

CITY OF DOVER ORDINANCE #2018-06

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 inserting a new Section 20B – Industrial Park Manufacturing Zone – Industrial Aviation and Aeronautics Center (IPM3), to read as follows:

Article 3 Section 20B. - Industrial park manufacturing zone- Industrial Aviation and Aeronautics Center (IPM3).

20B.1 *Uses permitted.* In an IPM3 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, and in accordance with performance standards review procedure as set forth in article 5 sections 8.2 and 8.6, and subject to site development plan approval as set forth in article 10, section 2:

20B.11 Airports, spaceports, and related facilities, including passenger terminals, cargo facilities, hangars, refueling operations, parking facilities and other uses integral to airport or spaceport operations.

20B.12 Commercial or industrial uses that are related to aviation or aeronautics and/or require direct access to an airport, spaceport, or aviation/aeronautics services, including assembly or sale of aircraft or spacecraft, air frames, aircraft or spacecraft engines, associated parts and components, radios or navigational equipment, and similar products or services.

20B.13 Public and institutional uses that support the aviation or aeronautics industries such as aviation or aeronautics technical schools, security services, and inspection facilities.

20B.14 Bulk storage of fuel, lubricants, fire suppression and other materials integral to design, construction, testing, maintenance, or operation of aircraft or spacecraft.

20B.15 Printing, publishing, binding, packaging, storage, warehousing, and transshipment and distribution.

20B.16 Business, professional, or administrative offices.

20B.17 Radio or television broadcasting towers, telecommunications towers, antenna arrays, and receiving satellite dishes that support aviation, aeronautics, or related operations.

20B.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: Service establishments such as auto rental and travel agencies, commercial parking lots and garages, automobile service stations, car washes, banks, gift shops, newsstands, bookstores, restaurants, bars, medical offices, postal facilities, laundry services, and similar facilities available to airport or spaceport users and employees. The application for

conditional use shall clearly demonstrate the relationship of the proposed use to an existing or proposed airport or spaceport.

20B.3 *Uses prohibited.* The following uses are specifically prohibited:

20B.31 Residences.

20B.32 Manufacturing uses involving primary production of the following products from raw materials: Asphalt, cement, charcoal, and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, and carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric, and sulphuric acids; coal, coke, and tar products, including gas manufacturing; explosives, fertilizers, glue, and size (animal); linoleum and oil cloth; matches; paint, varnishes, and turpentine; rubber (natural or synthetic); [and] soaps, including fat rendering.

20B.33 The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting, and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, [and] lubricating oil; distillation of wood or bones; [and] reduction and processing of wood pulp and fiber, including papermill operations.

20B.34 Operations involving stock yards, slaughter houses, and slag piles.

20B.35 Storage of explosives.

20B.36 Landfills.

20B.37 Quarries, stone crushers, screening plants, and storage of quarry screenings accessory to such uses, except for temporary construction activities supporting a specific construction project in the IPM3 zone or the adjoining air facility, and lasting only the duration of that construction project.

20B.38 Junkyards, automobile dismantling plants or storage of used parts of automobiles or other machines or vehicles or of dismantled or junked automobiles.

20B.39 Public assembly facilities, including, but not limited to, churches, libraries, sports fields, theaters, and amphitheaters.

20B.4 *Tree planting requirements in the IPM3 zone.*

20B.41 No new trees shall be planted within 120 feet of any pavement area taxed by operational aircraft or spacecraft. For the purpose of fulfilling the tree density requirements of Article 5, Section 16- Tree planting and preservation, the area of this pavement plus the

area of the 120-foot wide buffer around it shall be excluded from the required development area for the property as defined in that section.

20.B42 All new trees shall be of a species that does not typically exceed 50 feet in height at maturity.

20B.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 structures and prior to the issuance of certificates of occupancy for any change of use.

20B.6 *Performance standards.* All uses in the IPM3 zone are subject to performance standards as set forth in article 5, section 8, including any uses not subject to the performance standards review procedure.

20B.7 *Exemptions.* Uses in the IPM3 zone are exempt from the following provisions of the City of Dover Code of Ordinances:

20B.71 *Outdoor storage trailers.* Appendix B, Article 5, Section 7.4, where the use of outdoor trailers for storage or distribution is a primary use of the site.

20B.72 *Fences.* Appendix B, Article 5, Section 7.5, where

- a. Dover Air Force Base requires a more robust fence, in which case the fence shall be constructed per Dover Air Force Base Standards; or
- b. it can be demonstrated to the satisfaction of the Planning Commission that a more robust fence is required for site safety and security reasons. In approving a waiver for such a fence, the Commission shall consider the following factors:
 - i. The design of the proposed fence, including material and opacity.
 - ii. Whether there are residential land uses adjacent to or across the street from the proposed fence.
 - iii. The proposed setback of the fence from the property line.
 - iv. Whether a berm or vegetated screen could feasibly be included in the setback to screen the fence from view, without compromising the security function of the fence or introducing vegetation hazardous to aircraft or spacecraft operations.

20.B.8 *Compliance with AEOZ.* Properties in the IPM3 zone shall not be exempt from the requirements of Appendix B, Article 3 Section 22- Airport environs overlay zone (AEOZ). If the proposed use of a property is permitted in the IPM3 zone but prohibited based on the property's

location within an accident potential zone (APZ I and II), clear zone (CZ) or noise zone, the use shall be prohibited on that property.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 3 - District Regulations, Section 24 - Planned Neighborhood Design Option (PND), Subsection 24.1 - Generally, be amended to read as follows:

Section 24. - Planned neighborhood design option (PND).

24.1 Generally.

- (a) *Planned neighborhoods.* In order to encourage superior residential environments through a unified planning process, the planned neighborhood design option shall be permitted in R-20, R-15, R-10, R-8, RM-1 and RM-2 zones as a conditional use subject to the provisions of article 10 of this ordinance and after a determination by the planning commission that the proposed planned neighborhood design presents a superior community design than would be possible under the conventional zone and is in accordance with the goals and policies of the comprehensive plan. The minimum size required for a planned residential development shall be 20 acres.
- (b) *Senior citizen housing option.* In order to encourage the development of high quality housing opportunities designed to accommodate the particular needs of senior citizens, the senior citizen housing option shall be permitted in all zones as a conditional use, except in the M, IPM, IPM2, IPM3, and C-4 zones within which this option shall not be applicable. Preference shall be given to those projects which are within close proximity to public transit services and which are situated within one-quarter mile of a grocery store, pharmacy, restaurant, physician office, senior center or similar convenience service establishment.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 4 - Zoning Bulk and Parking Regulations, Section 4.15 - C-3, C-4, R-C, IO zones, be amended to read as follows:

Section 4.15. - C-3, C-4, R-C, IO, and CPO zones.

Bulk and parking regulations for service commercial (C-3), highway commercial (C-4), recreation and commercial (R-C), institutional and office (IO), and commercial and professional office (C-PO) zones are as follows:

	C-3	C-4	RC	IO	C-PO
Minimum required:					
Lot area			5 acres	10,000 sq. ft.	5,000 sq. ft.
Lot width (ft.)	100	150	250	100	50
Lot depth (ft.)	100	150	400	100	100

Front yard (ft.)	20	20	30	10	10
Side yard (ft.)	15	15	50	10	5
Rear yard (ft.)	10	10 or equal to bldg. height	50	15	15
Side or rear yards which adjoin a residence zone (ft.)	30	30	100	30	25
Off-street parking					
Per 300 sq. ft. floor area or	1	1	1	1	1
Per employee (whichever is greater)	1	1			
Maximum permitted:					
Building height					
Stories	6	6	10	10	3
Feet	75	75	130	150	45
Floor area ratio	4.0	4.0	4.0	6.0	2.0
Lot coverage	80%	75%	85%	85%	75%

(Ord. of 9-13-1999; Ord. No. 2014-08, 7-14-2014)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 4 - Zoning Bulk and Parking Regulations, Section 4.16 - M, IPM Zones, be amended to read as follows:

Section 4.16. - M, IPM zones.

Bulk and parking regulations for industrial zones in M and IPM zones are as follows:

For All Permitted Uses	M	IPM (Conventional Planned)	IPM (Planned Industrial Park)	IPM2 (Technology Center)	IPM3 (Aviation and Aeronautics Center)
Lot area	½ acre	2½ acres	2½ acres average; 60,000 sq. ft. minimum	10 acres	1 acre
Lot width (ft.)	100	200	150	100	100
Lot depth (ft.)	150	300	250	100	100
Front yard (ft.)	40	60	60	60	40
Side yard (ft.)	20	40	40	40	20
Rear yard (ft.)	20	40	40	40	20
Side or rear yard which adjoins a residential zone (ft.)	50	100	100	100	50

Off-street parking space:					
Per 800 sq. ft. of floor area	1	1	1	1	1
Per employee, per largest working shift (if greater than the requirement under the floor area calculation)	1	1	1½	1	1
Maximum permitted:					
Building height					
Stories	2	Not limit	2	Not limit	Not limit
Feet	35	Equal to distance to nearest lot line	35	Equal to distance to nearest lot line	75*
Floor area ratio	0.5	0.5	0.5	0.5	0.5
Lot Coverage	85%	75%	65%	65%	85%

*Building height shall comply with all applicable Federal Aviation Administration, Department of Defense, and Unified Facilities Criteria height restrictions and obstruction marking and lighting standards.

(Ord. of 3-24-1986; Ord. of 7-12-1993, § 1; Ord. of 8-23-1999; Ord. No. 2009-18, 10-12-2009)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 4 - Supplementary Sign Regulations, Section 4.3 - Sign Definitions, be amended to insert the following definition in its correct alphabetical order:

Vehicle sign: A sign displaying a name or names, logo types, graphics, commercial messages or any combination thereof, which is attached to, painted on, or otherwise applied to a motor vehicle or utility trailer.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 4 - Supplementary Sign Regulations, Section 4.5 - Sign Permitted in All Districts and Not Requiring Permits, be amended by inserting the following in its correct alphabetical order:

Q. Vehicle signs subject to the provisions of subsection 4.9-supplementary sign regulations, H., of this section.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 4 - Supplementary Sign Regulations, Section 4.6 - Sign prohibited in all districts, be amended to read as follows:

4.6 Sign prohibited in all districts.

- A. Signs which emit audible sound, vapor, smoke, odor, particles or gaseous matter.
- B. Any sign which competes for attention with, or may be mistaken for, traffic signals. Also, any sign that is determined by the city planner to constitute a traffic hazard by reason of size, location, content, color, or type of illumination.
- C. Off-premises signs of any type (billboards, temporary signs, directional signs for developments, etc.), except for shared freestanding signs as provided in subsection 4.4—Design requirements, A.5., and subsection 4.9—Supplementary sign provisions, F., of this section.
- D. Inflatable signs, except as specifically permitted in subsection 4.9—Supplementary sign provisions, D.3., of this section.
- E. Reserved.
- F. Signs painted on or attached to trees, fence posts, natural features, or telephone or utility poles.
- G. Signs that are flashing, rotating, or that give the appearance of movement, or are illuminated by flashing or intermittent lights, or lights of changing degrees or intensity, except as permitted under subsection 4.4—Design requirements, of this section.
- H. Temporary signs made of cardboard, paper, canvas or similar impermanent material, except those permitted in subsection 4.9—Supplementary sign provisions, of this section.
- I. Window signs covering more than 50 percent of a window or a door, or mounted above the first floor, except those permitted in subsection 4.9—Supplementary sign regulations, A.5., of this section.
- J. Pennants, balloons, streamers, flags, etc. except when permitted in subsection 4.5—Signs permitted in all districts and not requiring permits and in subsection 4.9—Supplementary sign regulations, D.1., of this section.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 4 - Supplementary Sign Regulations, Section 4.9 - Supplementary Sign Provisions, be amended by inserting a new Section H - Vehicle and Utility Trailer Signs, as follows:

H. *Vehicle and utility trailer signs.* Vehicles or utility trailers, shall be permitted to have vehicle signs attached to or painted on them, with no sign permit required. However, the city planner may require any vehicle or utility trailer with a vehicle sign to be moved if he/she determines that the vehicle is inoperable or being used for the sole purpose of displaying signage. Vehicles and utility trailers shall be moved to a location not visible from the public right-of-way, or, if no such location is available, as far away from the public right-of-way as possible. In making the determination, the city planner shall use the following criteria; at least two criteria shall be met before this section requires moving a vehicle:

1. The sign is temporarily attached to the vehicle or utility trailer, rather than painted on or applied in a permanent manner.
2. The sign includes directional copy or symbols that only function correctly when the vehicle or utility trailer is parked in one or more specific locations.
3. The vehicle or utility trailer does not move during the normal business hours of operation of the business.
4. The vehicle or utility trailer is regularly parked in a location or manner to be prominently displayed to the public, even though a more discrete parking area is available at the business location.
5. The vehicle or utility trailer is inoperable, meaning it is not properly and currently registered and tagged; is damaged or disabled as to not immediately be movable; is raised off the ground; is missing required equipment enabling it to travel on a public roadway; is parked in a location where it cannot access a public roadway; or cannot be started and moved off its location.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 8 - Performance Standards, Section 8.2 - Uses requiring performance standards review procedure be amended to read as follows:

8.2 *Uses requiring performance standards review procedure.* Those uses in the C-3, IPM, IPM2, IPM3, and M zones and uses accessory thereto, which are specified as being subject to performance standards review procedure, are subject to the procedure specified in article 5, section 8.6 in obtaining a site plan approval. The city planner may require other uses, whether existing or proposed and regardless of the particular zoning district, to submit to the performance standards review procedure when there exists reasonable grounds to believe that a proposed use is in violation, or is likely to violate, the performance standards, in which event, the property owner shall comply with [the] performance standards review procedure.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 8 - Performance Standards, Section 8.53 - Noise be amended to read as follows:

- 8.53 *Noise.* The maximum sound pressure level radiated by any use or facility (other than transportation facilities open to the public) at the property line shall not exceed the values in the designated octave bands given in [the following] table I, after applying the corrections shown in [the following] table II. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z243-1944, American Standards Association, Inc., New York, N.Y., and American Standard Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, N.Y., shall be used).

Table I

Octave Band Range In Cycles per Second	Sound Pressure Level in Decibels re 0.0002 dyne/cm ²
30— 300	60
301—2,400	40
Above 2,400	30

If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m. and 7:00 a.m., one or more of the corrections in table II shall be applied to the decibel levels given in table I.

Table II

	Type of Location of Operation or Character of Noise	Correction in Decibels
1.	Daytime operation only	
2.	Noise source operates less than*	
	a. 20 percent of any one-hour period	5
	b. 05 percent of any one-hour period	10
3.	Noise of impulsive character (hammering, etc.)	-5
4.	Noise of periodic character (hum, screech, etc.)	-5
5.	Property is located in one of the following zones and is not within 500 feet of any residential district*:	
	a. Central commercial C-2 zone	5
	b. Service commercial C-3 zone Manufacturing M zone	10
6.	Property is located in industrial park manufacturing zone IPM, IPM2, or IPM3	10

*Apply one of these corrections only.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 8 - Performance Standards, Section 8.54 - Vibration be amended to read as follows:

8.54 *Vibration.* No vibration shall be permitted which is discernible without instruments at the property line.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 8 - Performance Standards, Section 8.58 - Glare be amended to read as follows:

8.58 *Glare.* No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted. This restriction shall not apply to signs otherwise permitted by the provisions of this ordinance.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 8 - Performance Standards, Section 8.6 Performance standard procedure, Section 8.61 Application be amended to read as follows:

8.61 *Application.* An application for a site plan approval shall be accompanied with a performance standard review application when a use or occupancy is required, and shall be referred by the city planner to the planning commission. The applicant shall also submit, in an amount equal to the required number of site plan submissions, a plan of the proposed construction or development, including a description of the proposed machinery, operations, and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements referred to in article 5, section 8.1, in accordance with rules prescribed by the planning commission specifying the type of information required in such plans and specifications, and an affidavit by the applicant acknowledging his understanding of the applicable performance standards and agreement to conform with same at all times.

No applicant will be required to reveal any secret processes, and any information submitted will be treated as confidential if requested. The fee for such application shall include the cost of the special reports required to process it, described below.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 6 - Off-street Parking, Driveways and Loading Facilities, Section 3 - Required Off-street Parking Spaces, be amended by striking Section 3.11 - Maximum Number of Parking Spaces.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 - Definitions - Nonresidential zones be amended to read as follows:

Nonresidential zones: C-1, C-1A, C-2, C-2A, C-3, C-4, C-PO, RC, IO, M, IPM, IPM2, IPM3, SC-1, SC-2, or SC-3 zone.

ADOPTED: AUGUST 27, 2018

SYNOPSIS

The proposed ordinance adds a new zoning classification, IPM3 (Industrial Park Manufacturing Zone- Industrial Aviation and Aeronautics Center), which is intended primarily to permit businesses in aviation and aeronautics-related industries. The ordinance also creates bulk standards for the new zone and makes minor changes to the performance standards to ensure uses in the IPM-3 zone are covered under them.

The proposed ordinance removes the maximum parking space limitation given in Article 6 of the Zoning Ordinance, and replaces it with new maximum lot coverage limitations for several zones where excessive parking lot size is of particular concern, including the C-3, C-4, RC, IPM, IPM-2, and M Zones. This will limit the amount of impervious surface on the property.

The proposed ordinance would give the city planner guidance on whether or not a vehicle sign is permitted. Under current code, vehicle signs are always permitted except where the vehicle is inoperable or being used for the sole purpose of signage. The ordinance provides a list of criteria which the city planner may use to determine if a vehicle is being used for the sole purpose of signage.

Actions History

08/27/2018 - Public Hearing/Final Reading - City Council

07/16/2018 - Public Hearing - Planning Commission

06/25/2018 - First Reading - City Council