



CITY OF DOVER ORDINANCE #2021-19

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 to read as follows:

Section 19 – Manufacturing zone (M).

19.1 *Uses permitted.* 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 procedure as set forth in article 5, section 8 and subject to the site development plan approval as set forth in article 10, section 2:

19.11 Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing or industrial processing of any goods, materials, products, instruments, appliances and devices, provided that the fuel used shall be oil, gas or electricity; together with accessory uses incidental to the use.

19.12 Research, design and development laboratories.

19.13 Wholesale storage and warehousing, transshipment and distribution, logistics support.

19.14 Building contractors' yards.

19.15 Public utilities uses.

19.16 Ministorage facilities, subject to the following regulations:

- (a) No unit shall be placed within 30 feet of any other structure on the lot or a residential property line.
- (b) No outside storage, except for recreational vehicles, boats or personal automobiles when completely screened from view and parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.
- (c) No individual unit may be used for retail, garage sale or any other commercial activities.
- (d) No storage of flammable, explosive, corrosive or other hazardous products may occur in the individual unit.
- (e) Parking must be provided at a ratio of one space for each 25 rental units, plus a minimum of three spaces for an office outside of the enclosure. One row of parallel parking is permitted between buildings at a ratio of one space per 25 feet.
- (f) All other bulk requirements of this ordinance are met.

19.17 Railroad yards, sidings, and storage facilities.

19.18 Accessory uses:

- (a) On-site offices, clinics, food service facilities, recreation facilities and child day care services collocated within the permitted use and limited to exclusive use by employees, and such other accessory uses and structures clearly incidental to, and customary to and associated with the permitted use
- (b) The following uses may be permitted as conditional uses if approved by the Planning Commission in accordance with the provisions and procedures set forth in Article 10, Section 1 and any specified requirements set forth below:
 - (1) Associated retail uses in conjunction with and accessory to a permitted use, provided that the associated retail uses do not occupy more than 30 percent of the gross floor area of the building or group of buildings on a lot. Parking shall be provided at a rate of one parking space per 300 square feet of retail space for the exclusive use of retail customers in addition to the bulk parking requirements of this zoning district for a particular use.
 - (2) Outside storage which is incidental to the primary uses on the lot, within a completely enclosed and secure area appropriately screened from public view and not in any required setback from property lines.

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

19.21 Residences.

19.22 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, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric, and sulphuric acids; coal, coke and tar products, including gas manufacturing; explosives; fertilizers; gelatin, glue and size (animal); linoleum and oil cloth; matches; paint, varnishes and turpentine; rubber (natural and synthetic); soaps, including fat rendering; [and] starch.

19.23 The following processes: nitrating of cotton or other materials; milling or processing of flour, food, or grain; 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.

19.24 Operations involving stock yards and slaughter houses, grain elevators, and slag piles.

19.25 Storage of explosives and bulk or wholesale storage of gasoline above the ground.

19.26 Dumps, except those owned and operated by the city.

19.27 Quarries, stone crushers, screening plants, and storage of quarry screenings, accessory to such uses.

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

19.3 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

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

(Ord. of 7-12-1993, § 8; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. of 7-23-2001)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 4 – Zoning Bulk and Parking Regulations, be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikethrough 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 (Business and 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	Not Limit	Not limit	Not Limit	Not limit	Not limit

	Feet	60	Equal to distance to nearest lot line	60	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; Ord. No. 2018-06 , 8-27-2018; Ord. No. 2019-15 , 9-9-2019)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 – Supplementary Regulations, be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikethrough as follows:

Section 3 - Supplementary regulations applying to nonresidential buildings.

3.1 *Supplementary height regulations in nonresidential zones.*

3.11 Except for one- or two-family dwellings, where a lot has frontage on two or more streets or other public ways, the height limitation shall apply only as measured from the curb level along the street or way with a higher elevation above sea level.

3.12 When penthouses, bulkheads, roof structures housing stairways, elevators, skylights, cooling towers, air-conditioning units, or other equipment, etc., are over 12 feet high and cover more than 20 percent of the roof area, measurements must be taken to the top of such elements.

3.13 An ornamental or decorative part of a building which is not used as a living or storage area, such as steeples, spires and the like may not be greater in height than the maximum height of the building to which the same is attached.

3.14 All penthouses, bulkheads, roof structures housing stairways, elevators, skylights, cooling towers, air-conditioning units, or other equipment, etc., must be ten feet back of the sidewalls, except that walls of elevators and stair enclosures may be built on the sidewall when required by the plan of the building.

3.2 *Courts for nonresidential buildings.*

3.21 *Inner courts.* No inner court shall have a minimum dimension less than one-half of the average height of all surrounding walls.

3.22 *Outer courts.* The minimum width of an outer court shall be 20 feet and the depth thereof shall not exceed its width.

ADOPTED: NOVEMBER 8, 2021

SYNOPSIS

This ordinance is a text amendment to the Zoning Ordinance provisions related to the “M” Manufacturing Zone. It increases the maximum allowable building height, removes the requirement that all manufacturing uses are subject to a Conditional Use approval, revises the description of allowable accessory uses, and makes technical changes to ensure consistency with other provisions. All these intended to improve Dover’s competitiveness.

(SPONSORS: ANDERSON AND NEIL)

Actions History:

- 11/08/2021 - Public Hearing/Final Reading – City Council
- 10/18/2021 - Public Hearing – Planning Commission
- 09/27/2021 - First Reading - City Council
- 09/14/2021 - Introduced at Council Committee of the Whole/Legislative Finance, and Administration Committee