

CITY OF DOVER PROPOSED ORDINANCE #2016-25

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

3 That Appendix B - Zoning, Article 6 - Off-Street Parking, Driveways and Loading Facilities of the Dover
4 Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

5 **ARTICLE 6. - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES**

6 **Section 1. - Permitted accessory parking.**

7 1.1 *Off-street parking spaces.* Off-street parking spaces, open or enclosed, are permitted accessory to
8 any use. One commercial vehicle may be parked on a lot in any residence zone only if less than one
9 ton in carrying capacity.

10 1.2 *Trailers and boats.* The long-term use of a recreational vehicle as a residence by any person or
11 persons is prohibited in all zones. A boat with its trailer or a utility trailer, under 31 feet body length
12 or an unoccupied recreational vehicle, may be parked within a garage or anywhere behind the setback
13 line if screened from adjacent lots. However, none of the vehicles shall be parked in a required side
14 yard if alley parking adjacent to the lot is available.

15 1.3 *Driveways.* No driveway shall provide access to a lot located in another zone, which lot is used for
16 any use prohibited in the zone in which such driveway is located.

17 1.4 The minimum width of a residential driveway shall be nine feet.

18 (Ord. of 9-12-1983; Ord. of 1-10-1996; Ord. of 11-13-2007; Ord. No. 2016-16 , 8-8-2016)

19 **Section 2. - Permitted accessory loading berths.**

20 2.1 Off-street loading berths, open or enclosed, are permitted accessory to any use, except residences for
21 one or two families. However, no off-street loading berth shall be located in a front yard.

22 **Section 3. - Required off-street parking spaces.**

23 3.1 *Schedule of requirements.* Accessory off-street parking spaces, open or enclosed, shall be provided
24 for any lot as specified in Article 4-Zoning Bulk and Parking Regulations, or as specified below for
25 each use in any zone, whichever is greater.

26 (a) *Exceptions.*

27 i. Where Article 3-District Regulations, specifies a minimum parking requirement, this
28 parking requirement shall prevail.

29 ii. For existing buildings within the C-2 zoning district, the requirements of Article 4,
30 Section 4.14-[C-1, C-1A, C-2, C-2A zoned], bulk and parking regulations governing the
31 C-2 zoning district shall prevail.

For:	At Least One Parking Space For Each
Places of worship	Two hundred (200) square feet of floor area, but not less than one (1) space for each four (4) seats, where provided
Libraries	Three hundred (300) square feet of floor area
Medical offices—All types	Three hundred (300) square feet of floor area
Nursery school or kindergarten	Adult attendant, plus one for every 20 children
Elementary or junior high school	Eight (8) seats in main auditorium/cafeteria or gymnasium
High school, technical school, college or university	Five (5) seats in main auditorium/cafeteria or gymnasium; if none, see Article 4—Zoning, Bulk and Parking Regulations
Hospitals or sanitariums	Three beds
Apartments	Two (2) per dwelling unit and one (1) for every two hundred (200) square feet of office space and 0.25 per dwelling unit for visitor space
Roominghouses	Guestroom
Dormitories	Three (3) beds
Eating and drinking places	Four (4) seats plus one (1) for every three (3) bar seats
Funeral homes	Two (2) employees, plus five (5) spaces for each chapel
Hotels and motels	Guestroom, plus one (1) for every 200 square feet of office space, banquet hall, or meeting areas
Athletic fields, baseball, football or boxing stadiums and arenas; race tracks	Three (3) seats
Golf courses	Per employee and four (4) parking spaces for each hole
Golf or baseball driving range	One-half (½) stall
Airports	Per employee and for each two (2) airplanes in storage

- 3.2 *Areas computed as parking spaces.* Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or driveway. However, a driveway within a required front yard for a one-family or two-family residence may count as one parking space, other than a corner lot as provided in article 5, section 1.3.
- 3.3 *Location and ownership of required accessory parking facilities.* Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory, or elsewhere, provided all spaces therein are located within 150 feet walking distance of such lot. In all cases, such parking spaces shall conform to the regulations of the district in which they are accessory and shall be subject to deed restriction, filed with the city clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available either:
- Throughout the existence of such use to which they are accessory; or
 - Until such spaces are provided elsewhere.
- 3.4 *Size of spaces.* The minimum parking space dimensions shall be at least nine (9) feet in width and at least 18 feet in length. Disabled accessible spaces shall meet ADA requirements.
- 3.5 *Access.* Unobstructed access to and from a street shall be provided. Each drive lane shall have at least ten feet of width so that one-way drives have at least ten feet of width and that two-directional drives have two lanes of ten feet each. Unless otherwise specified within this section, access shall be provided by at least one two-directional drive lane or two one-directional drive lanes.

72 3.6 Drainage and surfacing.

73 (a) All open permanent parking areas and access drives shall be properly drained and all such areas
74 shall be provided with paved asphalt, concrete or other hard, paved, dust-free surface.

75 (b) All permanent parking areas shall be enclosed with upright concrete curbing at least six inches
76 in height. The planning commission may relax this requirement for a portion of a parking area
77 when there is a demonstrated need to convey stormwater to a proposed or approved stormwater
78 management area. Curbing shall not be required for loading areas, handicapped access and for
79 parking spaces accessory to a one-family or two-family residence (see also article 6, section
80 5.3).

81 3.7 *Joint facilities.* Required parking spaces, open or enclosed, may be provided in spaces designed to
82 serve, jointly, two or more establishments, whether or not located on the same lot, provided that the
83 number of required spaces in such joint facilities shall be not less than the total required for all such
84 establishments.

85 3.8 *Combined spaces.* When any lot contains two or more uses having different parking requirements,
86 the parking requirements for each use shall apply to the extent of that use. Where it can be
87 conclusively demonstrated that one or more such uses will be generating a demand for parking
88 spaces primarily during periods when the other use or uses is not or are not in operation, the planning
89 commission may reduce the total parking spaces required for that use with the least requirement.

90 (a) *Campus Parking Plan.* When a new building or building addition is made to a campus
91 involving multiple buildings under common ownership where one or more of the uses will be
92 generating demand for parking when the other use or uses are not in operation, the applicant
93 shall present a campus parking plan as a part of the site development plan that includes an
94 analysis of the parking needs based on the provisions of section 3.8 of this article.

95 3.9 *Adjustments to parking requirements.* The planning commission may reduce, in an amount not to
96 exceed 50 percent, the number of parking spaces required when, in the opinion of the commission,
97 it has been demonstrated that the use is adequately served by transportation and parking alternatives,
98 including but not limited to:

99 (a) Site plan proposals within the downtown redevelopment target area, as described in appendix
100 C of the Dover Code of Ordinances, may be granted a 20 percent reduction in the amount of
101 off-street parking normally required, due to the availability of mass transit, municipal parking
102 and existing pedestrian amenities.

103 (b) Designated off-street parking reserved for car pools, van pools, and bicycle parking facilities,
104 in accordance with the following schedule:

105 (1) Each carpool space shall be equivalent to three standard parking spaces.

106 (2) Each vanpool space shall be equivalent to five standard parking spaces.

107 (3) Every group of five bicycle parking spaces shall be equivalent to one standard parking
108 space.

- 109 (c) Employer participation in a traffic-mitigation plan approved by the Delaware Department of
110 Transportation.
- 111 (d) Cash-in-lieu of parking contributions toward the capital construction or improvement of
112 municipal parking facilities that are proposed. The cash-in-lieu of parking contribution shall
113 be in a monetary amount equivalent to the estimated cost of construction for the number of
114 standard surface parking spaces for which the reduction is sought. To take advantage of this
115 option, the developer shall submit to the city engineer a cost estimate for the parking requested
116 to be waived. The city engineer shall examine the estimate for accuracy in current prevailing
117 costs of construction at the time of proposal and shall report to the planning commission
118 his/her findings.
- 119 (e) Proposals involving superior urban design which contribute to an enhanced pedestrian
120 environment and which include such features as pedestrian plazas and pocket-parks,
121 pedestrian-way connections with existing sidewalk systems and community facilities, park
122 benches and other street furniture, mass transit connections and shelters, and landscaping and
123 shade tree plantings.

124 In all areas, except the downtown redevelopment target area, the development plans shall have
125 an area of open space designated where parking could be constructed equal to the number
126 being reduced and the plan shall bear a note which explains that the petitioner, in accepting a
127 parking reduction, agrees to construct such additional parking as is otherwise required under
128 the provisions of the zoning ordinance [this appendix], if the planning commission, after a
129 hearing, determines that the reasons for granting said reduction no longer exist. In all such
130 instances where the planning commission determines that the reasons for granting a reduction
131 no longer exist, the owner of record for the subject property for which a reduction was
132 previously granted must construct the parking required to meet the regulations of the city
133 during the next construction season.

