

CITY OF DOVER ORDINANCE #2015-17

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 14 - Amusements and Entertainments of the Dover Code be deleted in its entirety.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 3 - District Regulations, Section 18 - Recreational and Commercial Zone (RC) of the Dover Code be amended to read as follows:

Section 18. - Recreational and commercial zone (RC).

18.1 *Uses permitted.* No building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:

- (a) Public and private parks and playgrounds.
- (b) Athletic fields.
- (c) Sports stadiums and arenas.
- (d) Public and private swimming pools and clubs.
- (e) Miniature golf courses and pitch and putt golf courses.
- (f) Golf or baseball driving ranges.
- (g) Golf courses and country clubs.
- (h) Casinos
- (i) Hotels, motels and restaurants.
- (j) Auto, horse and motorcycle racetracks.
- (k) Indoor and/or outdoor recreation and amusement establishments.
- (l) A temporary outdoor activity, such as a fair, circus, carnival, bazaar, music festival, or other outdoor event, subject to the following requirements:
 - (1) *Permit required.* A temporary outdoor activity permit shall be required. Such permit may be issued for a calendar year, provided that any changes to the permit are reviewed and approved by the department of planning and inspections.
 - (2) *Plan required.* The owner shall submit a plan to the department of planning and inspections showing the layout for the temporary activity a minimum of 30 days prior to the event, including the location of all existing structures and any proposed temporary structures, including but not limited to stages, tents, trailers, and temporary buildings. The permit application must address water supply, wastewater disposal, sanitation, erosion and sediment controls, and maintenance of traffic as it relates to any City streets. The permit shall include any other pertinent information deemed appropriate by the department director for this permit.
 - (3) *Fees.* A fee for the temporary activity permit shall be in accordance with Appendix F - Fees and Fines.
 - (4) *Parking.* The application for the temporary activity permit shall include a plan delineating the proposed parking area(s), number of parking spaces, ingress and egress to the parking area, and any other pertinent information deemed appropriate for the permit.

- (5) *Noise.* The use of loud speakers and other amplification systems outdoors shall be prohibited between 12:00 a.m. and 7:00 a.m. on Monday through Friday and between 2:00 a.m. and 9:00 a.m. on Saturday and Sunday.
 - (6) *Documentation of approval.* The director of planning and inspections may require documentation of approval for outside agencies having jurisdiction over such activity including but not limited to the Delaware division of public health, department of transportation, and the Dover police department.
 - (7) *Discharge of substances.* No activity associated with a temporary outdoor activity shall be permitted to discharge any substance, including but not limited to wash water, to any storm drain, storm water management area, drainage ditch, or other water conveyance system.
- (m) *Temporary Camping Areas.* Temporary camping areas shall be permitted subject to the following requirements:
- (1) *Permit required.* Property owners wishing to provide more than five camping sites shall apply for a permit from the planning and inspections department. Such permit shall be valid for the calendar year in which it is issued. Any changes to the permit shall be approved by the department of planning and inspections.
 - (2) *Fees.* Fees for the permit and/or amendments to the permit will be charged in accordance with Appendix F - Fees and Fines.
 - (3) *Diagram required.* Prior to issuance of a permit, the property owner or his/her agent must submit a legible diagram of the camping area to the department of planning and inspections. The diagram shall include:
 - i. Identification of camping areas and indicate whether each area will be utilized for tent camping or recreational vehicle camping.
 - ii. Emergency access, drive aisles, entrance(s) and exit(s).
 - iii. Number of proposed recreational vehicles or tents to be permitted in each camping area.
 - iv. Location of power lines.
 - v. Location of restroom facilities.
 - vi. The period of time for which the permit is requested.
 - (4) *Distance from power lines.* No camping sites shall be permitted within 25 feet of power lines as measured from the center of the utility pole. Vertical extensions from camping sites shall not be closer than 25 feet to power lines as measured from any point on the vertical extension.
 - (5) *Tent placement in relation to vehicles.* Tent camping sites shall be laid out to avoid the location of tail pipes, generators, and other carbon monoxide sources near tent placement. The Fire Marshal or other city code official shall have the authority to require that vehicles and/or tents be relocated to avoid the danger of carbon monoxide entering tents.
 - (6) *Restrooms and shower facilities required.* Tent camping areas shall

be required to include temporary or permanent restrooms and shower facilities.

- (7) *Parking recreational vehicles.* Recreational vehicles shall not be parked closer than ten feet to other recreational vehicles, buildings, or other structures, as measured from the long side of the vehicle; nor closer than two feet from other recreational vehicles, buildings, or other structures, as measured from the front or rear of the vehicle. The required ten feet shall exclude any bump-outs or other protrusions from the side of the vehicle. Any exceptions to this shall be subject to review by the fire marshal upon the determination that the safety objectives of this subsection are achieved.
- (8) *Drive aisles.* Camping areas shall have drive aisles constructed of drivable surfaces engineered to hold the weight of recreational vehicles, fire equipment, and other emergency response equipment in all types of weather. Crushed stone or gravel surfaces shall be permitted for such drive aisles.
- (9) *Residential buffering.* Any camping area abutting a residential use shall be buffered by a landscape buffer of evergreen trees of a minimum height of six feet tall and an opaque fence of six feet tall.
- (10) *Change approval.* Any changes to the approved layout of temporary camping areas shall be approved by the department of planning and inspections.
- (11) *Discharge of substances.* No activity associated with any camping area shall be permitted to discharge any substance, including but not limited to wash water, to any storm drain, storm water management area, drainage ditch, or other water conveyance system.

18.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

- (a) Outdoor and drive-in theaters, provided that adequate screening is installed to shield all adjacent properties and public streets and alleys from the glare of lights from the parking areas.
- (b) Airports and facilities incident to aviation.
- (c) Livery stables and riding academies, provided that the corrals shall be at least 200 feet from any dwelling, school, church, eating place and intermittent or running, natural or artificial watercourses.

18.3 *Accessory uses.* The following uses shall be permitted accessory to other permitted uses on a lot.

- (a) Accessory uses customarily incident to the principal use and any other necessary to the operation of the principal permitted use located on the same premises therewith shall also be a permitted use.

18.4 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

18.5 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all permanent structures and prior to the issuance of certificates of occupancy for any change of use.

(Ord. of 7-10-2000; Ord. of 2-12-2001)

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines of the Dover Code be amended by inserting the following:

Appendix B - Zoning, Article 3 - District Regulations			
Sec. 18	Recreational and commercial zone (RC)		
	Subsec. 18.1	Uses permitted	
	(k)(3)	Temporary Activity Fee	
		Less than 5 acres	\$50.00
		5-25 acres	\$100.00
		26-100 acres	\$250.00
		100+ acres	\$500.00
	(l)(2)	Temporary Camping Permit Fee	
		Less than 5 acres	\$50.00
		5-25 acres	\$100.00
		26-100 acres	\$250.00
		100+ acres	\$500.00

ADOPTED: DECEMBER 14, 2015

S:\ORDINANCES\2015\ADOPTED\Ordinance #2015-17 Amending CH 14-AMUSEMENTS, APNDX B-ART III, SEC 18, AND APNDX F-ADOPTED 12-14-2015.wpd

SYNOPSIS

The proposed ordinance removes Chapter 14 of the Dover Code - Amusements and Entertainment, which addresses Outdoor Music Festivals. The proposed ordinance also amends the RC (Recreation and Commercial) Zone to allow temporary special events and temporary camping areas within the zone and sets minimum requirements for these events and camping areas.

(SPONSORS: HARE, HUTCHISON, AND TOWNSHEND)

Actions History

- 12/14/2015 - Public Hearing/Final Reading at City Council meeting
- 11/16/2015 - Considered by Planning Commission
- 10/26/2015 - First Reading at City Council meeting
- 10/12/2015 - Introduced at the Legislative, Finance, and Administration Committee meeting