

CITY OF DOVER ORDINANCE #2016-16

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

That Chapter 22 - Building and Building Regulations, Article X - Rental Dwellings, Division 1 - Generally, Section 22-331 - Purpose; applicability; definitions; compliance, (c) - Definitions, (5) - Single-family dwellings of the Dover Code be amended to read as follows:

- (5) *Single-family dwellings* means dwelling units operated singly, and separated from other units. In general, this definition shall apply to single-family detached dwellings; mobile homes and manufactured homes; and attached units, including duplexes and townhouses.

BE IT FURTHER ORDAINED:

That Chapter 26 - Businesses, Article II - Licenses, Section 26-31 - Definitions of the Dover Code be amended by deleting the definitions for mobile home park and trailer park, recreational vehicle park and tenting recreation park and inserting the definition for land lease community operator in the correct alphabetical order, as follows:

Land Lease Community Operator includes every person engaged in the business of providing home sites and facilities, for rent or lease, to owners of separately owned dwellings, including owners of mobile homes and manufactured homes.

BE IT FURTHER ORDAINED:

That Chapter 50 - Floods, Article III - Requirements in All Special Flood Hazard Areas, Section 50-36 - Recreational Vehicles of the Dover Code be amended to read as follows:

Sec. 50-36. - Recreational vehicles.

- (a) Recreational vehicles in special flood hazard areas shall be fully licensed and ready for highway use, and shall be placed on a site for less than 180 consecutive days.
- (b) Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, are prohibited in special flood hazard areas.

BE IT FURTHER ORDAINED:

That Chapter 66, Manufactured Homes and Trailers, of the Dover Code be amended to read as follows:

CHAPTER 66 - MANUFACTURED HOMES, MOBILE HOMES, AND LAND LEASE COMMUNITIES

Sec. 66-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Land lease community means a residential development typified by single ownership of the land within the development, with the landowner retaining the rights of ownership. Home sites or individual lots within the community are leased to individual homeowners, who retain customary leasehold rights.

Manufactured home means a factory-built housing unit designed and constructed to meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code. A manufactured home is built on a chassis that supports the structural integrity of the home and to allow transport to the site. Factory-built units built to meet the HUD Code and constructed after the code took effect on June 15, 1976 are classified as "manufactured homes."

Mobile home means a factory-built housing unit constructed on a chassis and completed before June 15, 1976. Prior to the HUD code, mobile homes were not subject to uniform construction or safety standards.

Owner of a manufactured home or mobile home means the person designated in the vehicle title of the manufactured home or mobile home, whether the title is issued by this state or by some other state.

Owner of a permanently placed manufactured home means the person designated in the vehicle or real property title of the permanently placed manufactured home, whether the title is issued by this state or by some other state.

Permanently placed manufactured home means a factory-built housing unit designed and constructed to meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code, and that has also been placed upon a permanent, unmovable foundation.

(Ord. of 2-23-1970, § 2; Code 1981, § 12-1; Ord. of 11-10-1986, § 1)

Sec. 66-2. - Licenses.

- (a) *Required fee.* The owner of a mobile home or manufactured home that is not to be permanently placed shall obtain an annual license for it and shall pay a fee for such license as provided for in Appendix F-Fees and Fines.
- (b) *Payment; penalties.* Such license shall be obtained and the license fee paid by August 1 of each year and if such fee is not paid before September 1 of such year, then, in addition to any penalty incurred pursuant to Appendix F-Fees and Fines, a penalty fee of ten percent per month shall accrue on the unpaid balance of the license fee.
- (c) *Moving into city.* Upon the moving of a manufactured home into the city, if the manufactured home requires a license it shall be obtained and the license fee paid within seven days. Payment of such license fee shall be prorated on a quarterly basis for each fractional part of

a year during which the manufactured home is in the city.

- (d) *Required fee for landowners.* The owner of any land leased out as part of a land lease community shall obtain an annual land lease community operator business license under the provisions of Chapter 26 - Businesses.

(Ord. of 2-23-1970, § 2; Ord. of 5-24-1976; Ord. of 3-27-1980; Code 1981, § 12-2; Ord. of 8-8-1988; Ord. of 3-22-1993; Ord. No. 2009-09, 6-22-2009)

Sec. 66-3. - Real property taxes.

A permanently placed manufactured home as defined in section 66-1, and the lot upon which it is located shall be considered as being real property for purposes of valuation, assessment and taxation in accordance with section 47 of the Charter.