134 3.10 *Bicycle parking.* Bicycle parking shall be provided for parking spaces at a rate of one bicycle parking
135 space for every 20 parking spaces or a fraction thereof. The planning commission may waive the
136 requirement for the bicycle parking if it is demonstrated that bicycle parking would not be
137 appropriate for safety reasons or due to the nature of the use of the site.

138 3.11 *Maximum number of parking spaces.* The maximum number of parking spaces shall not exceed 25
139 percent over the number of parking spaces required by the code.

140 (Ord. of 12-14-1992(2); Ord. of 4-25-1994; Ord. of 9-13-1999; Ord. of 4-23-2007(4) ; Ord. No. 2009-12,
141 9-14-2009; Ord. No. 2009-30, 3-8-2010; Ord. No. 2011-29, 1-9-2012; Ord. No. 2011-29, 1-9-2012)

142 **Section 4. - Required off-street loading berths.**

143 4.1 †*Uses for which required.*† Accessory off-street loading berths shall be provided for any lot or any
144 use specified herein. Any land which is developed as a unit under single ownership and control shall
145 be considered a single lot for the purposes of such requirements. Loading berths shall be designed
146 and located so as not to impede fire lane access or the safe and efficient vehicular and pedestrian
147 circulation and shall be in accordance with the following:

- 148 4.11 *Dimensions*. One required off-street loading berth shall have minimum dimensions of 12 feet
149 wide and 60 feet long. If more than one loading berth is required, subsequent berths may have
150 minimum dimensions of 12 feet wide and 40 feet long. At no time shall any part of a truck or
151 van be allowed to extend into a public thoroughfare or right-of-way while the truck or van is
152 being loaded or unloaded. If the outdoor loading area is covered, but not totally enclosed, the
153 minimum height of the outdoor loading berth area shall be 14 feet.
- 154 4.12 *Maneuvering space*. Adequate off-street truck maneuvering space shall be provided on-lot and
155 not within any public street right-of-way or other public lands. Internal site circulation lanes
156 are to be designed with adequate turning radii to accommodate the size and efficient
157 maneuvering of delivery vehicles.
- 158 4.13 *Location*. Loading berths must be functionally related to the building, and be situated where
159 actual loading and unloading activities are intended to occur. Loading berths located remotely
160 from the building will not be permitted, unless the applicant can demonstrate the utility of such
161 berths. Loading berths are not permitted between the street and building, except where a
162 property fronts on three or more streets. This [sub]section of the ordinance shall not preclude
163 the designation of an area in front of the building for parcel pick-up, mail deliveries, or
164 passenger loading.
- 165 4.14 *Obstructions*. All loading berths and maneuvering spaces shall be accessible at all times.
- 166 4.15 *Fire exit or emergency access*. Off-street loading facilities shall be designed so as not to
167 interfere with any fire exits or emergency access facilities to either a building or site.
- 168 4.16 *Maximum number of loading berths required*. For buildings up to 150,000 square feet, a
169 maximum of three loading berths will be required. Additional loading berths are permitted if
170 needed by the property owner or occupant.
- 171 4.2 *Loading berths required*. Off-street loading berths will be required for the following uses:
- 172 4.21 For a public library, museum, art gallery, or similar quasi-public institution, or governmental
173 building, community center, hospital or sanitarium, nursing or convalescent home, institution
174 for children or the aged, or school with [a] floor area of 10,000 square feet, one berth, [and]
175 for each additional 25,000 square feet or fraction thereof, one additional berth.
- 176 4.22 For buildings with professional, governmental, or business offices, or laboratory
177 establishments with [a] floor area of 10,000 to 25,000 square feet, one berth, [and] for each
178 additional 25,000 square feet or fraction thereof, one additional berth.
- 179 4.23 For buildings with retail sales and service establishments, one berth for 8,000 square feet to
180 25,000 square feet of floor area, and one additional berth for each additional 25,000 square feet
181 of floor area or fraction thereof so used.
- 182 4.24 For funeral directors, one berth for each chapel. (Such berths shall be at least ten feet wide, 20
183 feet long, and 7½ feet high, in lieu of the standard dimensions found in [sub]section 4.11
184 above.)

- 185 4.25 For hotels, one berth for each 25,000 square feet of floor area, or fraction thereof.
- 186 4.26 For manufacturing, wholesale and storage uses, and for dry cleaning and rug cleaning
187 establishments and laundries, one berth for 5,000 to 10,000 square feet of floor area in such
188 uses, and one additional berth for each additional 10,000 square feet of floor area or fraction
189 thereof so used.
- 190 4.27 For manufacturing, wholesale, or storage uses in the M or IPM zone, and for buildings in
191 excess of 150,000 square feet in any zone, sufficient off-street loading berths shall be provided.
192 Staff will determine the sufficiency of the loading berths after reviewing written documentation
193 from the applicant through the site plan review process.
- 194 4.3 *Joint facilities.* Permitted or required loading berths, open or enclosed, may be provided in spaces
195 designed to serve, jointly, two or more adjacent establishments, provided that the number of required
196 berths in such joint facilities shall not be less than the total required for all such requirements.
- 197 4.4 *Planning commission waiver.* The planning commission may waive required loading berths in the
198 following instances:
- 199 1) On an improved lot, when it can be demonstrated that retrofitting the site for loading berth(s)
200 is impractical or impossible;
- 201 2) When the applicant can demonstrate that the intended use is such that no deliveries by large
202 vehicles is expected, now or in the future;
- 203 3) When the applicant can demonstrate that the requirements of this ordinance are far in excess
204 of [the] actual needs on the site;
- 205 4) In the downtown redevelopment target area, where on-street loading areas are provided nearby.

206 In all cases, except in the downtown redevelopment target area, land for at least one standard sized loading
207 berth meeting all requirements of this ordinance must be reserved. The city planner may direct that this
208 loading berth be constructed by the owner of record due to any change in use for the site, or if the department
209 of planning and inspections determines that large vehicles are loading and unloading on the site, creating
210 the need for the loading berth.

211 (Ord. of 9-13-1999)

212 **Section 5. - Supplementary regulations for parking and loading facilities.**

- 213 5.1 *Access near street corners.* No entrance or exit for any accessory off-street parking area with over
214 ten parking spaces, nor any loading berth shall be located within 50 feet of the intersection of any
215 two street lines.
- 216 5.2 *On lots divided by zone boundaries.* When a lot is located partly in one district and partly in another
217 district, the regulations for the district requiring the greater number of parking spaces or loading
218 berths shall apply to all of the lot. Parking spaces or loading berths on such a lot may be located
219 without regard to district lines, provided that no such parking spaces or loading berths shall be

220 located in a residence zone, unless the use to which they are accessory is permitted in such zone, or
221 by special permission of the board of adjustment.

222 5.3 *Supplementary parking regulations for multiple dwellings.* No parking space shall be located in any
223 front yard or within three feet of any lot line in side or rear yards. The parking of motor vehicles
224 within 15 feet of any wall or portion thereof, which wall contains legal windows (other than legal
225 bathroom or kitchen windows) with a sill height of less than eight feet above the level of the said
226 parking space is prohibited. No service of any kind shall be permitted to be extended to users of the
227 lot, including automobile service, repair or fueling, and no gasoline, oil, grease, or other supplies
228 shall be stored or sold in any such lot or in any garage on such lot.

229 5.4 *Supplementary regulations for any parking lots adjacent to residential lots.*

230 5.41 Whenever space is provided for the parking of ten or more vehicles in the open, such spaces
231 shall be individually identified by means of pavement markings.

232 5.42 Reserved.

233 5.43 Wherever a parking lot is located across the street from other land in any residence zone, it
234 shall be screened from the view of such land by a thick hedge located along a line drawn
235 parallel to the street and a distance of 20 feet therefrom, [and] such hedge [is] to be interrupted
236 only at points of ingress and egress. The open area between such hedge and the street shall be
237 landscaped in harmony with the landscaping prevailing on neighboring properties fronting on
238 the same street. A fence five feet high may be required while such hedge is growing to a
239 suitable thickness.

240 5.44 Identification and directional signs shall not exceed an area of three square feet each and shall
241 be limited to such as are essential for the particular use.

242 5.5 *Parking for motorsports racing.* During any ten-day period prior to or two-day period following an
243 auto racing event the following provisions shall apply:

244 5.51 Automobile parking.

245 a. Property located within a residential zone may be used for fee-based parking of motor
246 vehicles. Fee-based parking shall not include parking of commercial vehicles for use by
247 commercial vendors and sales representatives.

248 b. Unimproved surfaces may be used for automobile parking. Such areas shall be reviewed
249 by the fire marshal to ensure adequate emergency access. No stormwater management
250 areas or other preserved open space shall be used for automobile parking.

251 c. Automobile parking shall in no case obstruct fire lanes, parking lot drive aisles,
252 emergency access, fire protection equipment, or cross access easements between
253 properties.

254 5.52 *Recreational vehicle parking.* Recreational vehicle parking shall be permitted within all zones
255 subject to the following requirements:

- 256 a. No more than three recreational vehicles shall be parked on a residential lot.
- 257 b. Property owners wishing to provide parking for more than five recreational vehicles shall
258 apply for a permit from the licensing and permitting division a minimum of 60 days prior
259 to the race event. Fees for the permit will be charged in accordance with appendix F.
260 Prior to issuance of a permit, the property owner or his agent must submit a legible
261 diagram of the camping area to the licensing and permitting division. The diagram shall
262 show recreational vehicle parking location, emergency access, drive aisles, entrance and
263 exit, number of proposed recreational vehicles to be parked, location of power lines, and
264 location of restroom facilities.
- 265 c. Recreational vehicles shall not be parked within 25 feet of power lines as measured from
266 the center of the utility pole. Vertical extensions from recreational vehicles shall not be
267 closer than 25 feet to power lines as measured from any point on the vertical extension.
- 268 d. Recreational vehicles shall not be parked closer than ten feet to other recreational
269 vehicles, buildings or other structures, as measured from the long side of the vehicle; nor
270 closer than two feet from other recreational vehicles, buildings or other structures, as
271 measured from the front or rear of the vehicle. The required ten feet shall exclude any
272 bump-outs or other protrusions from the side of the vehicle.
- 273 e. Recreational vehicle parking areas shall have drivable surfaces engineered to hold the
274 weight of recreational vehicles, fire equipment, and other emergency response equipment
275 in all types of weather.
- 276 f. Any changes to the layout of recreational vehicle parking areas shall be required to be
277 submitted to the licensing and permitting division at least 30 days prior to the race event.
- 278 g. The Fire Marshal's Office may grant an exception to any provision of section 5.52 if it
279 can be demonstrated that equivalent means of public safety and fire protection is being
280 provided.
- 281 h. The fire marshal's office shall develop policy guidance on the implementation of this
282 section.

283 **Section 6. - Tractor Trailer Parking**

284 **6.1 Parking of tractor trailers, or any part of a tractor trailer, is prohibited in all residential zones,**
285 **and in the following non-residential zones: CPO, C-1, C-1A, C-2, C-2A, SC-1.**

286 **6.2 Parking of tractor trailers within the C-3, C-4, IO, SC-2 and SC-3 zones is permitted only in**
287 **areas designated as loading zones or loading areas.**

288 **BE IT FURTHER ORDAINED:**

289 That Appendix B - Zoning, Article 12 - Definitions of the Dover Code be amended by inserting the
290 following definition in its correct alphabetical order:

291 *Tractor trailer:* A large truck with a long trailer attached to the back of it.

292 **ADOPTED: ***

293 S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-25 APDX B-ZONING, ART 6-OFF-STREET PARKING\Proposed Ordinance #2016-25 Appendix B, Art 6 - Off-Street Parking - Tractor Trailer
294 Parking-FINAL Reading.wpd

295 **SYNOPSIS**

296 The proposed amendment would prohibit the parking of tractor trailers, or any part of a
297 tractor trailer, in all residential zones and in certain non-residential zones. It would also limit
298 the parking of tractor trailers to designated loading zones or areas in non-residential zones.

299 (SPONSORS: SLAVIN AND COLE)

300 Actions History

301 01/09/2017 - Scheduled for Public Hearing/Final Reading - City Council

302 12/19/2016 - Public Hearing - Planning Commission

303 11/28/2016 - First Reading - City Council

304 11/15/2016 - Introduction - Council Committee of the Whole/Safety Advisory and Transportation Committee