may be located off site with the permission of the property owner of the land on which the SIGN is to be placed.~~
- (d) ~~Temporary Non profit, Public Benefit and/or Municipality Related SIGNS. Temporary non profit, public benefit and/or municipality related SIGNS shall be regulated as required in Subsection Q.~~
- (2) All SIGNS shall be constructed, erected and maintained so as not to present a hazard to persons and property.



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- (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 ~~or~~ of a motorist.
 - (a) FLASHING SIGNS are prohibited.
 - (b) Illuminance of the SIGN face shall not exceed the following standards:
 - (i) ~~External illumination~~ **EXTERNAL ILLUMINATION**: fifty (50) foot-candles as measured on the SIGN face.
 - (ii) ~~Internal illumination~~ **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~~ **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.¹
- (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.

¹See Figure 1 of the SIGN Diagrams, Part I, included at the end of this Chapter



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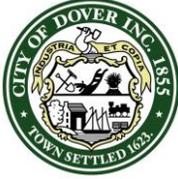
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- (11) The terms of this Section shall not ~~be construed so as to exclude~~ **apply to** SIGNs being necessary for the public welfare and, as such, are required by the municipal, **State, or Federal** government. ~~and historical associations, etc.~~
- (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) 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) One (1) SIGN not exceeding thirty-two (32) square feet **is permitted** on a BUILDING or project under construction, ~~identifying the architect, owner and/or contractor.~~ Such SIGN shall be removed upon the receipt of a CERTIFICATE OF OCCUPANCY **or upon the expiration of the BUILDING permit. Said SIGN shall not be subject to the permitting 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.²
 - (b) In all nonresidential zoning districts where a business/premises fronts on more than one (1) public STREET or municipal parking LOT, one (1) WALL SIGN shall be ~~permitted for~~ **upon** each FRONTAGE. The SIGN AREA displayed shall not exceed that area permitted by the FRONTAGE on that public STREET or parking LOT.³

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

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



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(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.⁴
- (b) No FREESTANDING SIGN shall be placed within fifty (50) feet of a low-density residential district (R-40, R-20) boundary.

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

- (a) PROJECTING SIGNS shall be attached to the main wall of the BUILDING.
- (b) PROJECTING SIGNS shall be prohibited from projecting over a STREET, alley or other PUBLIC SPACE beyond four (4) feet eight (8) inches from a BUILDING facade or two-thirds (2/3) of the width of the SIDEWALK, whichever is less.⁵
- (c) A clear space of not less than ten (10) feet shall be provided below all parts of a PROJECTING SIGN, except for residential nameplates.
- (d) In all nonresidential zoning districts where a business/premise fronts on more than one (1) public STREET or municipal parking lot, one (1) PROJECTING SIGN shall be permitted ~~for~~ upon each FRONTAGE. The SIGN AREA displayed shall not exceed that area permitted by the FRONTAGE on that public STREET or parking lot.

(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):

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

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



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- (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 four (4) square feet ~~to announce for sale or rent real property or any part thereof upon which said SIGN is located~~ **may be erected on a property currently for sale or rent.** Said SIGN shall not be subject to the permit requirements of this Section.
 - (3) 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.
 - (4) One (1) SIGN may be erected in connection with a lawfully maintained NONCONFORMING USE.
 - (5) All nonresidential SIGNS may only be illuminated by a constant ~~indirect source of lighting~~ **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.**
 - (6) One (1) SIGN not to exceed four (4) square feet may be erected in connection with a BED AND BREAKFAST.
 - (7) 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 Zones. ~~SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises.~~ 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 SIGNS⁶
 - (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 SIGN conforms to mill motif design criteria. Refer to Subsection ~~Q~~ **O** for applicable criteria.
 - (2) FREESTANDING SIGNS

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



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(a) Where a **PRINCIPAL BUILDING** fronts on more than one (1) **STREET**, one (1) **FREESTANDING SIGN** may be erected ~~for~~ **upon** each **FRONTAGE**.

F. **SIGNs** permitted in B-3 Thoroughfare Business District. ~~SIGNs shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within said premises.~~ (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 ~~for~~ **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.