(Code 1981, § 12-2.1; Ord. of 11-10-1986, § 2)

Sec. 66-4. - Placement permit.

Every owner of a manufactured home, shall apply for and obtain from the city planner or his/her authorized agent a placement permit for such manufactured home. The city planner or his/her authorized agent shall issue no placement permit until the license fee required in this chapter is paid in full.

(Ord. of 2-23-1970, §§ 3, 6; Ord. of 5-24-1976; Code 1981, § 12-3)

Sec. 66-5. - Duties of land lease community owners and operators.

- (a) The following regulations shall apply to owners and operators of all land lease communities:
- i. Private road access. It shall be the responsibility of land lease community owners and operators to maintain all private streets, driveway access to such streets, access to fire hydrants, and access to central mailboxes so as to be clear from obstructions, including but not limited to potholes, snow piles, and debris.
 - ii. Debris clearance. It shall be the responsibility of land lease community owners and operators to ensure that all facilities and common areas within the community are kept in good repair and maintained in such a manner as to prevent the accumulation of materials which could cause a fire hazard or would cause insect or rodent breeding and harborage.
 - iii. Landscaping. All trees, shrubbery, lawns, and other landscaping features within the community shall be maintained by the land lease community operator to be in healthy condition at all times.
 - iv. Utilities. All water, sewer, electric, and gas lines and connections intended to serve common areas or the private property of tenants within the community shall be kept in good repair at all times by the land lease community operator. Stormwater

management facilities shall be maintained so as to be free of blockage and to prevent the accumulation of standing water. Community owners shall coordinate with the City of Dover regarding utility services and equipment.

- v. Office hours. The land lease community operator shall be present on site at a minimum during regular business hours, so as to facilitate communication between tenants of the community and the owner, and a 24-hour emergency contact shall be available to residents.
 - vi. Receipt for lot payment. The Land Lease community operator shall provide a written receipt or electronic receipt at the time rent payment has been made, regardless of the form of payment.
- (b) The following regulations shall additionally apply to owners and operators of land lease communities leasing land to manufactured homes:
- i. Documents to manufactured home owners. Copies of this chapter and placement permit application forms shall be furnished to each land lease community owner, who shall give a copy of the same to every manufactured home owner who moves a manufactured home into the community, before the 15th day of the next succeeding month after placement of the manufactured home.
 - ii. Enforcement. It shall be the responsibility of land lease community owners and operators to ensure that all mobile homes and manufactured homes placed on their land maintain a current license under Section 66-2.
 - iii. Lease record; report. Land lease community owners who lease land to two or more persons for siting manufactured homes shall maintain a lease record, which shall be open for inspection at all reasonable times by the city planner. Before June 1 of each year, the land lease community owner shall report to the city planner the names and addresses of all persons having manufactured homes on his land.
 - iv. Sale of home. Before a home is sold by the homeowner, home owner's estate, foreclosure, eviction or other means, the City of Dover must be notified and all delinquent taxes, fees, or other charges must be paid.
 - v. The land lease community owner must notify the City of Dover if the community is placed for sale.
- (c) The following shall be considered appropriate methods of redress if the duties outlined in this section are not fulfilled:
- i. Any land lease community owner found to be in violation of the provisions of this section, regardless of corrective actions taken, shall be assessed a fine as provided for in Appendix F- Fees and Fines. Any such fine shall be in addition to any charges imposed upon the violator in accordance with subsection (c)(ii) below.
 - ii. If required, the City of Dover may perform maintenance in the owner's stead

following official notice, and place a lien on the property to recover costs, including a 15% administrative charge.

- iii. Repeated failure to perform the required duties shall be cause to take action upon an owner's land lease community operator license in accordance with the provisions of Chapter 26 - Businesses, Article II, Section 26-59.

Sec. 66-6. - Anchoring and skirting.

Prior to the issuance of a certificate of occupancy for any manufactured home not placed on a permanent foundation, the manufactured home shall be firmly anchored to the ground and the open space beneath the unit shall be skirted with approved material in accordance with the requirements of the building inspector.

(Ord. of 9-13-1976; Code 1981, § 12-5)

Sec. 66-7. - Use of city utilities.

The owner or occupant of any mobile home or manufactured home shall not be entitled to receive city utilities until the license fee required in this chapter is paid in full, and city personnel shall refuse to provide sewage, water and electricity to the mobile home or manufactured home until satisfactory proof is furnished that such license fee has been paid.

(Ord. of 7-28-1975; Code 1981, § 12-6)

Sec. 66-8. - Exemptions.

This chapter shall not apply to:

- (1) *Dealers*. Unoccupied manufactured homes located on a dealer's display lot; or
- (2) *Manufactured homes in transit*. Unoccupied manufactured homes temporarily occupying the public right-of-way prior to placement on a lot or home site.

(Ord. of 2-23-1970, § 8; Code 1981, § 12-7)

BE IT FURTHER ORDAINED:

That Chapter 102 - Taxation, Article III - Realty Transfer Tax, Section 102-71 - Definitions, (a)(1)s of the Dover Code be amended to read as follows:

- s. Any conveyance of a "mobile home" or "manufactured home" as defined in 25 Del. C. § 7003;

BE IT FURTHER ORDAINED:

That Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing and Parking, Division 1 - Generally, Section 106-123 - Vehicle Parking Time Limited Where Carrying Capacity Is in Excess

of One Ton and Section 106-128 - Parking Mobile Homes, etc. of the Dover Code be amended to read as follows:

Sec. 106-123. - Vehicle parking time limited where carrying capacity is in excess of one ton, and trailer and recreational vehicle parking.

- (a) It shall be unlawful for any person to park any vehicle with a carrying capacity of more than one ton, any trailer, which includes, but is not limited to, boat, utility, construction or one that is used to carry goods regardless of weight capacity and is designed to be towed or pulled by another vehicle, or any vehicle or trailer on the city streets for a period longer than two consecutive hours.
- (b) It shall be unlawful for any person to park any commercial vehicle with a carrying capacity of more than one ton, any trailer, which includes, but is not limited to, utility, construction or one that is used to carry goods regardless of weight capacity and is designed to be towed or pulled by another vehicle, or any vehicle or trailer combination thereof, in any residential zone in the city except for temporary parking for immediate deliveries, pickups, and/or service calls to residences or for construction work on residential properties. A commercial vehicle shall be one which is used or maintained for the transportation of persons or property for hire, compensation or profit, except taxicabs.
- (c) It shall be unlawful for any person to park a trailered boat under 25 feet on the streets of Dover for a period longer than 12 consecutive hours. For any trailered boat 25 or greater, refer to subsection (a).
- (d) It shall be unlawful for any recreational vehicle to park on any residential street for a period longer than 12 consecutive hours without a permit. A resident owner of a recreational vehicle may request a parking permit from the city to park on a residential street in the vicinity of their residence for a period not to exceed 72 hours. The permit would be made available at no cost to the resident. The parking permit shall be displayed in the front window of the vehicle visible from the street. A resident may only request such a permit three times in any 12-month period.
- (e) Nonresidents are exempt from subsection (d) for a period of up to seven days as long as their recreational vehicle does not create a safety hazard or interfere with traffic in the residential area that they are parked in.
- (f) All parking allowed in this section only applies to streets that can accommodate parking in compliance with appendix A, article VI, section A.

(Code 1981, § 13-30.2; Ord. of 2-22-1982; Ord. of 9-10-1990; Ord. of 12-11-1995; Ord. of 7-25-2005)

Sec. 106-128. - Occupancy of recreational vehicles, etc.

It shall be unlawful and a nuisance to keep, either as owner, tenant or possessor, any recreational vehicle, bus, motor vehicle, or vehicle of any kind adapted for long-term occupancy, except while it is being used as a business office in connection with the construction of a permanent building or

structure on the same premises. The person desiring to park and use the vehicle as a construction business office shall first obtain a permit therefor from the city manager, and the permit shall be effective for no more than six months, but in no event for longer than the period of construction.

(Code 1968, § 17-62; Code 1981, § 13-35)

BE IT FURTHER ORDAINED:

That Chapter 110 - Utilities, Article III - Water Service, Division 3 - Water Impact Fees, Section 110-207 - Establishment of Equivalent Dwelling Units, (a)(1) of the Dover Code be amended to read as follows:

- (a) *Determination for residential dwellings.* Whenever by ordinance or by contract the city imposes or assesses water charges or fees on the basis of EDUs, an EDU shall be determined in the same manner as wastewater collection charges or fees and as defined in the most recent impact fee ordinance adopted by Kent County Levy Court. An EDU for a residential dwelling shall be determined as follows:
- (1) Houses, dwellings, mobile homes, manufactured homes, and apartments with one kitchen and one or more baths and bedrooms separate from the kitchen1.0 EDU
 - (2) Efficiency unit or cottage having a living space in one room and having one bath1.0 EDU
 - (3) Dwelling with one kitchen and one or more baths and bedrooms separate from the kitchen and attached to other dwellings or structures1.0 EDU

BE IT FURTHER ORDAINED:

That Chapter 110 - Utilities, Article IV - Sanitary Sewer Service, Division 3 - Wastewater Collection Impact Fees, Section 110-282 - Establishment of Equivalent Dwelling Units, (a)(1) of the Dover Code be amended to read as follows:

- (a) *Determination for residential dwellings.* Whenever by ordinance or by contract the city imposes or assesses wastewater collection and transmission charges or fees on the basis of EDUs, an EDU shall be determined as defined in the most recent impact fee ordinance adopted by the Levy Court of the county. An EDU for a residential dwelling shall be determined as follows:
- (1) Houses, dwellings, mobile homes, manufactured homes, and apartments with one kitchen and one or more baths and bedrooms separate from the kitchen1.0 EDU
 - (2) Efficiency unit or cottage having a living space in one room and having one bath1.0 EDU
 - (3) Dwelling with one kitchen and one or more baths and bedrooms separate from the kitchen and attached to other dwellings or structures1.0 EDU

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 2 - Zoning Ordinance and Zoning Map, Section 1 - List of Zones of the Dover Code be amended by replacing mobile home park zone....MHP with the following:

Manufactured housing zoneMH

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 3 - District Regulations, Section 8 - Mobile Home Park Zone (MHP) of the Dover Code be amended to read as follows:

Section 8. - Manufactured Housing Zone (MH).

8.1 *Uses permitted.* In a manufactured housing zone, 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 uses, except the following:

8.11 Manufactured homes on individual lots, held in any type of ownership.

8.12 Multiple manufactured homes on a lot, provided that:

- (a) The lot is operated as a condominium; or
- (b) The lot is operated as a land lease community; and
- (c) There are at least 15 manufactured homes on the lot, or else sufficient home sites for rent or sale on the lot to accommodate 15 manufactured homes. Such home sites need not be expressly delineated but must be improved so as to be complete and ready for occupancy by a manufactured home.

8.13 One-family detached homes on individual lots, held in any type of ownership.

8.2 *Conditional uses.* Conditional uses shall be consistent with those conditionally permitted in the One-Family Residence Zones.

8.3 *Accessory uses.* Accessory uses shall be consistent with those permitted in the One-Family Residence Zones, with the following additions and exceptions:

8.31 Management facilities. The following shall be permitted accessory to lots providing home sites for multiple manufactured homes:

- (a) Management offices with rooms for the usual office furniture and supplies, limited to one per lot;
- (b) Storage space for utility connection supplies in quantity, manufactured home accessories and maintenance materials and

equipment;

- (c) Laundry facilities equipped with washing machines and dryers;
- (d) Community building facilities, including indoor recreation areas;
- (e) Commercial establishments consistent with uses permitted in the C-1 Neighborhood Commercial Zone, limited to one such establishment per lot;
- (f) One-family detached homes intended for the use of a manager or caretaker, limited to one such dwelling per lot.

8.32 Accessory home occupations. Accessory home occupations shall be permitted consistent with the conditions outlined for home occupations in the One-Family Residence Zones, with the exception that no home occupation shall be permitted if not also permitted by the owner of the lot on which the home is sited.

8.4 *Uses prohibited.* The following uses are specifically prohibited:

8.41 Mobile homes, house trailers, and recreational vehicles as principal uses on a lot. Any such structures or vehicles located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

8.42 Any other kind of factory-built housing that does not meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code as approved June 15, 1976, unless it can be demonstrated that such housing is constructed to the standards of the Dover Code of Ordinances, Chapter 22 - Buildings and Building Regulations. Any such housing located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

8.5 *Minimum occupation length.* No lot or home site within the Manufactured Housing Zone reserved for occupation by a manufactured home shall be leased or occupied for residential use except for periods of 30 consecutive days or more.

8.6 *Land Lease Communities.* The following regulations shall apply to land lease communities within the MH zone:

8.61 The entire land area occupied by a land lease community, regardless of the number of home sites or individual lots therein, shall be maintained in single ownership, or if in multiple ownership, under the provisions of the laws of the State of Delaware dealing with unit properties and condominiums.

8.62 Changes to site plan. After initial site development plan approval of a land lease community, reapproval for the entire community shall not be required prior to the issuance of building permits for alterations to individual manufactured homes, or

their accessory buildings such as storage areas and patios, which, in the judgement of the city planner, do not materially alter the site development plan approval by the planning commission and are requested as adjustments to the individual manufactured home sites or lots leased by an individual family and designed for the convenience and comfort of the individual lessee.

8.7 *Performance Standards.* All uses are subject to performance standards as set forth in article 5, section 8.

8.8 *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.

8.81 For purposes of preparing a site development plan for approval by the planning commission, and all subsequent improvements, alterations or additions, the applicant shall conform to current submission requirements and site development standards as set forth by the National Fire Protection Association publication 501A, "Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities." Where applicable, the approving authority shall be the Fire Marshal's Office.

8.82 No site development plan proposing the siting of a manufactured home outside of a land lease community shall be approved unless the plan shows the manufactured home is to be permanently placed, as defined in the Dover Code of Ordinances, Chapter 66 - Manufactured Homes, Mobile Homes, and Land Lease Communities.

8.9 *Maximum density.* The gross residential density in an MH zone shall not exceed six dwelling units per acre.

8.10 *Signs.* Signs shall meet the regulations found in Article 5 - Supplementary Regulations, Section 4 - Supplementary Sign Regulations.

(Ord. of 10-13-1981; Ord. of 3-20-1983; Ord. of 3-24-1986; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. of 4-28-2008(2); Ord. No. 2010-29, 1-10-2011)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ), Subsection 22.6 - Land Use Compatibility Table - Residential of the Dover Code be amended by inserting the following in the correct alphabetical order:

Manufactured homes N N N N N N N

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 3 - District Regulations, Section 24 - Planned Neighborhood Design Option [(PND)], Subsection 24.3 - Permitted Uses of the Dover Code be amended to read as follows:

24.3 Permitted uses:

- (a) Any use permitted in one-family residence zones;
- (b) Any other residential use, including one-family lot line dwelling units, duplexes, multiplexes, townhouses, patio houses, garden apartments, and mid-rise apartments, but not including high-rise apartments, mobile homes, or manufactured homes;
- (c) Accessory dwelling units may be proposed in conjunction with detached single-family houses if approved by the planning commission as an integral part of planned neighborhood design;
- (d) Commercial uses accessory to the development as a whole in accordance with the standards of the C-1A zone;
- (e) Under the senior citizen housing option, all housing types, and including congregate housing structures and uses, assisted living residences, and nursing homes. All such housing units and/or property shall be deed restricted to require that the head of household for each housing unit be at least 55 years of age or older.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 4 - Zoning Bulk and Parking Regulations, Section 4.12 - Mobile Home Park (MHP) Zone of the Dover Code be amended to read as follows:

Section 4.12. - Manufactured Housing (MH) zone.

[(a)] Bulk and parking regulations for the manufactured housing (MH) zone are as follows:

		Manufactured Home Community (≥ 15 home sites per lot)	Individual Single-Wide Unit Lots	Individual Double-Wide Unit Lots	All Other Individual Unit Lots
Minimum required:					
Lot area		15 acres	4,000 sq. ft.	5,000 sq. ft.	6,000 sq. ft.
Lot width (ft.)		200	40	55	60
Front yard (ft.)		40	25	25	25
Side yard (ft.)		25	8	8	8
Rear yard (ft.)		25	11	11	11
Off-street parking space		2	2	2	2
	(a) Per home/home site	2	2	2	2
	(b) Per 300 sq. ft. of floor area in permanent management office facility	1			
Maximum permitted:					
Building height					
	Stories	2	2	2	2
	Feet	30	30	30	30

[(b)] Special requirements for corner lots with frontage on two streets, public or private, shall be as follows:

1. Minimum lot width for a single-wide unit lot shall be 54 feet, minimum lot width for a double-wide unit lot shall be 68 feet, and minimum lot width for any other

individual unit lot shall be 75 feet.

2. The minimum setback for any structure from the edge of the cartway of either street shall be 22 feet.
3. Off-street parking shall not be permitted within 30 feet of the corner of the lot at the street intersection.

[(c)] Special requirements for lots accessed by cul de sac streets shall be as follows:

1. The minimum lot frontage at the edge of the street cartway shall be 16 feet.
2. The minimum lot width at the building setback and for the full depth of the lot behind the building setback line shall be 40 feet for a single-wide unit lot area and 55 feet for a double-wide unit lot. (Ord. of 4-28-1986)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 4 - Supplementary Sign Regulations, Subsection 4.7 - Permitted Signs of the Dover Code be amended to read as follows:

4.7 *Permitted signs.* Signs are permitted in all zones in accordance with the following table, which is a list of permitted sign types by use, proximity to residential uses and road classification.

SIGN TABLE									
Use		Road Type	Permitted Signs						
Specific			Sign Type	Number Permitted	Max. Size	Max. Height	Percentage of Total Wall Area	Setback (R.O.W.)	Exclusion Zone
Residential Uses and Nonresidential Uses in Residential Districts	Single-Family Detached/Semi-Detached	All Streets	Signs permitted in § 4.5 only						
	Professional Office	All Streets	Post or Monument	1/entrance	12 S.F.	7 feet	N/A	5 feet	20 feet
			Wall	1/frontage	16 S.F.	N/A	≤ 15%	N/A	N/A
	Subdivisions Multi-Family Residential Uses	All Streets	Wall	1/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
Monument or Post and Panel			2/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet	
Nonresidential Uses Adjacent to Residential Districts or Uses	Places of Worship Daycare Centers	Urban Principal Arterial	Wall	2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
	Approved Conditional Uses Educational/Institutional		Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	10 feet	20 feet
	All Other Approved Nonresidential Uses		Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	5 feet

		Urban Minor Arterial	Pylon*	1/frontage	32 S.F.	30 feet	N/A	30 feet	50 feet		
			Wall	2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A		
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet		
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet		
		Urban/Local/ Collector	Wall	2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A		
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet		
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet		
		Nonresidential Uses in Nonresidential Districts	Nonresidential Uses	Urban Principal Arterial	Wall	2/frontage	No max	N/A	≤ 15%	N/A	N/A
					Monument or Post and Panel	1/entrance	100 S.F.	10 feet	N/A	10 feet	20 feet
					Pylon OR *	1/frontage	100 S.F.	30 feet	N/A	15 feet	50 feet
					Pylon*	1/frontage	150 S.F.	30 feet	N/A	31 feet	50 feet
				Urban Minor Arterial	Wall	2/frontage	64 S.F.	N/A	≤15%	N A	N/A
Monument or Post and Panel OR	1/entrance				64 S.F.	7 feet	N/A	5 feet	20 feet		
Post**	1/frontage				16 S.F.	7 feet	N/A	5 feet	10 feet		
Urban/Local/ Collector	Wall			2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A		
	Monument or Post and Panel OR			1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet		
	Post**			1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet		

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 6 - Off-Street Parking, Driveways and Loading Facilities, Section 1 - Permitted Accessory Parking of the Dover Code be amended to read as follows:

Section 1. - Permitted accessory parking.

1.1 *Off-street parking spaces.* Off-street parking spaces, open or enclosed, are permitted accessory to any use. One commercial vehicle may be parked on a lot in any residence zone only if less than one ton in carrying capacity.

- 1.2 *Trailers and boats.* The long-term use of a recreational vehicle as a residence by any person or persons is prohibited in all zones. A boat with its trailer or a utility trailer, under 31 feet body length or an unoccupied recreational vehicle, may be parked within a garage or anywhere behind the setback line if screened from adjacent lots. However, none of the vehicles shall be parked in a required side yard if alley parking adjacent to the lot is available.
- 1.3 Driveways. No driveway shall provide access to a lot located in another zone, which lot is used for any use prohibited in the zone in which such driveway is located.
- 1.4 The minimum width of a residential driveway shall be nine feet.

(Ord. of 9-12-1983; Ord. of 1-10-1996; Ord. of 11-13-2007)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 7 - Nonconforming Buildings and Uses, Section 1 - Nonconforming Buildings and Uses, Subsection 1.51 of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

1.5 Each of the nonconforming uses specified below is deemed sufficiently objectionable, undesirable, and out of character in the district in which such use is located as to depreciate the value of other property and uses permitted in the district, and blight the proper and orderly development and general welfare of such district and the city to the point that each of such nonconforming uses shall be terminated on or before the expiration of the specified period of time after the effective date of this ordinance; which period of time is specified for the purpose of permitting the amortization of the remaining value, if any, of such use.

1.51 In any residence zone, any nonconforming use of open land, including such uses as a parking lot, junkyard, or open storage yard for materials or equipment, may be continued for three years after the effective date of this ordinance, or after annexation of the property into the City of Dover, provided that, after the expiration of that period, such nonconforming use shall be terminated (see also article 6, section 1.12). Any “mobile home” as that term is defined in article 12 hereof, that was located within the limits of the City of Dover at the effective date of this ordinance [November 22, 1976], or that was in place on any land subsequently annexed into the City of Dover, shall constitute a nonconforming use and shall be permitted to be maintained as a nonconforming use indefinitely. However, such mobile home shall be required to connect to city sewer and water mains, if available, and such mobile home shall be subject to and shall comply with all other city codes and ordinances applicable to structures and residences.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 - Definitions of the Dover Code be amended by inserting the following new definitions in the correct alphabetical order:

Condominium: A form of property ownership providing for individual ownership of a dwelling unit together with an individual interest in land or parts of a building held in common with other owners. Condominiums follow the provisions of the laws of the State of Delaware dealing with unit properties and condominiums.

Land Lease Community: A residential development typified by single ownership of the land within the development, with the landowner retaining the rights of ownership. Home sites or individual lots within the community are leased to individual homeowners, who retain customary leasehold rights.

Mobile home: A factory-built housing unit constructed on a chassis and completed before June 15, 1976. Prior to the HUD code, mobile homes were not subject to uniform construction or safety standards.

Modular Home: A factory built housing unit constructed to the standards of the Dover Code of Ordinances, Chapter 22 - Buildings and Building Regulations.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 - Definitions of the Dover Code be amended by deleting the definition of “mobile home.”

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 - Definitions, Dwelling unit of the Dover Code be amended to read as follows:

Dwelling unit: A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A boarding[house] or roominghouse, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, travel trailer, recreational vehicle, or other similar structures or vehicles shall not be deemed to constitute a dwelling unit.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, Chapter 26 - Businesses, Article II - Licenses, Section 26-35 - License Required; Fees, Subsection (d)(1) - Businesses Licensed of the Dover Code be amended to read as follows:

		Fees and Fines
Chapter 26 - Businesses, Article II - Licenses		
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.		
Sec. 26-35 - License required; fees		
	Subsec. (d)(1) - Businesses licensed	
	Advertising agency	\$95.00
	Amusement operator	\$157.00
	Architect	\$250.00
	Attorney-at-law	\$313.00
	ATM machines (third-party or off bank premises)	\$50.50
	Auctioneer	\$157.00
	Automobile race operator	\$375.00
	Bank, or loan and trust company	\$313.00
	Barber	\$63.00
	each additional chair over two	\$4.00
	Beautician	\$63.00
	each additional chair over two	\$4.00
	Broadcasting station	\$313.00
	Broker	\$157.00
	Car wash	\$188.00
	Certified public accountant	\$250.00
	Cesspool cleaner	\$125.00
	Chiropractor	\$313.00
	Clinical social worker	\$96.00
	Coin-operated amusement machine owner	\$3.00 Per machine
	Coin-operated vending machine owner	\$3.00 Per machine
	Coin-operated electronic video machine	\$125.00 Per machine
	Commercial sign business	\$125.00

	Computer-related services	\$125.00
	Consultant	\$50.50
	Day care operator:	
	Center or home provider with greater than six children	\$50.50
	Dentist	\$313.00
	Distributor	\$63.00
	Dray person or mover	\$125.00
	Eating establishment and/or eating establishment operator	\$125.00
	Employment agency	\$125.00
	Entertainer:	
	One - three entertainers per group	\$50.50
	Four - nine entertainers per group	\$95.00
	Ten or more	\$125.00
	Entertainment agent	\$188.00
	Finance or small loan agency	\$250.00
	Fitness trainer	\$69.00
	Funeral director	\$250.00
	Gaming position	\$155.00
	Gas, light, power, cable TV and telephone company	\$938.00
	General repairman	\$63.00
	Health spa or health club	\$188.00
	Home day care operator	\$25.50
	Hotel:	
	Per room	\$9.50
	Per suite	\$12.50
	Income tax consultant	\$188.00
	Incorporator	\$125.00
	Insurance adjustor office	\$125.00
	Itinerant merchant, per event	\$100.00
	Janitorial and cleaning service:	
	One - three employees	\$50.50
	Four - nine employees	\$95.00
	Ten or more employees	\$125.00
	Land lease community operator, per home site within community	\$25.00

	Landscape service company:	
	One - three employees	\$50.50
	Four - nine employees	\$95.00
	Ten or more employees	\$125.00
	Laundry service operator:	
	Primary facility	\$125.00
	Additional drop-off locations	\$50.50
	Linen supplier	\$125.00
	Manicurist	\$32.00
	Manufacturer's agent or representative	\$125.00
	Mercantile agency or collection agency	\$125.00
	Motel, per room	\$7.00
	Motion picture theater	\$188.00
	Motor vehicle serviceman	\$95.00
	Nursing, rest or convalescent home	\$188.00
	Open market operator:	
	First 20 spaces, per rented space	\$22.50
	21st - 50th space, per rented space	\$11.50
	Each space over 50, per rented space	\$6.00
	Outdoor tables, per table	\$6.00
	Optometrist	\$313.00
	Pawnbroker	\$188.00
	Pest control services	\$95.00
	Pharmacist	\$188.00
	Photographer	\$125.00
	Physical therapist	\$188.00
	Physician and/or surgeon	\$313.00
	Plant nursery and florist	\$95.00
	Podiatrist	\$313.00
	Pool table operator, per table	\$63.00/ Maximum fee \$189.00
	Printer	\$125.00
	Private investigator agency	\$188.00
	Professional counselor	\$63.00
	Professional engineer	\$250.00
	Professional land surveyor	\$250.00

	Psychologist	\$313.00
	Public accountant	\$188.00
	Public stenographer	\$38.00
	Publisher	\$313.00
	Real estate broker, appraiser, and manager	\$157.00
	Real estate development corporation	\$344.00
	Real estate property manager:	
	One - three units managed	\$50.50
	Four - ten units managed	\$125.00
	Ten + units managed	\$125.00
	Real estate salesperson or associated broker	\$50.50
	Rental service	\$125.00
	Sales representative	\$50.50
	School and educational service (nonvocational)	\$63.00
	School and educational service (vocational)	\$125.00
	Scientific laboratory	\$250.00
	Scrap and waste material service	\$125.00
	Secondhand dealer of precious metals	\$125.00
	Security service	\$188.00
	Self-service laundry or dry cleaner	\$125.00
	Shoe repairman	\$50.50
	Sound truck, per hour	\$33.00
	Tailor and garment service	\$50.50
	Taxicab or bus operator:	
	First vehicle	\$26.00
	Each additional vehicle	\$26.00
	Tourist home, per room	\$7.00
	Travel agency	\$125.00
	Veterinarian	\$313.00
	Warehouseman	\$250.00
	Wholesale news agency	\$63.00
	All other businesses not listed:	
	One - three employees	\$50.50
	Four - nine employees	\$95.00
	Ten - 50 employees	\$125.00
	51 - 100 employees	\$313.00

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, Chapter 66 - Manufactured Homes and Trailers of the Dover Code be amended to read as follows:

		Fees and Fines
Chapter 66 - Manufactured Homes Mobile Homes, and Land Lease Communities		
Sec. 66-2 - Licenses		
	Subsec. (a) - Required fee	\$45.00 each license
	Subsec. (b) - Payment; penalties	A fine of not less than \$50.00 and a penalty fee of ten percent per month shall accrue on the unpaid balance of the license fee
Sec. 66-5 - Duties of Land Lease Community Owners and Operators		
	Subsec. (c)(i) - Failure to perform required duties	A fine of not less than \$50.00 in addition to any charges imposed to cover cost of maintenance by the City
	Subsec. 66-5 (c)(ii) - Cost of maintenance by the City	\$75.00 per hour for such work that must be done to render the property in compliance with this article, plus a 15% administrative charge

ADOPTED: AUGUST 8, 2016

S:\ORDINANCES\2016\ADOPTED\Proposed Ordinance #2016-16 - Manufactured Housing w SA#1-ADOPTED 08-08-2016.wpd

SYNOPSIS

The proposed ordinance updates the standards and terminology throughout the Dover Code as they relate to manufactured homes. The proposed ordinance also implements standards for management and maintenance of land lease communities. (SPONSORS: NEIL, SLAVIN, AND COLE)

Actions History

- 08/08/2016 - Public Hearing/Final Reading - City Council
- 07/18/2016 - Public Hearing - Planning Commission
- 06/27/2016 - First Reading - City Council
- 06/14/2016 - Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee