

CITY OF DOVER ORDINANCE #2015-13

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

That Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General Residence Zones (RG-1 and RG-2) of the Dover Code be amended to read as follows:

Section 2. - General residence zones (RG-1 and RG-2).

2.1 *Uses permitted.* In a general residence zone, no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

2.11 Any use permitted in one-family residence zones.

2.12 Garden apartments limited to placement within the RG-2 district only.

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

2.3 *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 structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

2.4 *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) *Townhouses subject to the following restrictions:*

- i. No more than one dwelling unit shall be permitted upon a lot
- ii. No more than four dwelling units shall be permitted in a group of townhouses
- iii. Each group of townhouses shall be physically separated from another by no less than two (2) dwelling units of a different housing type from other groups of townhouses on the same side of the street.
- iv. Townhouse groups shall be designed to minimize points of access to the public street and to take access from an alley or other shared access where such access is available.

(b) *Duplex dwellings subject to the following restrictions:*

- i. No more than one dwelling unit shall be permitted upon a lot
- ii. Duplex dwellings shall be designed to minimize points of access to the public street and to take access from an alley or other shared access where such access is available.

(c) Bed and breakfast inns in the RG-1 district only, subject to the following:

- i. A bed and breakfast inn may only be established within a primary residential structure or an associated accessory structure.
 - ii. The owner of the property shall reside on the premises of the bed and breakfast inn or in an adjacent premises. However, if ownership of the property is in the name of a corporation, partnership, trust, etc., a full-time resident manager/operator/inn-keeper shall reside in the principal structure on the subject property or adjacent property.
 - iii. The principal structure shall contain at least one full bathroom for the exclusive use of the owner or resident manager and other members of the immediate household. In addition, one full bathroom shall be provided for each two guestrooms. Each full bathroom shall contain a minimum of one water closet (toilet), one lavatory (sink) and one bathtub or shower stall and shall comply with all applicable building and plumbing codes.
 - iv. The number of guestrooms requested shall be set forth in the application for conditional use. The planning commission shall expressly establish the maximum number of guestrooms permitted for any application for which approval is granted. In no case shall a bed and breakfast inn contain more than ten guestrooms.
 - v. Off-street parking shall be provided at a minimum of two spaces, plus one space per guestroom. Off-street parking shall be prohibited in the front yard, except that such parking which may be customarily accommodated on a single width driveway may be permitted. Required parking may be provided on the premises or off the premises, provided that such off-premises parking is located within 150 feet walking distance of the bed and breakfast property.
 - vi. Lot coverage for a bed and breakfast inn shall not exceed 60 percent of the lot.
 - vii. Signage is limited to one sign not to exceed six square feet in area. Signs may be illuminated, provided that internally illuminated signs shall be prohibited.
 - viii. Meals may be served to residents and overnight guests only. No cooking appliances or kitchenettes shall be permitted within the guestrooms, except small refrigerators and microwave ovens.
 - ix. The stay of overnight guests shall be limited to 30 consecutive days.
 - x. The owner/operator of a bed and breakfast inn shall maintain a current City of Dover business license, and the establishment shall be inspected by the City of Dover fire marshal and the City of Dover health inspector for compliance with all applicable life safety and health and sanitation codes.
- (d) Student homes subject to the following siting and bulk criteria:
- i. No student home shall be located closer than 500 feet from any other student home.
 - ii. The maximum allowable occupancy shall be four persons or the occupancy limit as determined by the building and fire codes adopted by the City of Dover, whichever is less.
 - iii. Two off-street parking spaces shall be provided per dwelling unit.
 - iv. A student home shall not be permitted to be established within any semi-detached dwelling, duplex dwelling, group dwelling, or townhouse dwelling unit.
 - v. Buildings or groups of buildings on the same lot with 15 or more units on the lot shall not be subject to the student home regulations.
 - vi. Student homes shall be licensed under chapter 10, Housing Code [chapter 22, Buildings and Building Regulations], article V [X], Rental Dwellings, of the Code of Ordinances.