G. **SIGNs** permitted in B-1 **NEIGHBORHOOD Business Districts**. ~~SIGNs shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within said premises.~~ No **SIGN** shall be illuminated after 9:00 p.m. 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 a constant ~~indirect source of lighting~~ **EXTERNAL ILLUMINATION**. The lighting element shall be shielded and shall illuminate only the **SIGN**.

H. **SIGNs** permitted in O **OFFICE District**. ~~SIGNs shall relate only to the premises upon which they are located, identifying the occupancy of such premises or services available within said premises.~~ No **SIGN** shall be illuminated after 9:00 p.m. or **before 6:00 a.m.** (See table for overview of permitted **SIGNs**.)

- (1) **SIGNs** shall only be illuminated by a constant ~~indirect source of lighting~~ **EXTERNAL ILLUMINATION**. The lighting element shall be shielded and shall illuminate only the **SIGN**.

I. **SIGNs** permitted in Industrial Districts I-1, I-2, and I-4. ~~SIGNs shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises.~~ (See table for overview of permitted **SIGNs**.)



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(1) FREESTANDING SIGNS

- (a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected ~~for~~ **upon** each FRONTAGE, provided that the BUILDING complies with applicable SIGNAGE SETBACKS.
- (b) Two (2) FREESTANDING SIGNS shall be permitted ~~within an~~ **per** approved industrial park, provided that the combined square footage of such SIGNS does not exceed five hundred (500) square feet in area, ~~that they are used solely for the purposes of identifying the park, its occupancies and uses, location and layout,~~ and that, if on a CORNER LOT, such SIGNS shall be set so as to not materially impede vision.

J. SIGNS permitted in ETP and B-4 Districts. ~~SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises.~~ (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 ~~for~~ **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, Commercial/Retail District ~~SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises.~~ (See table for overview of permitted SIGNS.)

(1) FREESTANDING SIGNS.

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

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



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L. Political advertising SIGNS. Political advertising SIGNS are permitted as follows: **per the political advertising SIGN provisions of State law.**

- ~~(1) The provisions of this Section are in addition to the political advertising SIGN provisions of State law.~~
- ~~(2) The person whose name appears on a political advertising SIGN, or the person providing consent to placement, is responsible for the placement of and removal of the SIGN.~~
- ~~(3) No SIGN in any district shall be larger than sixteen (16) square feet.~~
- ~~(4) Removal of a political advertising SIGN not placed or removed in accordance with State law or local ordinance shall be subject to an administrative fine as contained in the local fee schedule.~~

M. Obsolete SIGNS. Any SIGN which is located on property which becomes vacant and unoccupied for a period of more than six (6) months ~~or any SIGN which pertains to a business, service activity or event which no longer applies because of discontinuance or relocation of said business, service, activity or event~~ shall be deemed to have been abandoned, and the SIGN shall be considered obsolete. Such obsolete SIGNS are prohibited and shall be removed by the owner of the SIGN or owner of the premises. In the event that the said SIGN(s) and support(s) are not removed as requested by the 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 ~~if a permit is obtained for said SIGN within six (6) months after the effective date of this Section.~~ Such nonconforming SIGN shall, however, be subject to the following regulations.

- (1) No nonconforming SIGN shall be ALTERed in any way in STRUCTURE or material, which makes the SIGN less in compliance with the requirements of this Section than it was before the ALTERATIONS.
- (2) No nonconforming SIGN shall be relocated to a position making it less compliant with the requirements of this Section.



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- (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.
- (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) ~~Internally lit or back lit SIGNS~~ **INTERNAL ILLUMINATION and DIRECT ILLUMINATION** are prohibited.
 - (ii) Only shielded ~~indirect light~~ **EXTERNAL ILLUMINATION** shall be permitted if lighting is used.
- (d) Materials.
- (i) The appearance of traditional materials, such as wood, glass, brass, bronze or iron, is required.



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- (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.

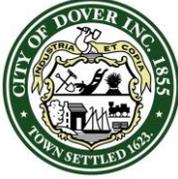
(2) Permit process

- (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.

