

CITY OF DOVER
ORDINANCE #2010-12

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

That Appendix B – Zoning, Article 3 – District Regulations, be amended by adding a new Section 30, as follows:

Section 30. Recreational and open space zone (ROS).

30.1 *Purpose and Intent.* The purpose of this zoning type is to establish zoning regulations that promote preservation and management of natural and recreational open space and responsible development of active communities that promote healthy and active lifestyles.

30.2 *Permitted Uses.* 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:

30.21 Public and/or private parks and playgrounds.

30.22 Natural areas, woodland areas, public and private open space.

30.23 Athletic fields, game courts, basketball courts, recreation centers, picnic areas, and pavilions/gazebos.

30.24 Public and/or private swimming pools.

30.25 Boat ramps/docks and fishing piers.

30.26 Golf driving ranges and baseball batting cages.

30.27 Golf courses and country clubs.

30.28 Clubhouses and their associated meeting/activity rooms.

30.3 *Accessory Uses.* Accessory uses as follows:

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

30.4 *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 and to any specified requirements set forth below:

30.41 Residential Life-Style Communities inclusive of golf course communities, equestrian communities, and other country club style residential neighborhoods subject to the following:

- (a) *Maximum Density.* The maximum density for a Residential Life-Style Community shall be no more than one unit per acre of the total site area, with the density to be clustered on the site.
- (b) *Open Space.* A minimum of 75% of the total land area must remain open or devoted to natural open space, active recreation, passive recreation, and/or other recreational use.
- (c) *Housing Types* shall include:
 - i. One-family detached dwellings
 - ii. Duplex dwellings
 - iii. Multiplex dwellings
 - iv. Townhouses
 - v. Garden apartments
- (d) *Design standards.* The design standards and dimensional requirements (bulk and parking regulations) shall be in accordance with article 4, sections 4.10 and 4.11, except that the planning commission may relax any of these requirements where the developer can demonstrate that such action is desirable and consistent with the objectives of this ordinance and the comprehensive plan.
- (e) *Accessory Uses.* Accessory, non-commercial uses customarily incidental to the principal conditional use and any other use necessary to the operation of the principal conditional use located on the same premises therewith shall also be a permitted use.
- (f) *Implementation Plan.* As part of an application to the Planning Commission for Conditional Use Review, the applicant must provide a detailed Implementation Plan for which completion of such a plan becomes a condition of approval. At a minimum, the Implementation Plan should do the following:
 - i. Provided documentation for how the site will provide recreation and open space for its residents. This information will be reviewed by the Parks, Recreation, and Community Enhancement committee under the guidelines of Article 5, Section 10.
 - ii. Provide a procedure or documentation for how community resources, inclusive of the recreation elements approved for the Residential Life-Style Community will be maintained for its residents in the event that any commercial, recreational, or otherwise associated portion of the community is dissolved or disbanded.
 - iii. Provide a report to the Planning Commission that details how the proposed Conditional Use is in keeping with the surrounding residential or commercial character. If surrounding land uses are residential in nature, the Implementation Plan should note the density and bulk standards of surrounding neighborhoods. If surrounding land

uses are commercial in nature, the Implementation Plan should consider issues of traffic, noise, and compatibility.

30.42 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.

30.43 Museums, nature centers, and cultural facilities.

30.44 Commercial uses customarily incidental to the principal use located on the same premises inclusive of eating and drinking establishments, retail businesses, and service businesses.

(a) Off-Street Parking requirements for commercial uses shall refer to Article 6, Section 3.

(b) No structure housing a commercial use shall be located within 30 feet of a lot line.

30.5 *Setbacks.* No structure, equipment or game court surface permitted under this section shall be located nearer than 30 feet to any lot line.

30.6 *Building height.* No structure permitted under this section shall exceed 3 stories or 35 feet in height.

30.7 *Signs.* Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

30.8 *Parking spaces.* Parking for non-residential uses and structures, excluding gazebos, is required at a rate of one parking space per 300 S.F. of floor area or in accordance with Article 6, Section 3, whichever is greater.

30.81 Planning Commission may waive some or all of the required parking if the applicant can demonstrate that development is a fully accessible pedestrian-oriented facility and/or is served by a variety of transportation modes.

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

30.10 *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, development of recreation facilities, and prior to the issuance of certificates of occupancy for any change of use.

BE IT FURTHER ORDAINED:

That Appendix B- Zoning, Article 4- Zoning Bulk and Parking Regulations be amended to read as follows:

Section 4.10. R-20, R-15, R-10, R-8, RM-1, RM-2 planned neighborhood design option and recreation and open space zone (ROS).

Bulk and Parking Standards for PND within the following zones: R-20, R-15, R-10, R-8, RM-1, RM-2, as well as Bulk and Parking Standards for the ROS zone are as follows:

		One-Family Detached Dwellings	One-Family Lot Line Dwellings	Duplex Dwellings	Multiplex Dwellings
Minimum requirements per dwelling unit:					
	Lot area (sq. ft.)	7,500	6,000	4,500	4,000
	Lot width (ft.)	70	65	40	
	Lot depth (ft.)	100	90	100	
	Off-street parking spaces	2	2	2	2
Minimum requirements per building:					
	Front yard (ft.)	25	20	25	30
	Minimum side yard (ft.)	8	--	--	10
	Total side yards (ft.)	20	30	10	30
	Rear yard (ft.)	30	40	30	20
	Lot width (ft.)				80
	Lot depth (ft.)				80
Maximum permitted:					
	Building height				
	Stories	2 1/2	2	2 1/2	3
	Feet	35	24	35	35
	Lot coverage	40%	45%	45%	50%
	Number of dwelling units per building	1	1	2	5

Section 4.11. R-20, R-15, R-10, R-8, RM-1, RM-2 planned neighborhood design option and recreation and open space zone (ROS).

Bulk and Parking Standards for PND within the following zones: R-20, R-15, R-10, R-8, RM-1 and RM-2, as well as Bulk and Parking Standards for the ROS zone are as follows:

		Patio Houses	Townhouses	Garden Apts.
Minimum requirements per dwelling unit:				
	Minimum average lot area (sq. ft.)	3,500	2,200	1,800
	Minimum lot area (sq. ft.)	3,000	2,000	1,800
	Lot width (ft.)	40	22	
	Lot depth (ft.)	70	80	
	Off-street parking spaces	2	2	2
Minimum requirements per building:				
	Lot area			1 acre
	Lot width (ft.)			100
	Lot depth (ft.)			125
	Building setback			
	From street (ft.)	15	30	50
	From property line (ft.)	--	20	50
	Building spacing	--	30	50
	Patio area	60%		
	Patio dimension (ft.)	20		
Maximum permitted:				
	Building height			
	Feet	24	35	35
	Stories	2	3	2
	Lot coverage	60%	75%	60%
	Average No. of dwelling units per building	1	8	24

ADOPTED: JUNE 14, 2010