- vii. Student homes shall be subject to the provisions of chapter 10, Housing Code [chapter 22, Buildings and Building Regulations], article III [VIII], Leases, of the Code of Ordinances.
- (e) Multiple dwellings limited to placement in the RG-2 district only.
- (f) Professional offices may be permitted on Governors Avenue between Water Street and Mary Street, and on Route 8, subject to the following restrictions:
- i. The office operations shall be conducted in such a manner as to maintain the residential character of the surrounding neighborhood, and no changes or improvements shall be made to the premises which might preclude utilization of the premises for residential purposes in the future.
 - ii. There shall be no other professional office located in the same zoning district within 250 feet of the premises.
 - iii. No display of products or goods shall be visible from the street.
 - iv. There shall be no exterior effects such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.
 - v. A minimum of two off-street parking spaces shall be required.
 - vi. No more than four off-street parking spaces shall be permitted. Furthermore, all off-street spaces shall be visually screened from adjacent residential uses, to the greatest extent possible, by employing a landscape screen no less than six and one-half feet high, which landscape screen shall be properly maintained throughout the duration of the professional office use on the subject premises.
 - vii. Signage shall be limited to one sign, not to exceed six square feet in area. No sign may be illuminated.
 - viii. The hours of operation shall not commence prior to 6:00 a.m. and shall cease no later than 8:00 p.m., with no more than four employees engaged in the operations upon the premises at any given time.
 - ix. The planning commission shall have the authority to impose such additional conditions and restrictions as may be necessary or appropriate to protect the general health, safety, and welfare of the residents of surrounding properties.
- (g) In order to stimulate limited commercial activity in the RG-1 and RG-2 zones within the city's historic district zone and/or where a historic district property or a property listed on the National Register of Historic Places exists, and to make this area of historic Dover more attractive to tourists and residents, antique shops, art galleries, gift and card shops, book stores, specialty hobby stores, and restaurants with no alcoholic beverages may be permitted as accessory uses incidental to the principal residence, subject to the conditional use approval of the planning commission in accordance with Article 10—Planning Commission, Section 1—Approval of conditional uses, and subject to the following:
- i. Total floor area of any nonresidential accessory use shall not exceed 2,000 square feet.
 - ii. A minimum of two off-street parking spaces shall be required to serve the residence and the accessory use.
 - iii. Signage for the accessory use is limited to one sign not to exceed six square feet in area. Signs may be illuminated, provided that internally illuminated signs shall be prohibited.

- (h) *Off-street parking*

2.6 Administrative waivers:

- (a) The city planner shall have the authority to waive the bulk standards and parking requirements of article 4, section 4.2 for all non-conforming lots that existed in the RG-1 zone prior to January 1, 2007, when deemed necessary for redevelopment. The applicant must request such waivers in writing, stating the reasons that such waivers are necessary for development for redevelopment of the subject parcel.
- (b) The city planner shall have the authority to adjust the lot dimension requirements of article 4, section 4.2 in the approval minor lot line adjustment plans, where no additional lots are created, and to waive the bulk standards of article 4, section 4.2 for the placement of a structure on associated lots when deemed necessary for redevelopment. The applicant must request such waivers in writing, stating the reasons that waivers are necessary for redevelopment of the subject property.
- (c) The city planner shall have the authority to allow alternative parking surface, other than those specified in article 6, section 3.6 provided that such off-street parking areas where alternative surface is used are located within a rear yard. The applicant must request such a waiver in writing, stating the reasons that waivers are necessary.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 4 - Zoning Bulk and Parking Regulations , Section 4.2 - RG-1 (General Residence) Zones, of the Dover Code be amended to read as follows:

Bulk and parking regulations for general residence zone (RG-1) are as follows (see also article 12, definitions; article 5, supplementary regulations; and article 6, off-street parking, driveways and loading facilities):

	One-Family Dwellings Detached	Duplex/One-Family Semi-Detached	Townhouses/One Family Attached
Minimum required:			
Lot area (sq. ft.)	6,000	5,000	3,000
Lot width (ft.) per dwelling unit	50	25	20
Lot depth (ft.)	100	100	100
Front yard (ft.)	15	15	15
Minimum side yard (ft.)	5	10	10
Rear yard (ft.)	30	30	30
Off-street parking spaces/DU	1	1	1

Maximum permitted:			
Building height			
Stories	2½	2½	3
Feet	35	35	35
Lot coverage	45%	50%	60%

BE IT FURTHER ORDAINED:

That Article 5 - Supplementary Regulations, Section 1 - Supplementary Regulations Applying to Residence Zones, of the Dover Code be amended by adding a new subsection 1.12 - Infill Standards, as follows:

- 1.12 *Infill Standards.* In locations where a lot or group of lots lies within a developed area, the following standards shall apply to the development of the infill lots:
- (a) *Sidewalks.* Standard City of Dover sidewalk, per chapter 98, shall be required to be installed along public street frontage of every infill property by the property owner or developer.
 - (b) *Landscaping.* Infill structures shall be designed to minimize the impact on existing, mature trees when practical. All residential lots shall include landscaping to include plants and shrubs along the portions of the house that front a public street. No form of vegetation shall be planted on a property in a way that blocks more than half of the front façade(s) from public view.
 - (c) *Primary facade.* All buildings shall include a primary entry along the property's street frontage, and shall also include a porch or other entry feature.

ADOPTED: OCTOBER 12, 2015

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SYNOPSIS

The ordinance allows townhouse and duplex housing styles within the RG-1 zone as a conditional use, which would require Planning Commission approval. It also would revise the bulk standards for the RG-1 zone to be more consistent with downtown development patterns. Additionally, the ordinance implements infill standards for development of vacant lots within developed areas. The Planning Commission amendment made off-street parking as a principal use a conditional use, rather than a permitted use.

(SPONSORS: HUTCHISON AND TOWNSHEND)

Actions History

10/12/2015 - Public Hearing/Final Reading by City Council

08/24/2015 - First Reading held by City Council

08/10/2015 - Introduced at the Legislative, Finance, and Administration Committee meeting