Q. ~~Temporary~~ **TEMPORARY SIGNs**. No ~~temporary~~ **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) ~~Business Advertising. Business advertising~~ Temporary **TEMPORARY SIGNs** are permitted in the CBD-General, CBD-Downtown Gateway, CBD-Mixed Use, CBD-TOD, CWD, B-3 and B-5 Districts only and are subject to the following regulations:



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- (a) ~~Special Events.~~ **TEMPORARY SIGNS Allowed with One-Week Permit.** A ~~business LOT or tenant~~ may obtain a ~~temporary~~ **TEMPORARY SIGN** permit for a ~~special event one week~~, provided that all of the following conditions are met:
- (i) ~~Special events shall include sales, product promotions, business sponsored fundraisers and other similar events.~~
 - (ii) ~~Special event temporary~~ (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) ~~special event one-week~~ **TEMPORARY SIGNS** per business per year. If a ~~special event SIGN~~ the permit is not used in one (1) quarter, it shall not be carried over to the next quarter.
 - (iii) (ii) The ~~special event~~ **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.
 - (iv) (iii) The ~~special event~~ **TEMPORARY SIGN** shall be removed within twenty-four (24) hours after the end of the ~~event~~ **approved display period**. If a ~~special event~~ 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.
 - (v) (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) ~~temporary~~ A-frame sandwich board **TEMPORARY SIGN** is permitted per ~~business~~ **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.
 - (iii) The **TEMPORARY SIGN** must be placed directly in front of the ~~business~~ **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.



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- (c) **TEMPORARY SIGN**s allowed with annual permit. One (1) ~~temporary~~ **TEMPORARY SIGN** shall be permitted per each **PRINCIPAL BUILDING**. **BUILDING**s with an excess of one hundred (100) feet of **STREET FRONTAGE** shall be permitted one (1) additional ~~temporary~~ **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 SIGN**s located in the CBD-General District:
1. The structure of the ~~temporary~~ **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~~ **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 SIGN**s with moveable slide-in plastic letters are not permitted.
 4. **TEMPORARY SIGN**s using stencils or spray paint are not permitted.
 5. **TEMPORARY SIGN**s may not be painted traffic yellow or construction-zone orange or use any reflective or fluorescent materials.
- (d) **TEMPORARY SIGN**s located on a City **SIDEWALK** or within a public right-of-way. **TEMPORARY SIGN**s 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~~ **TEMPORARY SIGN** permit application to **assure ensure** sufficient liability coverage of the **APPLICANT**.



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- (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 ~~business or in front of the space occupied by the business if the business is located in a multi-tenant BUILDING.~~ **TEMPORARY SIGN owner.”**

15. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-33 “FENCE Review and Regulations”, by revising subsection A to read 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 ~~parallel~~ 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 from said parallel line with the front of the house, around both sides and around the REAR YARD.** HEIGHT is measured from ground level.”

16. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-46 “Loading Spaces”, to read as follows:

“170-46. Loading Spaces. [~~Amended 02-20-91 by Ord. No. 02-91.~~] Reserved.

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

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



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~~B. No loading bay in a nonresidential district shall be located within one hundred (100) feet of a residential district boundary or within one hundred (100) feet of the LOT LINE of an abutting residential use.~~

~~C. All bays shall be located at the side or REAR of the BUILDING they are intended to serve.~~

~~D. The minimum number of required loading spaces shall be determined by the PLANNING BOARD. ****~~

~~**** Previous table illustrating number of loading spaces has been replaced by subsection D, by Ord. No. 02-91”~~

17. TAKES EFFECT

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

AUTHORIZATION

Approved as to
Funding:

Daniel R. Lynch
Finance Director

Sponsored
by:

Councilor Dennis Ciotti
City Council Planning Board
Representative

Approved as to Legal
Form
and Compliance:

Anthony Blenkinsop
City Attorney

Recorded by:

Karen Lavertu
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD



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Date of Vote:	YES	NO
Mayor, Karen Weston		
Deputy Mayor, Robert Carrier		
Councilor John O'Connor, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joseph Nicolella, Jr, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Sarah Greenshields, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL: