# REGULAR COUNCIL MEETING
# AGENDA

**OCTOBER 26, 2015 - 7:30 P.M.**

**CITY HALL COUNCIL CHAMBERS**
**15 LOOCKERMAN PLAZA**
**DOVER, DELAWARE**

**REVISED TO INCLUDE NEW ITEM NO. 10 - REVIEW OF CHAPTER 66 - MANUFACTURED HOMES AND TRAILERS AND R-8 (ONE-FAMILY RESIDENCE) ZONING**

**OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 P.M.)**

THE "OPEN FORUM" SEGMENT IS PROVIDED TO EXTEND THE OPPORTUNITY TO THE GENERAL PUBLIC TO SHARE THEIR QUESTIONS, THOUGHTS, COMMENTS, CONCERNS, AND COMPLAINTS. DISCUSSION OF ANY ITEM APPEARING ON THE AGENDA AS A PUBLIC HEARING IS PROHIBITED DURING THE OPEN FORUM AS AN OPPORTUNITY WILL BE PROVIDED DURING CONSIDERATION OF THAT ITEM. CITIZEN COMMENTS ARE LIMITED TO THREE (3) MINUTES. COUNCIL IS PROHIBITED FROM TAKING ACTION SINCE THEY ARE NOT IN OFFICIAL SESSION; HOWEVER, THEY MAY SCHEDULE SUCH ITEMS AS REGULAR AGENDA ITEMS AND ACT UPON THEM IN THE FUTURE.

**INVOCATION BY CHAPLAIN WALLACE DIXON**

**PLEDGE OF ALLEGIANCE LED BY COUNCILMAN HARE**

**AGENDA ADDITIONS/DELETIONS**

* **CONSENT AGENDA**

THOSE ITEMS ON THE COUNCIL AGENDA WHICH ARE CONSIDERED ROUTINE AND NON-CONTROVERSIAL SHALL BE MARKED WITH AN ASTERISK (*) AND WILL BE ACTED UPON BY A SINGLE ROLL CALL VOTE OF THE COUNCIL. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A MEMBER OF COUNCIL SO REQUESTS, IN WHICH EVENT THE MATTER SHALL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED A SEPARATE ITEM.

* **1. ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF OCTOBER 12, 2015**

**2. CERTIFICATES OF RECOGNITION**
- **A. DAVE CHAMBERS**
- **B. GARY EMEIGH**

**3. PROCLAMATION - DIABETES AWARENESS MONTH**

* **4. PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - OCTOBER 12, 2015**

**A. DISCUSSION - POLICE ATHLETIC LEAGUE (PAL)**

(COMMITTEE ACTION NOT REQUIRED)

**B. YOUTH ADVISORY COMMITTEE RECOMMENDATIONS**

(COMMITTEE RECOMMENDED THAT THE CITY MANAGER EVALUATE THE YOUTH ADVISORY COMMITTEE'S PROPOSAL FOR A NEW YEAR'S EVE EVENT, INCLUDING NUMBERS, TO SEE IF THE PROPOSAL WAS DOABLE THIS YEAR OR IF IT WAS SOMETHING THAT MUST BE PLANNED FOR NEXT YEAR)

**C. STRATEGIC PLANNING AND GOAL SETTING**

(COMMITTEE RECOMMENDED REACHING OUT TO THE CAPITAL SCHOOL DISTRICT TO HAVE A CONVERSATION WITH RESPECT TO THEIR INTENT FOR THE OLD DOVER HIGH SCHOOL FIELD AND TRACK AND A DIALOGUE REGARDING A PARTNERSHIP WITH THE CITY)

(COMMITTEE RECOMMENDED DEFERRING FURTHER DISCUSSION ON STRATEGIC GOAL SETTING AND PLANNING UNTIL AFTER THE MAYOR'S PRESENTATION WHEN MRS. TOWNSHEND CAN BE PRESENT FOR MEMBERS TO HEAR FROM HER AS WELL)

* **5. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - OCTOBER 12, 2015**

**A. UPDATE - TRANSFER OF REAL PROPERTY FROM DELAWARE CIVIC CENTER CORPORATION TO DELAWARE STATE UNIVERSITY**

(COMMITTEE ACTION NOT REQUIRED)

**B. PROPOSED AMENDMENT TO DOWNTOWN DEVELOPMENT DISTRICT BOUNDARY (SEE ITEM #11-A)**

(COMMITTEE RECOMMENDED APPROVAL OF THE EXPANSION OF THE DOWNTOWN DEVELOPMENT DISTRICT BOUNDARY, AS RECOMMENDED BY STAFF)

**C. PROPOSED ORDINANCE #2015-17 AMENDING CHAPTER 14 - AMUSEMENTS AND ENTERTAINMENTS; APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 18 - RECREATIONAL AND COMMERCIAL ZONE (RC); AND APPENDIX F - FEES AND FINES (SEE ITEM #12-A)**

(COMMITTEE RECOMMENDED ADOPTION OF ORDINANCE #2015-17)

* **6. QUARTERLY REVENUE REPORT** (STAFF RECOMMENDS ACCEPTANCE OF THE REPORT)

* **7. SEMI-ANNUAL INSPECTION BY CITY MANAGER - ROBBINS HOSE COMPANY**

(STAFF RECOMMENDS ACCEPTANCE OF THE REPORT)

* **8. APPOINTMENT OF JUDGES - ROBBINS HOSE COMPANY ELECTION - NOVEMBER 16, 2015**

**A. JAMES HURLEY**

**B. WILLIAM HURLEY**

**C. JACK MITCHELL (ALTERNATE)**

* **9. APPOINTMENTS RECOMMENDED BY COUNCIL PRESIDENT SLAVIN - DOVER HUMAN RELATIONS COMMISSION - THREE (3) YEAR TERMS TO EXPIRE FEBRUARY 2017**

**A. JACKIE GRIFFITH - FIRST DISTRICT REPRESENTATIVE (TO FILL THE UNEXPIRED TERM OF CECIL WILSON)**

**B. DIANNE P. BOGLE - SECOND DISTRICT REPRESENTATIVE (TO FILL THE UNEXPIRED TERM OF EUGENE B. RUANE)**

**10. REVIEW OF CHAPTER 66 - MANUFACTURED HOMES AND TRAILERS AND R-8 (ONE-FAMILY RESIDENCE) ZONING**

**11. FIRST READING - PROPOSED ORDINANCE #2015-19**

THE FIRST READING IS OFFERED ON PROPOSED ORDINANCE #2015-19. THE FINAL READING OF THE ORDINANCE AND ACTION BY COUNCIL WILL TAKE PLACE ON NOVEMBER 9, 2015. COPIES OF ALL PROPOSED ORDINANCES ARE AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS OR CAN BE OBTAINED FROM THE CITY CLERK'S OFFICE.

**A. PROPOSED ORDINANCE #2015-19 AMENDING APPENDIX C - DOWNTOWN REDEVELOPMENT, ARTICLE II - DEFINITIONS, SECTION 4 - TARGET AREA**

(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

**12. FIRST READING - PROPOSED ORDINANCE #2015-17**

THE FIRST READING IS OFFERED ON PROPOSED ORDINANCE #2015-17. AMENDMENTS TO APPENDIX B, ZONING, REQUIRE A PUBLIC HEARING. IT IS RECOMMENDED FOR REFERRAL TO THE PLANNING COMMISSION ON NOVEMBER 16, 2015, AND THAT A PUBLIC HEARING BE SET FOR DECEMBER 14, 2015 AT 7:30 P.M., AT WHICH TIME THE FINAL READING AND COUNCIL ACTION WILL TAKE PLACE. COPIES OF ALL PROPOSED ORDINANCES ARE AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS OR CAN BE OBTAINED FROM THE CITY CLERK'S OFFICE.

**A. PROPOSED ORDINANCE #2015-17 AMENDING CHAPTER 14 - AMUSEMENTS AND ENTERTAINMENTS; APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 18 - RECREATIONAL AND COMMERCIAL ZONE (RC); AND APPENDIX F - FEES AND FINES**

(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

**13. FINAL READING - PROPOSED ORDINANCES**

THE FIRST READING OF THE FOLLOWING PROPOSED ORDINANCES WAS ACCOMPLISHED DURING THE COUNCIL MEETING OF OCTOBER 12, 2015. COPIES OF THE PROPOSED ORDINANCES ARE AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS.

**A. #2015-15 AMENDING CHAPTER 70 - OFFENSES AND MISCELLANEOUS PROVISIONS, SECTION 70-2 - WEAPONS GENERALLY AND APPENDIX F - FEES AND FINES**

**B. #2015-16 AMENDING CHAPTER 106 - TRAFFIC AND VEHICLES, ARTICLE III - STOPPING, STANDING AND PARKING, DIVISION 2 - METERED PARKING, SECTION 106-164 - VIOLATIONS; PENALTIES**

**C. #2015-18 - FIRST BUDGET AMENDMENT FOR FISCAL YEAR 2015/16 - PROJECT CARRY-FORWARD BUDGET BALANCES**

**14. COUNCIL MEMBERS' ANNOUNCEMENTS**

**/TM**

**S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\COUNCIL-AGENDAS\2015\10-26-2015 REVISED 10-26-2015 NEW ITEM 10.WPD**

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

# REGULAR COUNCIL MEETING

The Regular Council Meeting was held on October 12, 2015 at 7:30 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mrs. Townshend, Mr. Koenig, City Solicitor Rodriguez, and Mrs. McDowell. Fire Chief Hall was absent. Mayor Christiansen was also present.

## OPEN FORUM

The Open Forum was held at 7:15 p.m., prior to commencement of the Official Council Meeting. Council President Slavin declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

Mr. Sam Arost, 806 Woodcrest Drive, expressed concern with the traffic on Oakridge Alley, which runs in front of the driveways behind the houses in Woodcrest. He stated that there is a daycare in the neighborhood and the parents speed in and out using the alley to drop off their children. He noted that the cars are often going 35 to 40 mph by the time they reach the alley. Mr. Arost stated that many residents are leaving their driveways to go to work at the same time these parents are dropping off their children.

The invocation was given by Chaplain Wallace Dixon, followed by the Pledge of Allegiance.

## AGENDA ADDITIONS/DELETIONS

**Mr. Hutchison moved for approval of the agenda, seconded by Mr. Hare and unanimously carried.**

Mr. Hosfelt requested that item #9B - City Manager's Report and item #9G - Police Chief's Report, be removed from the Consent Agenda.

**Mr. Hare moved for approval of the Consent Agenda, as amended, seconded by Mr. Neil and carried by a unanimous roll call vote.**

## ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF SEPTEMBER 28, 2015

**The Minutes of the Regular Council Meeting of September 28, 2015 were unanimously approved by motion of Mr. Hare, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.**

## PRESENTATIONS - 2015 MAYOR'S ARTS AWARD

The Mayor's Arts Award was established to recognize the importance of the arts in Dover and to honor groups and individuals who have made outstanding contributions to the artistic and cultural light of our great City. The award honors visual and performing artists, arts educators, arts organizations, arts volunteers, and supporters of the arts. The recipients of this prestigious award exemplify excellence, inspire the community with their artistic pursuit, and insure a cultural legacy for future generations. Mayor Christiansen presented the 2015 Mayor's Arts Award, as follows:

**Delaware State News**

The Delaware State News pledges to their readers to help our community become a better place to live and work for our dedication to conscientious journalism. They consistently showed this support to both individuals artists and the art community in greater Dover in a variety of ways: news coverage, sponsorships, participation, and by providing a platform for the community to share what's important to them in the local art scene. This is true no matter what the genre, performing visual, cinematic, or literary art.

Mr. Tom Byrd, Publisher of the Delaware State News, on behalf of the fantastic staff whose dedication and belief in the importance of the arts for a community, and for community newspapers such as the Delaware State News, thanked Mayor Christiansen for the award. He noted that the staff members had done the work to earn the award and that he was thrilled and honored to be associated with them in a community like Dover.

**PRESENTATIONS - 2015 MAYOR'S YOUTH ARTS AWARDS**

The Mayor's Youth Arts Awards was established to identify, encourage, and honor talented high school art students. This award highlights the importance of an arts education and fostering future citizens of our great city. The recipients of this prestigious award exemplify excellence and demonstrate outstanding accomplishment in the arts. Mayor Christiansen presented the 2015 Mayor's Youth Arts Awards, as follows:

**Chalay Marie Horne**

Chalay's band director, Lenny Knight, posted about her persona, persistence, and self-discipline which is exceptional and how her charisma is well accepted. She is a valuable member of the band and a well established student in not only the band organization but also in Dover High School. Her involvement includes playing clarinet in the marching band, wind ensemble, and pep band. She is also serving a leadership role as a Junior Drum Major for the award winning marching band.

**Claire Kolakowski**

Claire is a musician, primarily a cellist, but also plays french horn and sings in the chorus, and is a junior at Caesar Rodney High School. Her band director, Dwayne Sandlin, describes her as having an enormous amount of talent and potential. She is a multi-year All State musician on both cello and horn. She is currently a member of marching band, concert choir, and pit orchestra.

**Angel Caldwell**

Angel's senator newspaper advisor, Mrs. Lesley Louder, states that Angel is one of the few writers that she has encountered in ten years of advising the newspaper and teaching English who is willing to expand her horizons through all kinds of writing and is willing to put herself out there to touch the lives of others. Diane Codding states, "her work has inspired her classmates to find their own passion in writing. Ms. Caldwell has a desire and talent to be the voice of her fellow students in the greater Dover community."

**RECOGNITION OF SERVICE - BRIAN MILLER - GREATER DOVER ARTS COUNCIL**

Mayor Christiansen presented Mr. Brian Miller with a City of Dover Cup and thanked him and his family for the many hours he has given to serve the City as Chairman of the Greater Dover Arts Council. He noted that, usually behind every good volunteer that the City has, they have an understanding wife or husband and family.

Mr. Miller thanked the Mayor and stated that it had been an honor to serve with him and two (2) previous Mayors. He thanked the Mayor for his support of the arts and continuing on with the Mayors Arts Awards, which are very positive for the City and give many opportunities for students in the community to participate in the arts. Mr. Miller also thanked his family and the other members of the Greater Dover Arts Council that he has served with, noting that it had been a pleasure. Mayor Christiansen recognized the current members of the Greater Dover Arts Council in attendance.

**Mr. Hosfelt moved for a brief recess for light refreshments, seconded by Mr. Hutchison and unanimously carried.**

Meeting recessed at 7:44 p.m.

**Mr. Anderson moved to reconvene the meeting, seconded by Mr. Hare and unanimously carried.**

Meeting reconvened at 8:02 p.m.

**PUBLIC HEARING/FINAL READING - PROPOSED ORDINANCE #2015-13, WITH PLANNING COMMISSION AMENDMENT #1 (PC#1), AMENDING APPENDIX B - ZONING**

A public hearing was duly advertised for this time and place to consider approval of proposed zoning text amendments to Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General Residence Zones (RG-1 and RG-2); Article 4 - Zoning Bulk and Parking Regulations, Section 4.2 - RG-1 (General Residence) Zones; and Article 5 - Supplementary Regulations, Section 1 - Supplementary Regulations Applying to Residence Zones of the Dover Code.

**Mr. Neil moved that the Final Reading of proposed Ordinance #2015-13 be acknowledged by title only, seconded by Mr. Cole and unanimously carried.** *(The First Reading of the ordinance was accomplished during the Council Meeting of August 24, 2015.)*

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the text amendments are associated with the implementation of the Downtown Development District and the Restoring Central Dover plan. She noted that the proposed amendments would allow within the RG-1 zone duplex houses and townhouses as a conditional use; would remove the allowance of apartments in the RG-1 zone; and would expand the ability to do administrative waivers for things that are typical of development within that zone. Mrs. Townshend advised that the proposed amendments would also create Citywide infill standards with minimum landscaping and sidewalk requirements.

Mrs. Townshend stated that the proposed amendments revise the bulk standards for the general residence zones to make it easier to develop some of the lots in the downtown. She noted that the current minimum lot size in the RG-1 zone is 7,500 square feet and it would be reduced to 6,000 square feet for a single family detached home. Mrs. Townshend advised that there are many lots that are 50 x 100 or 50 x 150 and it is very hard to develop those lots under the current zoning standards. She also noted that it would allow flexibility in housing styles by allowing duplexes and townhouses, with Planning Commission approval, and change the bulk standards and add infill standards to all of the residential zones.

Mrs. Townshend advised that the Planning Commission proposed an amendment that would change parking lots from a permitted use to a conditional use, which means that a request for off-street parking would go through a Planning Commission process.

Mrs. Townshend advised that the Planning Commission unanimously recommended adoption of the ordinance.

Responding to Mr. Hutchison, Mrs. Townshend stated that the proposed amendment would remove the language that allows apartments in the RG-1 zones. The language limits multiple dwellings, which is another word for apartments, to placement within the RG-2 district only, which is the district that most of the apartment complexes are currently in.

Responding to Mr. Lewis, Mrs. Townshend advised that she believes these amendments will bring new buildings to the City.

Mr. Anderson asked what the logic was of the Planning Commission's amendment, noting that he has always thought that off-street parking was more beneficial than on-street parking. Responding, Mrs. Townshend stated that the specific amendment relates to off-street parking as a principal use. She noted that the current language allows off-street parking accessory to commercial uses within the C-2 zone. The off-street parking referred to in the amendment relates to a parking lot. Mrs. Townshend advised that the language related to the C-2 zone was struck because there are other areas, along Division Street for example, where properties are zoned C-1A but there may be a need for parking. She stated that the concern was that without having Planning Commission oversight, someone could create a parking lot in a residential zone without a public input process.

Council President Slavin declared the public hearing open.

There being no one present wishing to speak during the public hearing, Council President Slavin declared the hearing closed.

**Mr. Hare moved for adoption of the ordinance, as amended, as recommended by the Planning Commission. The motion was seconded by Mr. Neil and, by a unanimous roll call vote, Council adopted Ordinance #2015-13, as follows:**

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

That Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General Residence Zones (RG-1 and RG-2) of the Dover Code be amended to read as follows:

Section 2. - General residence zones (RG-1 and RG-2).

2.1 *Uses permitted*. In a general residence 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:

2.11 Any use permitted in one-family residence zones.

2.12 Garden apartments limited to placement within the RG-2 district only.

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

2.3 *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 related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

2.4 *Conditional uses*. The following uses are permitted, conditional upon the approval of the Planning Commission in accordance with the procedures and subject to the general conditions set forth in Article 10, Section 1:

(a) *Townhouses subject to the following restrictions:*

i. No more than one dwelling unit shall be permitted upon a lot
ii. No more than four dwelling units shall be permitted in a group of townhouses
iii. Each group of townhouses shall be physically separated from another by no less than two (2) dwelling units of a different housing type from other groups of townhouses on the same side of the street.
iv. Townhouse groups shall be designed to minimize points of access to the public street and to take access from an alley or other shared access where such access is available.

(b) *Duplex dwellings subject to the following restrictions:*

i. No more than one dwelling unit shall be permitted upon a lot
ii. Duplex dwellings shall be designed to minimize points of access to the public street and to take access from an alley or other shared access where such access is available.

(c) Bed and breakfast inns in the RG-1 district only, subject to the following:

i. A bed and breakfast inn may only be established within a primary residential structure or an associated accessory structure.

ii. The owner of the property shall reside on the premises of the bed and breakfast inn or in an adjacent premises. However, if ownership of the property is in the name of a corporation, partnership, trust, etc., a full-time resident manager/operator/inn-keeper shall reside in the principal structure on the subject property or adjacent property.

iii. The principal structure shall contain at least one full bathroom for the exclusive use of the owner or resident manager and other members of the immediate household. In addition, one full bathroom shall be provided for each two guestrooms. Each full bathroom shall contain a minimum of one water closet (toilet), one lavatory (sink) and one bathtub or shower stall and shall comply with all applicable building and plumbing codes.

iv. The number of guestrooms requested shall be set forth in the application for conditional use. The planning commission shall expressly establish the maximum number of guestrooms permitted for any application for which approval is granted. In no case shall a bed and breakfast inn contain more than ten guestrooms.

v. Off-street parking shall be provided at a minimum of two spaces, plus one space per guestroom. Off-street parking shall be prohibited in the front yard, except that such parking which may be customarily accommodated on a single width driveway may be permitted. Required parking may be provided on the premises or off the premises, provided that such off-premises parking is located within 150 feet walking distance of the bed and breakfast property.

vi. Lot coverage for a bed and breakfast inn shall not exceed 60 percent of the lot.

vii. Signage is limited to one sign not to exceed six square feet in area. Signs may be illuminated, provided that internally illuminated signs shall be prohibited.

viii. Meals may be served to residents and overnight guests only. No cooking appliances or kitchenettes shall be permitted within the guestrooms, except small refrigerators and microwave ovens.

ix. The stay of overnight guests shall be limited to 30 consecutive days.

x. The owner/operator of a bed and breakfast inn shall maintain a current City of Dover business license, and the establishment shall be inspected by the City of Dover fire marshal and the City of Dover health inspector for compliance with all applicable life safety and health and sanitation codes.

(d) Student homes subject to the following siting and bulk criteria:

i. No student home shall be located closer than 500 feet from any other student home.

ii. The maximum allowable occupancy shall be four persons or the occupancy limit as determined by the building and fire codes adopted by the City of Dover, whichever is less.

iii. Two off-street parking spaces shall be provided per dwelling unit.

iv. A student home shall not be permitted to be established within any semi-detached dwelling, duplex dwelling, group dwelling, or townhouse dwelling unit.
v. Buildings or groups of buildings on the same lot with 15 or more units on the lot shall not be subject to the student home regulations.
vi. Student homes shall be licensed under chapter 10, Housing Code [chapter 22, Buildings and Building Regulations], article V [X], Rental Dwellings, of the Code of Ordinances.
vii. Student homes shall be subject to the provisions of chapter 10, Housing Code [chapter 22, Buildings and Building Regulations], article III [VIII], Leases, of the Code of Ordinances.

(e) Multiple dwellings limited to placement in the RG-2 district only.

(f) Professional offices may be permitted on Governors Avenue between Water Street and Mary Street, and on Route 8, subject to the following restrictions:
i. The office operations shall be conducted in such a manner as to maintain the residential character of the surrounding neighborhood, and no changes or improvements shall be made to the premises which might preclude utilization of the premises for residential purposes in the future.
ii. There shall be no other professional office located in the same zoning district within 250 feet of the premises.
iii. No display of products or goods shall be visible from the street.
iv. There shall be no exterior effects such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.
v. A minimum of two off-street parking spaces shall be required.
vi. No more than four off-street parking spaces shall be permitted. Furthermore, all off-street spaces shall be visually screened from adjacent residential uses, to the greatest extent possible, by employing a landscape screen no less than six and one-half feet high, which landscape screen shall be properly maintained throughout the duration of the professional office use on the subject premises.
vii. Signage shall be limited to one sign, not to exceed six square feet in area. No sign may be illuminated.
viii. The hours of operation shall not commence prior to 6:00 a.m. and shall cease no later than 8:00 p.m., with no more than four employees engaged in the operations upon the premises at any given time.
ix. The planning commission shall have the authority to impose such additional conditions and restrictions as may be necessary or appropriate to protect the general health, safety, and welfare of the residents of surrounding properties.

(g) In order to stimulate limited commercial activity in the RG-1 and RG-2 zones within the city's historic district zone and/or where a historic district property or a property listed on the National Register of Historic Places exists, and to make this area of historic Dover more attractive to tourists and residents, antique shops, art galleries, gift and card shops, book stores, specialty hobby stores, and restaurants with no alcoholic beverages may be permitted as accessory uses incidental to the principal

residence, subject to the conditional use approval of the planning commission in accordance with Article 10—Planning Commission, Section 1—Approval of conditional uses, and subject to the following:

i. Total floor area of any nonresidential accessory use shall not exceed 2,000 square feet.
ii. A minimum of two off-street parking spaces shall be required to serve the residence and the accessory use.
iii. Signage for the accessory use is limited to one sign not to exceed six square feet in area. Signs may be illuminated, provided that internally illuminated signs shall be prohibited.

(h) *Off-street parking*

2.6 Administrative waivers:

(a) The city planner shall have the authority to waive the bulk standards and parking requirements of article 4, section 4.2 for all non-conforming lots that existed in the RG-1 zone prior to January 1, 2007, when deemed necessary for redevelopment. The applicant must request such waivers in writing, stating the reasons that such waivers are necessary for development for redevelopment of the subject parcel.

(b) The city planner shall have the authority to adjust the lot dimension requirements of article 4, section 4.2 in the approval minor lot line adjustment plans, where no additional lots are created, and to waive the bulk standards of article 4, section 4.2 for the placement of a structure on associated lots when deemed necessary for redevelopment. The applicant must request such waivers in writing, stating the reasons that waivers are necessary for redevelopment of the subject property.

(c) The city planner shall have the authority to allow alternative parking surface, other than those specified in article 6, section 3.6 provided that such off-street parking areas where alternative surface is used are located within a rear yard. The applicant must request such a waiver in writing, stating the reasons that waivers are necessary.

**BE IT FURTHER ORDAINED:**

That Appendix B - Zoning, Article 4 - Zoning Bulk and Parking Regulations , Section 4.2 - RG-1 (General Residence) Zones, of the Dover Code be amended to read as follows:

Bulk and parking regulations for general residence zone (RG-1) are as follows (see also article 12, definitions; article 5, supplementary regulations; and article 6, off-street parking, driveways and loading facilities):

| | One-Family Dwellings Detached | Duplex/One-Family Semi-Detached | Townhouses/One Family Attached |
|---|---|---|---|
| Minimum required: | | | |
| Lot area (sq. ft.) | 6,000 | 5,000 | 3,000 |
| Lot width (ft.) per dwelling unit | 50 | 25 | 20 |
| Lot depth (ft.) | 100 | 100 | 100 |
| Front yard (ft.) | 15 | 15 | 15 |
| Minimum side yard (ft.) | 5 | 10 | 10 |
| Rear yard (ft.) | 30 | 30 | 30 |
| Off-street parking spaces/DU | 1 | 1 | 1 |
| Maximum permitted: | | | |
| Building height | | | |
| Stories | 2½ | 2½ | 3 |
| Feet | 35 | 35 | 35 |
| Lot coverage | 45% | 50% | 60% |

**BE IT FURTHER ORDAINED:**

That Article 5 - Supplementary Regulations, Section 1 - Supplementary Regulations Applying to Residence Zones, of the Dover Code be amended by adding a new subsection 1.12 - Infill Standards, as follows:

1.12 *Infill Standards*. In locations where a lot or group of lots lies within a developed area, the following standards shall apply to the development of the infill lots:

(a) *Sidewalks*. Standard City of Dover sidewalk, per chapter 98, shall be required to be installed along public street frontage of every infill property by the property owner or developer.

(b) *Landscaping*. Infill structures shall be designed to minimize the impact on existing, mature trees when practical. All residential lots shall include landscaping to include plants and shrubs along the portions of the house that front a public street. No form of vegetation shall be planted on a property in a way that blocks more than half of the front façade(s) from public view.

(c) *Primary facade*. All buildings shall include a primary entry along the property's street frontage, and shall also include a porch or other entry feature.

**ADOPTED: OCTOBER 12, 2015**

**ANNEXATION/REZONING PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2015-14 - PROPERTY LOCATED AT 121 ACORN LANE AND 55 NIXON LANE, OWNED BY PAUL C. PHILLIPS AND THERESA HOSHUE**

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the Petition to Annex and Zone property. The Planning Commission recommended the annexation of the property with the zoning designation of R-8 (One-Family Residence), as submitted.

**Public Hearing - Zoning Classification**

Members considered a request for rezoning of property proposed for annexation located at 55 Nixon Lane, consisting of .5171+/- acres (lot 1) and 121 Acorn Lane, consisting of .4609+/- acres (lot 2), owned by Paul C. Phillips and Theresa HoShue. This property is currently zoned RS-1 - Single Family Residential (Kent County zoning classification) and the proposed zoning is R-8 - One Family Residential (City of Dover zoning classification) (Tax Parcels: ED-00-068.19-01-25.00-000 (Lot 1) and ED-00-068.19-01-25.01-000 (Lot 2); Council District: 3; Planning Reference: AX-15-01)

A public hearing was duly advertised for this time and place to consider the rezoning of property located at 55 Nixon Lane and 121 Acorn Lane, owned by Paul C. Phillips and Theresa HoShue.

Council President Slavin declared the public hearing open. There being no one present wishing to speak, Council President Slavin declared the public hearing closed.

**Adoption of Annexation Resolution No. 2015-15**

Members considered Annexation Resolution No. 2015-15 for property located at 55 Nixon Lane and 121 Acorn Lane, owned by Paul C. Phillips and Theresa HoShue.

**By motion of Mr. Neil, seconded by Mr. Cole, Council, by a roll call vote of eight (8) yes (Sudler, Neil, Lewis, Cole, Hosfelt, Hare, Hutchison, and Slavin) and one (1) no (Anderson), adopted Resolution No. 2015-15, as follows:**

**APPROVING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF DOVER.**

**WHEREAS**, the Charter of the City of Dover authorizes Council to extend the boundaries of the said City in accordance with Title 22, Chapter 1, Section 101 of the Delaware Code (22 Del.C.§101); and

**WHEREAS**, the Mayor and Council deem it to be in the best interest of the City of Dover to include an area contiguous to the present City limits, and hereinafter more particularly described, within the limits of the City of Dover; and

**WHEREAS**, the Charter of the City of Dover provides that if an annexation is petitioned by all owners of all property considered for annexation, no election shall be required. For an annexation petition not requiring an election, such petition shall be processed in accordance with procedures established for amendments to the zoning map, specified in Dover Code, Appendix B - Zoning. All annexation petitions shall be processed concurrently with the rezoning of the property considered for annexation and shall be subject to public hearing before City Council. Public notice shall be completed in accordance with the provisions of the Dover Code relating to amendment of the zoning map.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:**

1. That the following described area, situated in East Dover Hundred, Kent County, State of Delaware, along with all adjacent paths, sidewalks, roadways, and rights-of-way in their entirety, shall be annexed to and included within the limits of the City of Dover:

> All that certain lot piece, or parcel of land with the improvements thereon erected situated on the west side of Acorn Lane, between North Little Creek Road and White Oak Road, being bounded on the east by Acorn Lane, on the south in part by lands of Elizabeth M. Hampson and in part by lands of Steven F. Fuller and Lupe N. Fuller, on the west by Nixon Lane and on the north by lands of Ellis J. Jones and lands of Rafaela Liranzo and being more particularly described in accordance with a recent survey by W. Julian Marvel, Professional Land Surveyor, dated May 24, 2015, as follows, to wit:
>
> BEGINNING at a point in the centerline of Acorn Lane at a corner for this parcel and for lands of Elizabeth M. Hampson, said point of beginning being a distance of 615.94 feet as measured in a northerly direction from the intersection of the centerline of North Little Creek Road with the centerline of Acorn Lane; thence running from said point of beginning in part with lands of Elizabeth M. Hampson and in part with lands of Steven F. Fuller and Lupe N. Fuller South 72 degrees 02 minutes 09 seconds west 346.37 feet to a pipe found in the east line of Nixon Lane; thence running with said east line of Nixon Lane North 17 degrees 14 minutes 51 seconds west 123.0 feet to a pipe at a corner for this parcel and for lands of Ellis J. Jones; thence running with said lands of Ellis J. Jones and lands of Rafaela Liranzo north 72 degrees 02 minutes 21 seconds east 346.46 feet to a point in the centerline of Acorn Lane; thence running with said centerline of Acorn Lane south 17 degrees 12 minutes 14 seconds East 123.0 feet to the point and place of beginning, and containing 0.978 acres of land, be the same more or less.

2. That the above described property shall be annexed into the City of Dover with a zoning classification as set by City Council and in accordance with the zoning map and environs then in force, effective upon such lands being included within the limits of the City of Dover.

3. That the certified copy of this resolution of annexation, together with a plot of the area annexed, shall be filed for record with the Recorder of Deeds of Kent County.

4. That the effective date of this resolution shall be the 13th day of October, 2015 at 12:01 a.m.

**ADOPTED: OCTOBER 12, 2015**

**Final Reading/Adoption of Rezoning Ordinance #2015-14**

Members considered Ordinance #2015-14, rezoning property located at 55 Nixon Lane and 121 Acorn Lane, owned by Paul C. Phillips and Theresa HoShue.

**Mr. Neil moved that the Final Reading of Ordinance #2015-14 be acknowledged by title only, seconded by Mr. Hare and unanimously carried.** *(The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of August 24, 2015.)*

**Mr. Neil moved for approval of the rezoning, as recommended by the Planning Commission. The motion was seconded by Mr. Anderson and, by a unanimous roll call vote, Council adopted Ordinance #2015-14, as follows:**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTIES LOCATED AT 55 NIXON LANE AND 121 ACORN LANE**

**WHEREAS**, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

**WHEREAS**, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from RS-1 (Single Family Residential) (Kent County zoning classification) to R-8 (One Family Residential Zone) (City of Dover zoning classification).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from RS-1 - Single Family Residential (Kent County zoning classification) to R-8 - One Family Residential (City of Dover zoning classification) on that property located at 55 Nixon Lane, consisting of .5171+/- acres (Lot 1), and that property located at 121 Acorn Lane, consisting of .4609+/- acres (Lot 2), owned by Paul C. Phillips and Theresa HoShue.

   (Tax Parcels: ED-00-068.19-01-25.00-000 (Lot 1) and ED-00-068.19-01-25.01-000 (Lot 2); Council District: 3; Planning Reference: AX-15-01)

**ADOPTED: OCTOBER 12, 2015**

**SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - SEPTEMBER 28, 2015**

The Safety Advisory and Transportation Committee met on September 28, 2015 with Chairman Hosfelt presiding.

**Presentation - Cure Violence Health Approach (Ronald J. Brown, Jr.)**

Mr. Ronald J. Brown, Jr., reviewed a presentation entitled, "Cure Violence Health Approach Presentation." He explained that this model was started in Chicago in an attempt to cure violence in neighborhoods with gang members, drug dealers, etc. Mr. Brown noted that this organization has a different role than law enforcement and tries to reach high-risk individuals before they cross the line. He noted that violence is never acceptable and is a behavior that is learned and can be unlearned. Mr. Brown stated that the cure to violence is using those who live and work in neighborhoods rather than government or the media. He advised members that he had been in and out of Dover all of his life and felt that Dover could use this program. Mr. Brown stated the importance of a partnership with a hospital because that is where retaliation starts after a shooting or stabbing occurs, noting that the Cure Violence program has people who go to the hospital and talk to individuals that gather there, trying to stop retaliation on the front end. Mr. Brown stated that he, himself, came from the culture involved. He indicated that many people are coming to Dover from outside the City who can destroy it and that someone has to step up and start dealing with them. He noted that people in neighborhoods are scared and cater to the thugs. Mr. Brown stated the importance of getting the community to change the norm.

Mr. Brown felt that the normal right now in Wilmington is that shooting is okay; however, Cure Violence tries to change behaviors and social norms. He stated that the best agents to bring about these changes are those who are from these neighborhoods. Mr. Brown stated that since August 19, 2014, they had mediated 168 conflicts in Wilmington that could have turned into violence. He advised members that he and the program manager were present because they want to partner with the City to cure violence in Dover.

Mr. Brown explained that the organization has five (5) interrupters and five (5) outreach workers who go out into the community. Participants who are 16 to 25 years old and who come from the streets serve as eyes and ears and function as change agents to educate the public. Mr. Brown indicated that the organization tries to convert people on the street into participants, get them into job training programs, have them do resumes, and take them to interviews. He noted the importance of having the right workers for the task and explained that a database is used to monitor and document their efforts.

Mr. Brown stated that the organization responds to every shooting in Wilmington within 72 hours. This allows for the community to come out and voice their opinions when they see the organization's presence because there is strength in numbers. They try to show people in the community that shootings and violence is not normal.

Mr. Brown explained that the program was started by Dr. Gary Slutkin in Chicago. Mr. Brown stated that he had come to provide information on the program at Councilman Anderson's request. Members were provided a presentation entitled, "Stop Shootin', Start Thinkin', Keep Livin' - Cure Violence Presentation" and a brochure on the "Cease Violence Wilmington" program.

Mr. Brown stated the need to change this generation, noting that otherwise things would get worse. He stated that the Cure Violence model is evidence based and proven to work, and that shootings had decreased at least 55% everywhere this model had been implemented. Mr. Brown advised members that the only people that could run this program or be workers in it would be people who live in Dover. His people would be teaching assistants and trainers.

In response to Mr. Hutchison regarding whether the model was working in Wilmington, Mr. Brown stated that, even though Wilmington has had 94 shootings, they had stopped a lot of shootings by "talking down" a number of high-risk individuals. He noted that last year Wilmington had over 100 shootings at this time last year. Mr. Brown acknowledged that they cannot stop everything but can mediate conflicts when possible and try to make the program effective.

Responding to Mr. Hutchison regarding their training program, Mr. Brown noted that the organization receives data from law enforcement and would try to identify four (4) target areas, such as New Street, Capital Green, and Capitol Park, where the most situations happen. They would conduct training on mediation skills, outreach skills, and how to communicate with high-risk individuals. Mr. Brown stated that he had a complete manual.

In response to Mr. Hutchison, Mr. Brown indicated that the training program would be approximately two (2) weeks in duration.

Responding to Mr. Hutchison as to how individuals are selected from the target areas and what kind of checks are done, Mr. Brown stated that background checks are done and those selected cannot have crimes against women or children. They must also be credible and cannot have been informants, noting the importance of trust. They must also be connected to their community, noting that someone from Milford who works in Dover would not be selected. Mr. Brown indicated that he had an individual who would be the point man for Dover since he knows everything and everybody from the street in Dover. He advised members that these jobs would be advertised in the paper like any other job. Mr. Brown stated the intent to start off with 50-60 individuals who would be interviewed. Selections would be made depending on how big the program is going to be and how many areas would be targeted.

In response to Mr. Hutchison, Mr. Brown stated that these individuals would be paid. He noted that there are volunteers, but the Wilmington organization is funded through the City of Wilmington and is a City 501(c)(3) that partners with Christiana Hospital and a couple of different organizations. Mr. Brown stated that they do a

lot of outreach work. He explained that high-risk individuals are getting younger and younger, and the program targets individuals starting at age 12 who may be at the Ferris School, Wilmington Detention Center, or in group homes.

Responding to Mr. Hutchison, Mr. Brown stated that the program had been involved in Wilmington for 22 months. Mr. Brown advised members that he is the supervisor and does all the strategy plans. Mr. Bob Cannon, Program Manager, does all the management work.

In reference to Mr. Brown's comment that the organization often starts out at the hospital after an incident, Mr. Hosfelt questioned whether this is considered mediation. Responding, Mr. Brown stated that it is not. He explained that mediation occurs when two (2) different individuals or groups are having a problem. His organization tries to meet with them to try to get an agreement in an effort to interrupt and contain violence. Mr. Brown noted that often it is peer pressure that causes these individuals to do what they do and, although a lot of them want to change, a lack of opportunity, such as jobs, is a big part of the problem. He indicated that his organization was partnering with the Department of Labor and businesses such as Access Labor Services to try to assist with jobs. Mr. Brown informed members that many of these individuals have no family management or other skill sets. He noted that he started off as a violence interrupter and that dealing with displaced individuals is a 365-day-per-year job. Mr. Brown stated that the organization tries to go to hospitals, noting that he had seen individuals who had been shot 10 times and were lying in beds with colostomy bags and tubes, etc., and that is when they finally realize that something is wrong. He explained that, although these may be the toughest individuals on the planet, when you see them in that bed, they are soft.

In response to Mr. Keller regarding church involvement, Mr. Brown stated that all organizations love this initiative. For example, he indicated that Whatcoat is a neighborhood in Dover where a lot of incidents occur. If the Whatcoat United Methodist Church held an event, Cure Violence would come to provide security at Whatcoat's request. Mr. Brown stated that they try to cater to the churches, and churches take care of their organization as well. Mr. Brown advised members that they do not get paid for 60% of the work they do, noting that he works seven (7) days per week but gets paid for five (5). He informed members that this is not a job done for a paycheck but because of a desire to change the community.

In response to Mr. Hosfelt regarding what the organization would need from the City to get the program started, Mr. Cannon stated that they would need a letter from the City of Dover to their national sponsors in Chicago and the City of Wilmington stating that the City feels the need for Cure Violence to come to the City. Then they would contact the City of Dover and go from there, since there would be a need to talk about the logistics for funding.

Responding to Mr. Hosfelt, Mr. Cannon stated that the organization received $250,000 from the City of Wilmington last year and $225,000 this year. He stated that this was not nearly enough, noting that this basically just took care of salaries. Mr. Cannon advised members that this model has a lot of costs for outreach, noting that there are rallies, information booths, barbecues, etc., set up in different communities to draw the interest of the community and to get them involved. He stated that they were making do with existing funding, but the program was underfunded. Noting that they had recently turned in their yearly evaluation and overview of the program, Mr. Cannon indicated that it was hoped that there would be more funding.

Responding to Mr. Keller regarding the program's success in Chicago, Mr. Cannon stated that the program had brought about change where it had been implemented. He stated his belief that two (2) more sites had opened in Chicago and advised members that the model was now international, as it had been implemented in Mexico and Honduras. He reiterated that it had been proven to work. Mr. Cannon stated that the University of Michigan just did a study on Cure Violence and concluded that the method works. He explained that Cure Violence initiative looks at violence as a medical issue which is a learned behavior and stated that research available on the initiative at cureviolence.com showed that the model was working.

Mr. Cannon stated that the program was just getting started in Wilmington, but they had seen some successes. He emphasized that the only way the program would work was if the right people were hired, reiterating that they hire individuals who have been in the system but have cleaned themselves up, have street knowledge, come from and know the community, and are serious about what they are doing. Each individual hired is taken through an intense program to make sure that they are on the right track.

Mr. Hosfelt indicated that no action was required by the Committee at this point; however, advised Mr. Brown and Mr. Cannon that the minutes would bring this matter to Council for their review.

Mr. Brown stated that funders were needed for the program and that one of the main parties needed would be the hospital, because everything starts at the hospital.

Mr. Cannon stated that the Wilmington model is the only model that is not under a health care system, and this was one of their main goals, which would allow for more funding. He felt that this was probably because the program in Wilmington was new and a review of their numbers was needed. Mr. Cannon informed members that Cure Violence Chicago is under the University of Illinois, the Philadelphia program us under Temple University, and the Camden and Baltimore programs are under Johns Hopkins.

**Presentation - Dangerous Building Process**

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed a presentation entitled "Dangerous Building/Demolition Process". Mrs. Townshend explained that the dangerous building ordinance is addressed in Chapter 22, Article XI of the Dover Code. She reviewed the conditions that trigger the dangerous building process and the process by which staff declares a building dangerous.

Mrs. Townshend explained that, during weekly staff meetings, staff discusses cases where there are problems achieving progress or closure and they are not able to get through to the property owner the need to take action. Mr. Tim Taraila, Code Enforcement Supervisor, and Mrs. Townshend review these cases and, if they believe they meet the criteria for coming forward to City Council as a dangerous building, they order a lien search. She advised members that a first notice is then sent to the property owner and the lien holders. This typically allows the property owner 15 days or a month to act. If nothing is corrected, a notice is sent to schedule a hearing before City Council. Mrs. Townshend indicated that it is usually three (3) to six (6) months from the time that staff reaches a dead-end with a property before it comes to City Council. Often the property owner comes forward and realizes that staff is serious when they receive notice that they are scheduled for City Council.

Mrs. Townshend explained that a notice of Council action is sent to the owner and lienholders. If Council sets a 30 or 60 day deadline, a notice is sent to the property owner during the week of that deadline that provides 10 days to get everything out of the building. The City's contractor, Compliance Environmental, Inc., is then brought in to do an asbestos survey. If there is asbestos, which is common in older buildings, there is asbestos abatement, which is done concurrently with bid specifications. Demolition then follows.

Mrs. Townshend stated that demolition typically occurs 60 days after Council's deadline. The invoices reflecting the expenses incurred are sent to Customer Service, who then bills the property owner. If the amount owed is not paid by the next tax bill, these expenses are added to the taxes, which will hold up property transfers. Mrs. Townshend stated the desire to be more effective and proactive about getting these bills paid, rather than letting them sit as liens until the properties transfer. She advised members that sometimes a demolition lien will eventually force a property to a sheriff's sale, but a sheriff's sale means that a property is two (2) years delinquent on taxes. Once the property is added to the tax bill it starts toward a sheriff's sale, but ideally staff would like to recover costs and get properties back into a desirable use more quickly. She indicated that staff was working on this and that this matter would be placed on a future meeting agenda.

In response to Mr. Hutchison, Mrs. Townshend stated that there were approximately 400 vacant buildings in the City.

Mr. Hutchison stated the importance of everybody understanding how much demand the Planning and Inspections Department is under every single day because of the number of vacant homes in the City, noting that this number had never been this high in the City's history. Although Planning and Inspections was dealing very well under the circumstances, he felt this was a very big problem.

Mrs. Townshend stated that staff's priority, other than managing these properties to make sure that they are not becoming a nuisance to the degree possible, is trying to get them occupied. She noted that, while some people do not like the vacant building fee, it forces the owner to either pay this fee or sell the property. Mrs. Townshend explained that it was not supposed to be easy for an owner to just maintain a vacant building merely because they do not want to sell, move into, or rent it.

**Left-Turn Signal at State and Water Streets**

Mr. Scott Koenig, City Manager, informed members that there had been inquiries from the public related to the intersection of State and Water Streets, noting both of these streets are State of Delaware maintained rights of way. Although the City of Dover owned the traffic signal at this location years ago, through some work with the Delaware Department of Transportation (DelDOT) and the bond bill, the City was able to upgrade the signals and turn them over to the State of Delaware.

Mr. Koenig advised members that there are dedicated green arrows that allow eastbound and westbound travelers to turn north or south from Water Street onto State Street, and a straight through green bulb going east and west. Going north and south, there are no dedicated green arrows at this intersection. Mr. Koenig indicated that there is a turn lane going southbound on State Street that allows for approximately three (3) cars in the turn bay and there are conflicts with the traffic backing up at the intersection going north and south. When the light turns green, since there is no green arrow, drivers have to wait for oncoming traffic or take a chance by going quickly first or going in between vehicles.

Mr. Koenig explained that requests had been received in the past to install a green arrow to allow eastbound or westbound turns onto Water Street from State Street; however, at that time there was not enough traffic volume or turning counts to warrant the green arrow. Since traffic volume had increased, he stated that staff would like to ask DelDOT, based on the inquiries received, to study this area again to see whether green arrows are needed. Mr. Koenig stated that, from a staff standpoint, it would help to have the endorsement of a committee, as well as Council, when a letter is sent to the Secretary of Transportation or Chief Traffic Engineer to request that this issue be studied.

Responding to Mr. Hutchison as to whether there were other locations that needed to be studied at the same time, Mr. Koenig stated that approximately two (2) years ago, the City requested DelDOT to look at similar issues on Loockerman Street. He indicated that DelDOT responded that putting left turn arrows would create additional traffic congestion on Loockerman Street and declined at that point.

Mr. Koenig indicated that the Water/State Street intersection was probably the major issue right now, and that as things come up in the future, staff would pursue other locations.

Mr. Hutchison suggested that the input of the Police Chief be obtained before making the request.

In response to Mr. Hutchison, Mr. Koenig confirmed that the City does not own any traffic signals and they are all on State-maintained roads. He advised members that there were not green arrows at the intersection of Queen and Water Streets and that this would probably be a location that the Police Chief would say needs them.

In response to Mr. Sudler's request to share his thoughts about what other intersections may need green arrows, Police Chief Paul Bernat stated that the intersection of Queen and Water Streets is just as bad as the intersection of State and Water Streets. He confirmed the problem at State and Water Streets, noting that he had contacted DelDOT about it and was told that their studies indicate that it was fine. Chief Bernat indicated that these were the two (2) main intersections with problems, and stated that he could ask other officers to see if there were problems as well.

Mr. Koenig asked members to endorse sending a letter to the appropriate staff at DelDOT with respect at least to the Queen/Water and State/Water Street intersections. If additional intersections come up between now and the Council meeting, this could be entered into the record at the Council meeting. He noted that an inquiry letter would be sent for DelDOT to check into this and provide a report or a timeline for planning improvements.

The Committee recommended endorsing a letter to the Delaware Department of Transportation to study the Queen/Water Street and State/Water Street intersections.

Councilman Hosfelt, Chair of the Safety Advisory and Transportation Committee, advised that, during the Committee meeting of September 28, 2015, Mr. Koenig brought forward concerns regarding the need for north and southbound turn signals at the intersection of State and Water Streets. During the discussion, concerns were also raised about the need for turn signals at the intersection of Queen and Waters Streets. He reminded members that the Committee is requesting Council's endorsement of a letter to the Delaware Department of Transportation (DelDOT) in this regard.

Mr. Scott Koenig, City Manager, advised that Police Chief Paul Bernat had sent emails to the traffic division at DelDOT and those emails have been recognized and the studies are already in place. The letter, if endorsed, will memorialize Council's action of endorsing a study of the two intersections. Mr. Koenig noted that the pavement markings are already in place for dedicated left turn lanes and the only modification necessary is to the signal heads.

**Mr. Hosfelt moved to endorse a letter to the Delaware Department of Transportation in support of studying the two (2) intersections (State and Water/Queen and Water) for traffic (*Exhibit #1*). The motion was seconded by Mr. Sudler and unanimously carried.**

Mr. Hare expressed concerns with similar traffic conditions at the intersections of State and North Streets, Governors Avenue and North Street, and Governors Avenue and Loockerman Street.

**Proposed Ordinance #2015-15 Amending Chapter 70 - Offenses and Miscellaneous Provisions, Section 70-2 - Weapons Generally and Appendix F - Fees and Fines**

Chairman Hosfelt advised members that the intent of proposed Ordinance #2015-15 was to address two (2) areas: 1) concerns about individuals trying to bring weapons into municipal buildings, and 2) the processes involved in licensing or permitting those who wanted to openly carry weapons in the City. He noted that in 2012 or 2013, the City started issuing such licenses or permits and the Police Department was charged with trying to do a quick background investigation on those individuals, which ties up resources.

Police Chief Paul Bernat advised members that Proposed Ordinance #2015-15 would harmonize the Dover Code with the provisions of Article I, Section 20 of the Delaware Constitution. He stated that the ordinance had been reviewed by Mr. William Pepper, Deputy City Solicitor. Chief Bernat stated that since April 26 of 2013, the Police Department had handled 117 open carry permits, which had taken a lot of time. Chief Bernat stated that the past chief had denied two (2) such permits, one (1) for a person that had a pending criminal investigation and one (1) that was wanted during race weekend. By the time the information was received, it was too late to do a background check and this permit was denied. Chief Bernat explained that it is a constitutional right to open carry.

Mr. Hutchison questioned, under this ordinance, if only licensed law enforcement officers could come on City property, even if another individual had a permit. He inquired if an individual with a concealed deadly weapon permit would have a right to come into a municipal building. Responding, Chief Bernat stated, even with the new amendment, that if someone has a concealed deadly weapon permit, they are allowed to carry it as long as it is concealed. He stated that an individual cannot show a weapon; however, if they have it open, are asked to leave, and leave immediately, there is no harm nor foul.

Responding to Mr. Sudler, Chief Bernat stated that, under the new amendment, an individual would have a right to come into a municipal or government building with an open firearm but could be asked to leave. This was not the case at the present time.

Mr. Sudler questioned the reason for the main initiative, and if there had been incidents where someone who had the right to carry acted inappropriately. Responding, Chief Bernat stated that he did not recall such an incident and expressed his belief that the purpose was prevention, noting that things can get heated and

people become upset. He felt that if one (1) shooting could be prevented, this should be done.

Mr. Hosfelt stated his belief that this started out with the receipt of information from the Delaware League of Local Governments, which had developed a draft that they felt municipalities could use. He stated his understanding that it had received some vetting from the National Rifle Association and Mr. Pepper had reviewed it to make sure that the City was not treading on anyone's rights.

Mr. Hosfelt advised members, in regard to Lines 71 through 73, that there was a need to come up with an appropriate fine and questioned if Chief Bernat had any suggestions.

Responding, Chief Bernat stated that he thought the fee should be significant, at least $500 and not to exceed $1,000. He indicated his concerns regarding why someone would feel they needed to bring a gun in, noting that if they were at the point where they were going to be arrested, this meant they were not leaving when they were told to, which meant there was another charge of trespassing.

In response to Mr. Sudler regarding the current penalty for trespassing, Chief Bernat stated he was unsure but believed it would be somewhere between $50 and $150, depending on the criminal history.

Mr. Hosfelt stated that this would be a Delaware criminal charge, noting that the discussion was about a City ordinance.

In response to Mr. Hosfelt, Mrs. McDowell confirmed that any suggestion forwarded by the Committee could be changed at the Council meeting.

Staff recommended adoption of proposed Ordinance #2015-15.

The Committee recommended adoption of Proposed Ordinance #2015-15 with a fine of not less than $500, nor more than $1,000 for violations of the ordinance.

**By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote.** (The First Reading of the ordinance will take place during the latter part of the meeting).

**Proposed Ordinance #2015-16 Amending Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing and Parking, Division 2 - Metered Parking, Section 106-164 - Violations; Penalties**

Members were advised that proposed Ordinance #2015-16 would reduce the time from immobilization of vehicles to towing and impounding them from 120 hours to 24 hours.

Chief Paul Bernat explained that this ordinance would address parking boots. He explained that there had been some issues regarding vehicles that were booted and

it was necessary to wait five (5) days before towing. Chief Bernat indicated that staff felt it would be in the vehicle owner's best interest to have vehicles towed after 24 hours of being booted.

In response to Mr. Hosfelt, Chief Bernat stated that the owners of these vehicles owe the City money and this threshold for the amount owed had been lowered from $200 to $100.

Responding to Mr. Sudler regarding why the threshold was lowered, Chief Bernat stated that it was lowered from $200 to $100 in order to utilize the boots and get people to comply. He indicated that some people were scofflaws who did not comply with the law.

The Committee recommended adoption of Ordinance #2015-16, as recommended by staff.

**By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote.** (The First Reading of the ordinance will take place during the latter part of the meeting).

**Mr. Anderson moved for acceptance of the Safety Advisory and Transportation Committee Report, seconded by Mr. Hare and unanimously carried.**

**UTILITY COMMITTEE REPORT - SEPTEMBER 28, 2015**

The Utility Committee met on September 28, 2015 with Chairman Hutchison presiding.

**Review of PJM Capacity Performance Auction**

Mrs. Donna Mitchell, Controller/Treasurer, reviewed a presentation entitled "The Energy Authority - Review of PJM Capacity Performance Auction," explaining that PJM had entered into a new capacity performance market and the effect on the City. She noted that this presentation would also be reviewed during the review of financial policies during the Legislative, Finance, and Administration Committee meeting scheduled for later in the evening.

Responding to Mr. Blakeman, Mrs. Mitchell stated that the contract between the City and Calpine would take effect when Units 1 and 2 are removed from the capacity list, which would take place in May 2017 which would be Power Year 2017/2018.

Referring to Page 4, Mrs. Mitchell noted that the PJM Capacity Market Overview was very technical and explained that the City bids its capacity in and also purchases capacity through PJM, so there is a price differential between what goes in and out.

Mrs. Mitchell stated that PJM's new capacity performance product was implemented for Delivery Year (DY) 2018/2019. She noted that there was a partial implementation with partial-market "transition auctions" for DY 2016/2017 and DY 2017/2018, and the City had already been through those transitional auctions.

Mr. Blakeman asked what the likelihood was of the City continuing to maintain a profit margin. In response, Mrs. Mitchell explained that the City would continue to maintain a profit as long as the City does not get penalties. She stated that Staff was redoing the City's five-year forecast to include these new prices and all of these changes.

Referring to Page 6, Mrs. Mitchell reminded members that the City incurred a penalty of $562,994 for generation short-falls during February 2015 peak hours and the North American Energy Services (NAES) performance incentive was decreased by $423,000 as a result of this inability to run.

Mr. Blakeman noted that the Comprehensive Annual Financial Report (CAFR) listed 191 MW of operating capacity and questioned why the City was only using 175 MW. He stated that the CAFR changed in 2007 from 175 to 191. Responding, Mrs. Mitchell indicated that she would look into this matter.

Referring to Page 7, Mrs. Mitchell explained that the way a transitional auction works, if the City does not clear the auction, the old rules still apply. She stated that the City would be subject to the new rules in DY 2018/2019.

Mr. Blakeman, referring to Page 9, asked what a stop-loss limit was and how it would kick-in. In response, Mr. Harry Maloney, Electric Director, explained that PJM does not want to drive people that far into bankruptcy so they put a stop in place and once an entity reaches the limit, PJM will stop penalizing. He stated that it is a dollar cap.

Mrs. Mitchell reviewed the Capacity Revenue at Risk for Dover's 145 MW of Generation (DY 2018/19) on Page 10. She reminded members that in February of 2015 the City had a short-fall of 11.2 megawatts which resulted in a $562,000 penalty; however, under the new rules, the City would have a penalty between $5M and $7.5M for the same short-fall.

Mrs. Mitchell reviewed the list of Pro-Active Mitigation Measures on Page 11 and noted that the Calpine plant had put some restrictions on the gas line and made it more difficult for other generators to get gas. She informed members that the City had received good cooperation from both Eastern Shore and Chesapeake Utilities in getting gas and they will have what the City needs to start the units. Mrs. Mitchell stated that the City was very close to completing the transition of McKee 3 to oil but gas would still be needed to start the burners. She indicated that it might be a little higher cost, since the City might have to pay a premium for that gas but it would be much cheaper than what the City would pay in penalties.

Mr. Hutchison noted that the City was training staff and asked if staff was also reaching out to the City's larger customers to educate them on better ways for operation. Responding, Mrs. Mitchell stated that staff was talking to the City's large customers about their load profiles to determine how the City can help. She

indicated that staff was examining many different ideas to determine how these customers and the City can help each other.

In response to Mr. Blakeman's question regarding the possibilities of expanding the Rate Stabilization Reserve account to lower the impact to electric customers, Mrs. Mitchell advised members that currently the reserve is a minimum of 3% and a maximum of 10%, and her recommendation was for a minimum of 10% and a maximum of 20%. She explained that the City usually gets income when generating, and as the City gets favorability and power supply the City puts the money in the Rate Stabilization Reserve. Mrs. Mitchell stated that she would never recommend a rate increase to fund a reserve.

Referring to Page 8, Ms. Stewart asked if the enhanced demand-side participation was from the City of Dover or the entire DPL South Zone. Responding, Mrs. Mitchell advised that the graph indicated when this change in the PJM regulations was implemented, noting her belief that it was the enhanced demand-side participation for the whole PJM grid.

In response to Ms. Stewart, Mrs. Mitchell stated that the City does not currently do anything for demand response. Mr. Maloney confirmed that the City does not do anything directly; however, through the Delaware Municipal Electric Corporation (DMEC) and CPower, the City's customers can participate in the PJM demand response. He indicated that a few of the City's large industrial customers participate in this program. Mr. Maloney explained that these customers will receive a phone call alert that they have a specific amount of time to reduce their load and then they share in the savings.

Mr. Blakeman asked if the City participates in the demand response program through the City's rate structure. Responding, Mr. Maloney stated that the City does not participate and is not involved in any of the money or the transactions. He advised that the customer releases the information and the City gives the information to the contractor, CPower.

Mr. Scott Koenig, City Manager, stated that Staff brought this forward as an informational item and to support some of the recommended changes to the financial policy, which will be discussed during the Legislative, Finance, and Administration Committee meeting scheduled for later in the evening.

He reiterated that the utility was changing and getting more complicated, which was leading the City to a more active and participatory management of the electric system, including the City's energy supply, its larger customers, being able to participate in the energy efficiency programs, how to replace capacity, behind the meter renewables, net metering, etc. Mr. Koenig stated that all of these things are playing a role as the City moves forward and these things equate to and influence either the City's power supply costs or the final electric rate costs to the City's customers.

Mr. Koenig stated that as the PJM grid and the electric utility become more complicated, timing is a big issue. For the City to be able to compete, the City has to be able to bring its units up quickly, know the status of the units, be able to maintain the units, have adequate reserves to pay potential penalties, etc.

**By consent agenda, Mr. Hare moved for acceptance of the Utility Committee Report, seconded by Mr. Neil and carried by a unanimous roll call vote.**

**LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - SEPTEMBER 28, 2015**

The Legislative, Finance, and Administration Committee met on September 28, 2015 with Chairman Hare presiding.

**Project Carry-Forward Budget Balances/Proposed Budget Amendments**

Mrs. Donna Mitchell, Controller/Treasurer, advised members that the proposed budget amendment would incorporate into the FY2016 Capital Investment Plan the adjustments to the Beginning Budget Balances for all Capital Project Funds and project balances for uncompleted or multi-year projects. It also included any adjustments related to Council actions to date on changes in project budgets that were not included in the original budget.

Members were provided a handout entitled "Late FY15 Accruals." Mrs. Mitchell advised members that the auditors brought it to staff's attention that some invoices that were received last week for FY15 projects, listed in Exhibit A to the Fiscal Year 2015/2016 Budget - First Amendment - Capital Investment Plan Amendments, had not been accrued. She indicated that this changed the results of the audit and staff had to change the financial statements. Mrs. Mitchell explained that the carry forwards that staff had provided would be changed to show the projects listed on the handout and these changes would be reflected in the proposed budget ordinance.

The Committee recommended approval of the proposed budget amendments for Fiscal Year 2016, as recommended by Staff.

**By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote.** (The First Reading of the ordinance will take place during the latter part of the meeting).

**Status of OPEB (Other Post Employment Benefits) and Pension Funds**

Mrs. Donna Mitchell, Controller/Treasurer, reviewed a presentation entitled, "City of Dover Actuarial Valuations as of July 1, 2014 for Fiscal Year Ending June 30, 2015." In reference to Page 2, City Police Pension Plan, Mrs. Mitchell explained that the Funded Ratio of the plan increased from 56.0% in FY 2014 to 59.2% in FY 2015. In regard to Page 3, Civilian Pension Plan, she noted that the amortization period of the Unfunded Accrued Liability was decreased from 21 years to 15 years, resulting in an increase to the amortization payment of $409,000. Mrs. Mitchell advised members that she had asked the actuary about this change and was told that they were matching the life of the assets to the life of the beneficiaries,

and this period was reduced to 15 years. She noted that the Funded Ratio of the Civilian Plan had improved from 53.7% in FY 2014 to 56.3% in FY 2015.

Referring to Page 5 - Other Post Employment Benefits (OPEB) 10 Year Phase In Funding Plan (2009), Mrs. Mitchell advised members that this fund was started in 2009, as required by the Government Accounting Standards Board (GASB), with a 10-year phase-in. Prior to implementing the phase-in plan, Council had set aside approximately $6M in reserve since they were aware this requirement was coming, which helped with funding the liability. Mrs. Mitchell explained that, according to the phase-in plan, the City was funding a minimum of 50% of the Annual Required Contribution (ARC) in 2013; however, the City funded over 100% of the ARC in 2014 and 2015. Mrs. Mitchell advised members that, since the ARC was fully funded, this would allow the City to use a 6.5% interest rate assumption in calculating future liability. If the plan were not fully funded, in accordance with GASB, this interest rate would have been bifurcated, with 4.5% being used on the unfunded portion and 6.5% on the funded portion. This would have driven up the liability higher and increased the annual cost. Mrs. Mitchell noted that GASB 68 required that these liabilities be shown on the City's balance sheet starting this fiscal year. She explained that the Electric Fund was fully funding its piece of the liability. Although, the General and Wastewater Funds were not fully funding their pieces, this information is looked at in total when interest rates are determined.

In response to Mr. Hare, Mrs. Mitchell confirmed that there were 48 police retirees/spouses under the Police Pension Plan who were on the employee health plan and a monthly benefit total of $130,815 was being paid to these individuals.

Mr. Hare noted that this was an average of $2,700 per individual and questioned if this was the amount being paid for health care. Responding, Mrs. Mitchell stated that this was the amount being paid for pension benefits.

In reference to Page 6 - OPEB, Mrs. Mitchell advised members that OPEB funding improved from a Funded Ratio of 19.4% in FY2014 to 36.6% in FY2015.

Mrs. Mitchell reviewed a presentation entitled, "Unfunded Liabilities Graphical Representation by Fund." She explained that the most significant changes in the unfunded liabilities related to OPEB.

Mrs. Mitchell reviewed a presentation entitled, "Actuarial Valuations Impact on FY16 and FY17 Budget - Recommendations of Controller/Treasurer - September 24, 2015." She stated that, given the results of the studies, too much money was going into OPEB and not enough into pension in the budget. As a result, Mrs. Mitchell recommended a budget adjustment, noting that she would be bringing this to Council later in the year, along with year-end balances for the audit.

Mrs. Mitchell reviewed the FY16 Budget - Pension and OPEB Analysis - Page 14, indicating that the top portion reflected overfunding in the OPEB fund. She recommended that these funds be reappropriated to the underfunded Civilian Pension

Fund. Mrs. Mitchell recommended that the $327,900 included in the General Fund for OPEB go toward General Fund pension and $20,300 from allocated for OPEB go toward Water/Wastewater pension. She recommended reducing the budgeted pension contribution of $1,750,000 in the Electric Fund to the actuary determined contribution of $627,900, which would free up money in this fund which could be considered in discussions regarding rates. Mrs. Mitchell explained that these revisions would be brought back to Council.

In reviewing Page 15 - FY17 Estimated Budget Impact Using FY16 Budgeted Payroll, Mrs. Mitchell advised members that the percent of payroll for the OPEB decreased by 2.2% for the General Fund, by 4.6% for the Water/Wastewater Fund, and by 5.4% for the Electric Fund, resulting in a savings across the board.

**Review of Financial Policies**

Mrs. Donna Mitchell, Controller/Treasurer, explained that, after going through the budget process, she thought it would be prudent to review the City of Dover financial policies and to look at what actually prompted those policies. She explained that one (1) of the reasons that prompted this change was that some of financial policies were based on a percentage of revenue. For example, the 2% tax increase for the General Fund resulted in an automatic 2% increase in the Contingency Reserve Fund. Mrs. Mitchell stated, rather than having some of the reserves tied to a percentage of revenue which would arbitrarily increase as the budget increases, she changed them to flat dollar amounts that she thought were reasonable and benchmarked funds against each other to see how this would come out. Mrs. Mitchell noted that the Analysis of Reserve Balances as of June 30, 2015 reflected the current budget for the reserve funds and the minimum policy requirements.

Mrs. Mitchell quoted from Revenue Policy #5 - Page 2, which states that "The City will review its incentive programs every three years and provide City Council with the amount of foregone revenues and any recommended changes." She indicated that she did not believe this was currently being completed and was unsure if it was desired to have this type of report. She noted that GASB Statement No. 77, Tax Abatement Disclosures would require this information to be included in the City's Comprehensive Annual Financial Report (CAFR) at the end of each fiscal year, and this would take effect in FY 17. Mrs. Mitchell quoted from the requirements of GASB Statement No. 77, as follows: "A transaction's substance, not it's form or title, is a key factor in determining whether the transaction meets the definition of a tax abatement for the purposes of this Statement." She stated that staff would have to get some determination on what should be included and start gathering that information for that fiscal year and expressed her desire to get the Committee's thoughts on whether to include this to Council separately or as part of the CAFR.

In response to Mr. Hare regarding her recommendation, Mrs. Mitchell stated her feeling that it was not necessary to include this in the financial policies since it had to be gathered and included in the CAFR.

In reference to Expenditure Policy #1 - Page 3, which states that "The City will establish performance measurements for all program areas, when feasible. These measures will reflect the demand, workload capability, and projected outcomes for the program to accomplish its objectives," Mrs. Mitchell indicated that she did not know that there were currently valid performance measures by program and if they were being reported. Mrs. Mitchell stated that including these goals and objectives in the budget was required when the City was participating in the Government Finance Officers Association Excellence Award Program and there were performance measures based on how those goals were met. Due to staffing changes that were made, the lack of a full-time employee to work on the budget, and the overwhelming size of the budget document, staff had stopped doing these things and this was no longer included in the budget. Mrs. Mitchell's recommendation was to removed this from the Financial Policies, unless Council felt strongly that they would like to see this information, possibly in some other format.

In response to Mr. Cole as to whether this information was provided in another format, Mrs. Mitchell stated that some performance measures are reported in the City Manager's report or in departmental reports, but they do not necessarily tie back to the budget document anymore. She noted that at one point there was a push for performance measurement across the organization and some of it fed back into the pay-for-performance system. Mrs. Mitchell stated that this is now minimized in most documents.

In regard to the Budget Balance/Reserve Policy - General Fund Policy #3 - Page 5, Mrs. Mitchell explained that, as mentioned previously, the contingency reserve minimum was changed from 2% of the current year operating revenues for the General Fund to at least $700,000. She stated that the current reserve was a little over $700,000, based on 2% of the prior year's budget. She noted that this figure would have been higher based on the current year's budget.

Budget Balance/Reserve Policy - General Fund Policy #5, relating to the Capital Asset Replacement account for Governmental Fund asset procurements, Mrs. Mitchell advised members that annual depreciation is approximately $2.5M. She stated this is the amount that would optimally be set aside each year for the replacement of current assets.

Referring to the Budget Balance/Reserve Policy - Water/Wastewater Fund Policy #3 - Page 5, Mrs. Mitchell explained that the minimum reserve of 2% of the current year operating revenues had been changed to at least $250,000. She noted that the Analysis of Reserve Balances as of June 30, 2015 showed that neither fund had $250,000, so those reserves would need to be brought up to that level, but this would be done through excess revenues and not rate increases, etc. This would be done as the City could afford it and would be built into the forecast.

In regard to Budget Balance/Reserve Policy - Water/Wastewater Fund Policy #7 - Page 6, Mrs. Mitchell stated that the Water Impact Fee Reserve had been changed from 20% of the water revenues in the Impact Fee Reserve account to $1.5M and

would be replenished over seven (7) succeeding years if used. She explained that this $1.5M was matched against what is done for the Wastewater Impact Fee Reserve. Mrs. Mitchell indicated that staff tries to keep approximately this amount in the fund, which is used when Mrs. Sharon Duca, Public Works Manager/City Engineer, submits portions of projects that involve growth. Mrs. Mitchell noted that an effort is made to maintain funds at a certain level so that emergencies can be covered. She noted that this fund was also not currently funded at the $1.5M level but would go through revenues.

In reference to the Budget Balance Reserve Policy - Electric Revenue Fund Policy #3 - Page 7, Mrs. Mitchell recommended that this contingency reserve be changed from 1% of current operating revenues to a flat amount of $750,000. Noting that the General Fund contingency reserve was $700,000, she advised members that there is also an insurance reserve for the Electric Fund at $750,000, plus depreciation future capacity reserves of $10M each, plus the rate stabilization reserve. Mrs. Mitchell felt that since there was other cushion available to hedge the City's risk in the Electric Fund, a big contingency reserve was not needed. She noted that the Electric Revenue Fund had never been kept at the same level.

In regard to Budget Balance/Reserve Policy - Electric Revenue Fund Policy #5 - Page 7, Mrs. Mitchell stated that she had changed the minimum balance from $350,000 to $750,000 to cover insurance deductibles to $750,000. This was a change made a couple of years ago which was never incorporated in the policy.

In reference to Budget Balance/Reserve Policy - Electric Revenue Fund Policy #6 - Page 7, Mrs. Mitchell stated, in light of information included in a presentation, entitled, "The Energy Authority Review of PJM Capacity Performance Auction" which was considered by the Utility Committee during their meeting of September 28, 2015, the City's penalties have the potential to increase significantly if its electric assets do not run when needed. For this reason, Mrs. Mitchell indicated that she would like to change the minimum balance in the Rate Stabilization Reserve from 3% to 10% and the not to exceed amount from 10% to 20%. If the reserve balance exceeds 20%, a credit would be applied to the power across adjustment.

Mrs. Mitchell directed members to the presentation, entitled "The Energy Authority, Review of PJM Capacity Performance Auction," Page 10 - Capacity Revenue at Risk for Dover's 145 MW of Generation (DY2018/19). Mrs. Mitchell explained that if the City's plant is unable to perform for eight (8) hours, penalties would be incurred, and penalties for the inability to perform for 16 hours would be $7.5M to $8M. She explained that during the past year, there was an incident during very cold weather when the City could not bring on the assets and was unable to provide 11 MW, resulting in a penalty of $562,000. Mrs. Mitchell indicated that on this chart, the 11 MW level would be reflected between $4M and $8M, noting that "it's a different world we life in now." She advised members know that this reserve would be a hedge against the potential for that penalty.

In response to Mr. Slavin, Mrs. Mitchell stated that the reason the City could not provide power was that the plant was not heated and, when the units were turned on, one (1) of the pipes burst due to the very cold weather. In addition, the City of Dover and many others had a problem obtaining gas due to Calpine.

Mr. Slavin advised members that Calpine is now first in line for gas and displaced the City of Dover.

Mrs. Mitchell stated that the burst pipe was the main reason for the problem, and gas was another issue. She advised members that mitigation measures were being taken, as reflected on Page 11 of the presentation, Pro-Active Mitigation Measures.

In response to Mr. Slavin, Mrs. Mitchell confirmed that there was currently a project to increase the capacity to deliver gas.

Responding to Ms. Stewart, Mrs. Mitchell stated that Dover is currently an interruptible customer; however, the City was negotiating two (2) gas contracts.

Mr. Scott Koenig, City Manager, advised members that the penalty Mrs. Mitchell referred to was a due to a polar vortex, noting that the Garrison Energy Center did not come online until June 1, 2015 for commercial operation. He was unsure if Calpine is a 100% firm gas customer, expressing his belief that Calpine had told staff at one (1) point that they could be cut off. Mr. Koenig stated that they were working on several gas transmission defects north of the City and would continue to do so. He advised members of the need for the City and a number of its customers to put pressure on Eastern Shore Natural Gas regarding gas availability in this area, for their benefit as well as that of private customers and everyone else, because gas is now a restriction on the Peninsula.

In response to Mr. Slavin as to whether Eastern Shore Natural Gas's project would increase the capacity needed through the west side, Mr. Koenig stated his belief that some looping was being done would increase availability and that transmission upgrades were currently happening.

Mrs. Mitchell advised members that the polar vortex occurred two (2) years ago; however, the $562,000 penalty was incurred in February 2015 when the pipe burst and before Calpine came online. She reiterated that proactive measures had been taken and the gas supply was being worked on as well. She noted that $423,000 of the $562,000 penalty was taken out of NAES's incentive.

Responding to Mr. Sudler regarding whether the pipes were wrapped with a heating mechanism, Mrs. Mitchell stated her belief that they could not be wrapped due to size. However, she stated that the building can be heated if the weather calls for it. In this case, the building was not heated because it was not believed that the City would be called on to run, but it was.

In response to Mr. Sudler regarding the pipe size, Mr. Harry Maloney, Electric Director, explained that there were various problems in February 2015. The first pipe was an eight (8) inch water line from the outside storage water tank that was a 68-inch line. The valve was shut because there was a leak, and they could not get the valve open. Mr. Maloney indicated that when they got the valve working, the line was frozen. When staff got water in the boiler, they started firing the boiler, and the boiler blew a tube. When they went to put Unit 3 online, which has an outside boiler, some of the lube oil systems froze because there were 20 m.p.h. winds. Mr. Maloney reiterated the need for the unit to run, noting that staff should have anticipated, gotten the boilers warm, and gotten things running, even at minimum load. He noted that it was very cold and windy that weekend and everything was ice cold.

Mr. Sudler questioned if future methods and strategies were being put in place to prevent this from occurring again. Responding, Mr. Maloney confirmed that staff was going to at least get the boiler warm.

In response to Mr. Hosfelt, Mrs. Mitchell confirmed that NAES Corporation was managing the plant for the City at the time this occurred and continues to manage it. Mrs. Mitchell stated that this decision was made at the Risk Management Committee meeting, and NAES was not a party in that meeting; however, staff was making sure to bring them in. She noted that Mr. Vince Scire, Plant Manager, did speak up and say that he was confident that they could run the plant; however, it was not warm because the decision was made that it was not believed the City would be called upon. It was a joint decision and not that of any one (1) person.

Responding to Mr. Hare, Mrs. Mitchell stated that this was a group decision made by Mrs. Mitchell, Mr. Koenig, The Energy Authority (TEA) staff, and Mr. Scire, and the decision is ultimately the City's.

Mr. Hare questioned if NAES should be the ones to make the decision since the City pays them to keep the plant running. Responding, Mrs. Mitchell stated that a change was made to bring NAES on board, make sure they are involved in all these decisions, and ask them to raise a red flag if they think something is amiss or being misjudged.

In response to Mr. Hare as to why the building was not warmed, Mrs. Mitchell stated that they did not think the City would be called upon by PJM. She explained that the unit is not scheduled to run unless it is believed that it will be called upon because of the cost. If the unit is turned on and does not run, the City would be out that money. In this case, the situation worked in the City's disfavor rather than in its favor.

Responding to Ms. Stewart, Mrs. Mitchell stated the unit was called during the polar vortex the year before but was unable to perform. She noted that the whole State was having problems at that time because trucks with fuel could not get in due to ice on the roads.

Mr. Hare stated, from NAES's perspective, the City would be telling them when they could warm up the plant, but if a pipe bursts, NAES would have to pay, noting that NAES paid $423,000 but was not allowed to make the decision. Responding, Mrs. Mitchell stated that this penalty was paid for non-performance as this was part of the contract.

Mrs. Hare stated that the City was paying NAES $7M per year to make those decisions and they should be held accountable.

In regard to Financial Reporting Policy #6 - Page 9, Mrs. Mitchell stated that this item was revised to delete the Distinguished Budget Presentation Award since the City was no longer participating in that program.

Mr. Koenig stated that during both cold spells, including the polar vortex and the February 2015 severe weather, what was learned is that the City cannot wait on passive management of the system and was moving into a phase of more active management of the asset. He noted that the City wants this asset to run and take advantage of economic opportunities, and that an Assistant Generation Manager position was requested in the budget so that the City can have a more active role in the plant and be more in tune with all the decisions being made. Mr. Koenig advised members that issues came up during the cold weather spells related to fuel delivery, etc., that had the City had not experienced in the past, the City was taking a more active approach to management of the system.

Mr. Koenig stated that capacity performance had been considered by the Utility Committee; however, the issue was that the maximum penalty exceeds the maximum revenue significantly. He expressed the desire to get into more active management to figure out how these assets that have aged fit into the picture. Mr. Koenig advised members that some did not believe that the City would be called at all once Calpine came online, and that was not the case, since the City was being called to run and must prepare to run if participating in these markets. Mr. Koenig stated that the learning curve coming out of this experience was that the City has to increase its available fuel supply for oil, because it is not guaranteed gas.

In reference to the firm 500 dekatherm gas contract mentioned by Mr. Maloney and Mrs. Mitchell, Mr. Koenig stated that this would just get the igniter started so that the burners could be lit on oil and was not to run the units. Once the unit was on, it would be run on a special oil that is being delivered. Mr. Koenig explained that each of these decisions are sequential, and a misstep at the lower level means, the higher up sequences are not attained. He noted that Mr. Maloney had been active in older plant management, and Mr. Maloney raised the question very early on of why there was not a minimum level of heat running through the pipes so the City would be prepared to run. Mr. Koenig stated he was unsure what the fuel status was earlier in the year, but that pipe break prevented the unit from running and was the lynch pin at the point of the potential penalty. He stated all these things would play into to determining how to prepare for the winter coming up and how the plant would be managed.

Mr. Anderson questioned how much it cost for minimum heating in the plant during the winter. Responding, Mr. Koenig estimated the cost roughly at $2,000 to $10,000 per day. He explained that this would involve the plant and all of its piping, so some systems would be run to get it up to minimum temperature. Noting that Mr. Maloney had indicated that the steel had been at 22 degrees, Mr. Koenig explained the need to get this temperature up above the freezing mark 24/7.

In response to Mr. Anderson regarding the performance benchmarks being removed from the financial policies, Mr. Koenig stated that some of these bench marks that had been various parts of the budget were those of a standard municipal city. Some of them were very applicable, others were less applicable. He stated that staff had not come up with additional performance measures to put in the budget. Mr. Koenig stated that the City was embarking on a process to improve efficiencies, and the question was what kind of reporting Council wanted to see. He noted that he did not want to put out 100 page report on all these bench marks if no one would look at it or find the information valuable. Mr. Koenig stated that, on a daily basis, staff is not judged by the 875 trash cans that they pick up, but by the one (1) or two (2) that might have been missed. He indicated that feedback was needed from Council as to what measures they want to see in the budget, or information that they would like to see reported.

Mr. Anderson noted that this information did not all have to be in the budget. Concurring, Mr. Koenig stated that it could be in the City Manager's or department head's report. If there were things in those reports that Council believed were missing, they would be easy to change and Council could be updated on information that is relevant to them.

Noting that the unit had not been heated because it was not believed that the City would be called, Mr. Hare questioned when the building would have been heated. Responding, Mr. Koenig stated that this would depend on the weather, because if the ambient air temperature had been over 40 degrees, it would not have needed to be heated.

Mr. Hare reiterated the need for preventive measures. Responding, Mr. Koenig stated that, looking back, staff would not make the same decisions for this year. Measures would be put in place to spend the money to heat the plant if cold weather was expected.

Mr. Hare stated that consideration should be given to the fact that, due to the plant's age, the next time the problem may be different and not an easy fix, and Mr. Koenig concurred.

Responding to Mr. Sudler regarding the leak that had occurred in the shed, Mr. Maloney explained that the boiler has two (2) inch tubes that go all the way around. The boiler is 30 feet by 30 feet. The water used by the boiler has a ph value of 10, compared to a ph of seven (7) for drinking water, and it is demineralized. He noted that the outside water tank line that feeds the boiler froze.

Mr. Sudler questioned if some type of low-cost heating system could be put in the shed similar to those used by hotels. Responding, Mr. Maloney stated that the whole length of the turbine floor in plant is wide open. He noted that it is possible to get a radiant heat gas burner to raise the temperature into the 40's or 50's to keep the ambient air decent. Mr. Maloney stated that other things could be done, like running the fan motors, which would generate heat, or running oil and water circulating pumps. He recommended starting to use electricity and turning on auxiliary equipment. Mr. Maloney advised members that the City bills itself, which he had never heard of before, noting that the City bills the power plant retail electric rates for consumption when it is not generating power, so budgets were being examined. He stated that things would be turned on and cautioned members that the budget would reflect a climb in electric consumption in the plant when the units are offline. He emphasized that this equipment must be run.

The Committee recommended approval of the City of Dover Financial Policies, as recommended by staff.

**By consent agenda, Mr. Hare moved for approval of the City of Dover Financial Policies (*Exhibit #2*), as recommended by the Committee. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.**

**Annual Review of Investment Policy**

Mrs. Donna Mitchell, Controller/Treasurer, advised members that the provisions of the City of Dover Investment Policy require an annual review by the Legislative, Finance and Administration Committee and adoption of any recommended changes by City Council. Prior to this review, the City Controller/Treasurer, along with the Assistant Controller/Treasurer, met with the City's Investment Advisor to review the policy as well.

Upon completion of this review staff recommended the changes below, all of which had been updated in the Draft Investment Policy:

1. Changing maximum maturity to measure from settlement date instead of trade date.

    a. Rationale: At times, issuers may issue debt today but the security may not settle for a few days. Allowing the maximum maturity to be measured from settlement date (rather than trade date) should help Dover in opening up to new issue corporates and Munis at attractive pricing (some new issues have price concessions, where the yield is above market).

2. Change credit requirements on short-term holdings to A-1 "or" P1 by S&P and Moody's rather than A-1 "and" P1.

    a. Rationale: Some issuers do not pay for both short-term ratings when one will do. This will allow Dover to further diversify the portfolio among high quality issuers. And it keeps the short-term ratings

language consistent with long-term rating language (which is written as "or" versus "and" in the policy).

Staff recommended approval of the Investment Policy, as amended.

The Committee recommended approval of the Investment Policy Statement, as amended.

**By consent agenda, Mr. Hare moved for approval of the Investment Policy Statement, as amended (*Exhibit #3*), as recommended by the Committee. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.**

**Delaware Land and Water Conservation Trust Fund (DTF) Trail Grant Application - Mallard Pond Trail**

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that on January 2015, the Parks, Recreation and Community Enhancement Committee and City Council approved the concept plan developed by staff for improvements to Mallard Pond Park. These improvements include a pathway connection from Mallard Pond and Fox Hall West Addition to Marsh Creek and Forrest Avenue, along with the construction of a playground in the park. This pathway is identified in the Dover/Kent County MPO's Bicycle and Pedestrian plans for Dover, both of which were approved by City Council in Spring 2015. The pathway will provide connection from the Mallard Pond neighborhood to the sidewalks along Route 8 that connect with Dover High School.

The grant funds would allow for completion of the first phase of this trail, with the construction of a path connecting with Fox Hall West Addition in a future phase. If we are successful in the grant application, we would work with local legislators to secure the matching funds through the Community Transportation Fund. No work will be completed, nor will a contract be awarded for any improvements until such time that matching funds are secured.

Staff recommended acceptance of the grant if the award is made to the City of Dover.

The Committee recommended acceptance of the grant, if the award is made to the City of Dover.

**By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote.**

**By consent agenda, Mr. Hare moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Neil and carried by a unanimous roll call vote.**

**MONTHLY REPORTS - AUGUST 2015**

**By motion of Mr. Hare, seconded by Mr. Neil, the following monthly reports were accepted by consent agenda**:

City Assessor's Report
City Planner's Report
Controller/Treasurer's Budget Report
Economic Development Office Report
Fire Chief's Report

**City Manager's Report**

Mr. Hosfelt asked for some insight into the 16 vacant positions in the Public Works Department. Responding, Mr. Koenig, City Manager, advised that, since the beginning of this fiscal year, the Public Works Department had been tracking roughly 16 to 18 positions vacant through the month of August. He noted that except for a few, they are active recruitments. Mr. Koenig stated that in some cases, they have hired someone and then someone retired or left service. He noted that there have been instances where they have gone all the way through the recruitment process and the top candidate declined the offer and they have to start over because there were no additional candidates.

Mr. Koenig advised that they have had difficulty hiring in areas like the nursery, noting that the positions were filled earlier in the spring; however, both employees resigned. He noted that they are ready to make offers on a number of positions; however, it seems like as soon as they fill a position, one (1) becomes vacant. Mr. Koenig stated that the 17 vacancies as of August are out of 88 to 90 positions in the Public Works Department. He noted that they are slowly making progress.

Mr. Koenig noted that the utility maintenance mechanics in the wastewater system perform specialty work and there are not many people applying for those jobs. He advised that water treatment plant operators were recently hired, noting that the position has become much more technical and the criticality of the job is much higher than it previously was.

Responding to Mr. Hosfelt, Mr. Koenig stated that the City is competing with the private sector for jobs and, in some cases, the City's hiring process takes a little bit longer because of stringent requirements for recruits. He noted that some of the language in the labor contracts is so specific that it does not leave room for flexibility in what the City can offer a very well qualified candidate with years of experience. Mr. Koenig also advised that hiring the younger generation has proven to be difficult because the hourly rate is the only thing that matters to them. He stated that candidates in their early 20s are still on their parents' healthcare, and the hourly rate is the only thing driving whether they take the job or not. Mr. Koenig advised that there have been several instances where they completed the hiring process and could not meet the hourly rate that the applicant wanted and the benefit package was not a concern for them, it was the hourly rate.

Mr. Sudler asked how and how often they were soliciting for available positions. Responding, Mr. Koenig stated that every position is posted on City bulletin boards and the Human Resources Facebook page. Advertisements are also placed in the Delaware State News and other newspapers. He noted that the City gets a number of different applicants for some jobs, while other jobs do not generate as much interest.

Responding to Mr. Sudler, Mr. Koenig advised that the turnaround time to fill a vacancy is approximately 10 to 12 weeks from posting the position, interviewing, and conducting background checks. He noted that the City prefers that the successful applicant give their current employer a two (2) week notice. Mr. Koenig stated that the longest vacancy he can recall is two (2) years for a civil engineering position. He noted that they offered the position to an applicant who declined in favor of a higher offer from someone else.

Mr. Anderson expressed concern with the extension period related to customer service in the Electric Department decreasing from 10 days to three (3) days.

Responding to Mr. Hare, Mr. Koenig stated that a number of the Public Works positions are in the Dover Organization of Employees (DOE) bargaining unit and their contract expired on June 30, 2015. He noted that he believes they are close to bringing the proposed contract forward and, although the current contract is expired, the language of the previous contract continues. Mr. Koenig clarified that the contract specifies that management has the discretion to hire at the agreed upon pay rate of Steps A through C in each classification. He noted that those rates have not been adequate to secure the top candidate. Mr. Hare suggested that this issue be addressed with the new contract.

Responding to Mr. Lewis, Mr. Koenig stated that he was aware that the vacancies have affected City services. He advised that he believes they are doing their best to fill these positions. Mr. Koenig stated that if a position cannot be filled in a timely manner and service delivery will be compromised to the point of being unacceptable, he would bring forward alternatives such as hiring a contractor to assist or, in some cases, potential privatization. He noted that the hiring process is a very deliberative process and they want to ensure that they are hiring people that are good for the organization. The expectation is once they hire a full-time employee that they will be with the City for 25 plus years as part of the organization.

Mr. Sudler asked how long the City has been experiencing this type of difficulty in the recruitment process. Responding, Mr. Koenig stated that the last couple of years have been a little bit more difficult than others. As the economy has gotten better we have, in some cases, had more difficulty recruiting certain positions. Certain technical positions all across the organization have been more challenging to recruit than some of the average positions.

Responding to Mr. Hare, Mr. Koenig stated that two (2) vacancies created by the retirement of custodial staff members have been filled through privatization. He advised that they are doing all that they can to address the service needs of the City in the most reasonable, economical way. Privatization has some positive advantages in some cases; however, there are still people and efforts required to manage those types of contracts. Mr. Koenig stated that, ultimately, they have to ensure that the level of service is maintained. Noting that trash collection is probably one of the premier services in Dover and people are very happy with it, Mr. Koenig advised that getting out of trash collection would be a very detailed process because there will be a transition. He noted that the City owns approximately $1 to $1.5M worth of stock associated with the trash collection vehicles.

Mr. Hare stated that the City of Dover is about the only city around that has their own trash collection, noting that Newark, Middletown, and others privatize their trash collection and it saves them a lot of money. Mr. Koenig stated that Dover's recycling collection is privatized.

Mr. Neil suggested offering the option to opt out of benefits in exchange for a higher hourly rate to attract the younger, entry level applicants. Mr. Koenig stated that the option has been discussed internally, however, he cautioned that these positions are covered by a labor contract and those changes would have to be negotiated. He advised that governments do not react quickly to the markets and it will be a challenge to convince the unions to agree to a no benefits option.

Mr. Hosfelt expressed concern for the welfare and morale of the Public Works Department employees directly affected by the number of vacancies.

Mr. Hutchison stated that the City has outstanding employees and that he cannot say enough good things about the Public Works Department and the service they provide.

Mr. Koenig reiterated that they are very deliberate in the hiring process because each job is important and plays a critical role in the delivery of services. They are working every day to try to fill vacancies, not just in the Department of Public Works, but all across the organization. Mr. Koenig noted that some departments are extremely aggressive to recruit positions and as soon as a position becomes open, they drop everything to make sure that the position is recruited immediately. When you have 17 openings, there is a wide range of hiring that is going on and it is not just the Department of Public Works that is under pressure when you have 17 openings. The Human Resources Department is conducting 17 recruitments and the Police Department is conducting background checks - there is a lot of effort that goes into the hiring process. Mr. Koenig stated again that it is important not just to fill the position with a body, but to fill it with somebody who is going to contribute significantly to the organization.

Mr. Sudler suggested, as a strategy to recruit, to consider reviewing the term "all other duties necessary," which may be a contributing factor to the high turnover rate or the lack of excitement in taking the job. He stated that he has heard a lot of concerns about "all other duties necessary" and feels that may be contributing to employee burnout. Mr. Sudler suggested that a job description that more closely fits the specific duties may help. Responding, Mr. Koenig stated that he had been with the City a long time and there have been a number of days where "all other duties" applied to a number of things that he has done. It is just a requirement for this type of organization. There are days where we need to drop everything that we are doing to respond to another event, some type of emergency. That caveat is something that needs to remain in the job descriptions because it is used all across the organization.

**Mr. Hosfelt moved for acceptance of the City Manager's Report, seconded by Mr. Neil and unanimously carried.**

**Police Chief's Report**

Mr. Hosfelt, noting that total complaints were up by almost 2,000 and some of the other numbers were down, asked if there was a correlation. Responding, Chief Bernat stated that the complaint calls for service are up approximately 9% mainly because the Department switched to a new CAD system in November of 2014 and calls that were categorized as quick calls are now logged in the system. He noted that it represented an additional 3,200 calls.

Chief Bernat noted that actual shootings are up 125% - 18 this year compared with eight (8) last year and shots fired are up 59% - 127 this year compared with 80 last year. He advised that they are authorized at 101 police officers and they currently have seven (7) police officers in the Delaware State Police Academy and two (2) additional officers who will go to the Academy in March; five (5) officers who came out of the March class of this year and are getting ready to come off of field training; two (2) officers on administrative leave; a lieutenant who is in Chicago at Northwestern University at a command school; and four (4) officers on light duty. Chief Bernat stated that out of the 101 authorized officers there are 21 that are not full-time ready to go for full service, which puts him at 80 officers. He stated that the following week five (5) of the officers will be off of field training and they hired another certified officer. Chief Bernat advised that two (2) officers were taken from the motorcycle unit in January and they have been supplementing the road shift.

Chief Bernat stated that they try to maintain four (4) 12-man shifts. He noted that each motorcycle officer averages approximately 150 tickets per month. Chief Bernat advised that the officers are really working very hard and the retirements have hit them hard. He stated that he was very grateful that Council authorized the 10 additional officers.

Responding to Mr. Hosfelt, Chief Bernat stated that he did not think they had ever been 100% staffed; however, he thought they would get close to 100% next year. He advised that there have been six (6) retirements this year; an officer is expected to leave for another agency next month; and three (3) officers are looking for other jobs.

Mr. Hutchison asked when the Public Safety Study would be complete. Responding, Mr. Koenig, City Manager, stated that they initially had difficulty getting the information out of the CAD system for the Police Department; however, they recently did test runs and were successful. They are still running background scripts to make sure they are getting the right data, so the Police Department data has not been sent to the consultant. Mr. Koenig stated that the Fire Department data has been sent to the consultant and they have a visit scheduled for early November. He noted that as soon as the Police data is turned over and they have some time to analyze it, they are going to be scheduling the Police Department's visit. Mr. Koenig stated that he expects the study to conclude some time in December.

Mr. Sudler asked which Council district was affected by the increase in shootings and whether the Department was working on developing a strategic plan to address the shootings. In response, Chief Bernat stated that the increase is not in one particular area, and noted that the Department was doing everything it could with the current manpower and the detectives continued to do an excellent job.

Mr. Sudler asked about the Police Department's rapport with the community in regard to their providing information to make their communities safer. Chief Bernat advised that non-cooperation is a problem, whether individuals fear retaliation or do not want to implicate themselves.

**Mr. Hosfelt moved for acceptance of the Police Chief's Report, seconded by Mr. Hare and unanimously carried.**

**FIRST READING - PROPOSED ORDINANCE #2015-15 AMENDING CHAPTER 70 - OFFENSES AND MISCELLANEOUS PROVISIONS, SECTION 70-2 - WEAPONS GENERALLY AND APPENDIX F - FEES AND FINES**

Council President Slavin reminded the public that copies of the proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Final action by Council on the proposed ordinances will take place during the Council Meeting of October 26, 2015.

Mr. Scott Koenig, City Manager, advised that the proposed amendments update the definitions and make changes to the language to comply with the most recent changes to the State Code, specifically related to municipal buildings. In addition, this amendment eliminates the requirement in the existing ordinance for the Police Chief to issue a specific license on behalf of the City of Dover.

Mr. Anderson, referring to lines 35 through 38 which state "It shall be unlawful for any person to purchase from, or sell, loan or furnish any weapon to any person under the influence of any alcoholic beverage or any narcotic drug, stimulant or depressant, any person in a condition of agitation and excitability or a minor under the age of 18 years", asked if there was a definition for "stimulant" somewhere else in the Dover Code. He noted that caffeine and nicotine were stimulants that do not influence behavior. Mr. Koenig noted that this language was currently in the Code and was not being proposed for amendment.

Mr. Anderson asked if the proposed amendments would interfere with people with concealed carry permits who enter a municipal building with their weapons concealed. Responding, Mr. Hosfelt stated that it would not.

Responding to Mr. Anderson, Police Chief Paul Bernat stated that the amendment would eliminate the burden of performing background checks for over 100 carrying applications.

Referring to lines 73 through 77, which states "Forfeiture. Every person convicted of a violation of this section, section 70-3, or any state law relating to weapons shall forfeit the weapon to the city. Upon a finding of guilt, it shall then be the duty of the court, after the expiration of a reasonable time, to declare by written order that the chief of police shall either dispose of the weapon or retain the weapon for official police department use", Mr. Anderson asked if it were straight out forfeiture or if there was a time limit to return the weapon. Mr. Koenig stated that he interpreted it as a forfeiture.

Responding to Mr. Sudler, Mr. Nicholas Rodriguez, City Solicitor, stated that if they were to be challenged in court of the term "stimulant", they would research it to determine if there were cases involving the State of Delaware to see if a definition had been handed down by the courts, since they are generally going to follow the State.

Responding to Mr. Neil, City Solicitor Rodriguez stated that they could define "stimulant" without interfering with the passage of the amendment.

Mr. Anderson pointed out that parts of the amendment are not mandated by State law. He asked if the provision about displaying pistols in pawn shops was current or a proposed amendment. Responding, Mr. Koenig stated that it was in the current ordinance.

Mr. Anderson moved to amend the Final Reading of Proposed Ordinance #2015-15 by striking lines 73 through 77. The motion failed for the lack of a second.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Ordinance Amendment as read by the City Clerk, by title only, as follows:

> Ordinance #2015-15 Amending Chapter 70, Offenses and Miscellaneous Provisions, Section 70-2, Weapons Generally and Appendix Fees and Fines.

**FIRST READING - PROPOSED ORDINANCE #2015-16 AMENDING CHAPTER 106 - TRAFFIC AND VEHICLES, ARTICLE III - STOPPING, STANDING AND PARKING, DIVISION 2 - METERED PARKING, SECTION 106-164 - VIOLATIONS; PENALTIES**

Council President Slavin reminded the public that copies of the proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Final action by Council on the proposed ordinances will take place during the Council Meeting of October 26, 2015.

Mr. Koenig, City Manager, advised that this ordinance relates to immobilization of vehicles and the amendment reduces the amount of time from 120 hours to 24 hours once the boot has been placed on a vehicle for it to be towed. This amendment is the direct result of a recent incident of an immobilized, unsecured car sitting on the street for a period of time and it created additional nuisances. Mr. Koenig stated that the amendment will allow the Police Department to boot the vehicle and then, 24 hours later, authorize the towing of it from the street.

Mr. Sudler asked if this was a major problem. Responding, Mr. Koenig stated that he would not call it a major problem across the City; however, if you are downtown and there is a car that is booted it is a nuisance which creates a major headache for downtown parking areas.

Mr. Anderson expressed concern with reducing the cumulative amount of unpaid violations from $200 to $100 to trigger immobilization, noting that just one (1) ticket for parking in a handicapped spot is $100 and if it were not paid within a few days the car would be booted and towed.

Mr. Anderson moved to strike the reduction from $200 to $100 for cumulative unpaid violations subjecting the owner to civil enforcement. Mr. Slavin stated that the amount currently in the Code was $100, recently changed from $200, and the amendment would have to raise the threshold amount from $100 to $200 for cumulative unpaid violations. The motion failed for the lack of a second.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Ordinance Amendment as read by the City Clerk, by title only, as follows:

> Ordinance #2015-16 Amending Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing, and Parking, Division 2 - Metered Parking, Section 106-164 - Violations; Penalties.

**FIRST READING - PROPOSED ORDINANCE #2015-18 - FIRST BUDGET AMENDMENT FOR FISCAL YEAR 2015/16 - PROJECT CARRY-FORWARD BUDGET BALANCES**

Council President Slavin reminded the public that copies of the proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Final action by Council on the proposed ordinances will take place during the Council Meeting of October 26, 2015.

Mr. Scott Koenig, City Manager, advised that this is the first amendment to the budget ordinances being proposed by the Finance Department and the City Manager's Office for FY16. He provided an overview of the amendments, noting that the first four (4) pages of the ordinance are the cumulative overview of all the changes for projects or purchases that were in progress as of June 30, 2015.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Ordinance Amendment as read by the City Clerk, by title only, as follows:

> Ordinance #2015-18 - First Budget Amendment for Fiscal Year 2015/16 - Project Carry-Forward Budget Balances.

**COUNCIL MEMBERS' ANNOUNCEMENTS**

Mr. Lewis announced that he would be sponsoring a recreational event in the Second District on October 31st in affiliation with Victory Christian Fellowship Church on Greenhill Avenue. It is going to be from 6:00 to 8:00 p.m. in lieu of Halloween and is being called Hallelujah Night. He stated that it is mainly for the children of the community and they are going to be giving out lots of candy and they will have rides for the kids and a bouncy house. Mr. Lewis invited the children of the community to come out.

Mr. Sudler thanked the Central Branch of the National Association for the Advancement of Colored People (NAACP), the Dover Police Department, and all the City officials who came out to support the community outreach event held the previous Thursday. He noted that it was a great event.

Mr. Anderson, noting that cold weather is approaching, encouraged members to support the homeless shelters in the community, whether it is Interfaith, Whatcoat, Shepherd's Place or others. He stated that they provide important activities and they can use support. Mr. Anderson advised that now is a good time to start with meals and encouraged everyone to do their part. He thanked Council President Slavin and others for doing their part.

Mr. Slavin informally thanked members of the Dover Fire Department for their response to last week's fire at Legislative Hall. He stated that it was an event that caused a lot of anxiety for people and, as somebody watching it unfold, he thought the City should be very proud of the service the Fire Department provided, as well as the Fire Chief who took command of a very difficult situation and did a very, very good job.

**Mr. Hare moved for adjournment, seconded by Mr. Neil and unanimously carried.**

Meeting adjourned at 9:14 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of October 12, 2015, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
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*Exhibits*
*Exhibit #1 - Letter to the Delaware Department of Transportation*
*Exhibit #2 - City of Dover Financial Policies*
*Exhibit #3 - Investment Policy Statement, as Amended*

# City of Dover

October 22, 2015

Mr. Mark Luszcz
Chief Traffic Engineer
State of Delaware Department of Transportation
169 Brickstore Landing Road
Smyrna, DE 19977

RE: Proposed Left Turn Signals – State Street / Water Street & Queen Street / Water Street

Dear Mr. Luszcz:

Please accept this correspondence as the City of Dover's official request to conduct any and all necessary studies to determine whether or not the above referenced intersections are in need of dedicated left turn signal arrows. The State Street / Water Street intersection has these arrows on Water Street; however, they are not installed on State Street. Traffic in this area has increased significantly in the past few years and the lack of left turn signals requires that motorists take risks that potentially endanger other motorists. The Queen Street / Water Street intersection has left turn arrows on Water Street; however, they are not installed on Queen Street. Motorists at this intersection are also exhibiting potentially dangerous behavior as they become impatient waiting for a break in traffic to make the left turn onto Water Street.

Based on emails received from Mr. Paul Bernat, Chief of Police; we believe your staff has already begun preliminary work on this request. Thank you for your time and attention to this request. If you have any questions, please contact me at (302) 736-7005.

Sincerely,

Scott D. Koenig, P.E., ICMA-CM
skoenig@dover.de.us
City Manager

cc: Robin R. Christiansen, Mayor
Timothy A. Slavin, Council President
Paul Bernat, Chief of Police
Kirby A. Hudson, Assistant City Manager
Traci A. McDowell, City Clerk
Sharon Duca, P.E., Director of Public Works
Ann Marie Townshend, AICP, Director of Planning & Community Development

# CITY OF DOVER
# FINANCIAL POLICIES

Amended October 12, 2015

# CITY OF DOVER, DELAWARE
# FINANCIAL POLICIES

The purpose of these policies is to present a standardized set of principles that the City follows in managing its financial and budgetary affairs. These are general statements of policies, which represent long-standing principles, traditions, and practices that will be used to guide the City in maintaining financial stability. It will be the responsibility of the Finance Department to ensure the financial objectives of these policies are maintained.

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**Revenue Policy**

1. The City will strive to maintain a broad and diversified revenue base that will equitably distribute the burden of supporting City services and will protect the City from short-term fluctuations in any one revenue source.

2. The City will actively support economic and industrial development recruitment and retention efforts to provide for a solid revenue base.

3. The City will maintain timely collection systems and implement necessary enforcement strategies to collect revenues from available sources.

4. The City will establish user fees and charges for services, when feasible, at levels related to the cost of providing the services. The City will review the fees and charges every three to five years to determine modifications needed to keep pace with the cost of providing the services. Property Tax Rates are set annually

5. The City will establish, when feasible, self-supporting enterprise funds and intergovernmental service funds in which a relationship between revenues and expenditures clearly exists.

6. The City will project current revenues on a conservative basis so the actual revenues will consistently meet or exceed budgeted revenues. Revenues greater or less than the original budget will flow through to the audited Ending Budget Balance.

7. The City will maintain a budgetary control system and will prepare reports, which compare actual revenues to budgeted amounts.

8. The City will limit the designation of General Fund revenues for specified purposes to maximize flexibility in budgeting and revenue utilization.

9. The City will review annually and revise, where necessary, its cost allocation formulas, i.e. internal service departments.

10. Upon satisfying all rate covenants the City will provide operating transfers to the General Fund. From the Water/Wastewater Utility no greater than $1,000,000 and from the Electric Utility no greater than $10,000,000.

**Expenditure Policy**

1. Basic and essential services provided by the City will receive first priority for funding, i.e. Public Safety & Health, Utilities, Streets, & Sanitation.

2. A report of the expenses of the Public Safety categories that have been identified will be presented to City Council two (2) times; once upon delivery of the proposed budget in May and the other upon the adoption of the budget in July. The report will map the revenues that have been identified to support the expenses, how much of a gap there is, and what the trend is for closing the gap over a 20 year period. The revenues will be the direct revenues of those programs and the Property Tax Revenue, excluding BID taxes.

3. The City will adopt a balanced budget, by fund, for all funds maintained by the City, in which total anticipated revenues must equal or exceed the budgeted expenditures for each fund. The Beginning Budget Balance will not be considered a revenue source.

4. The City will maintain a budgetary control system to ensure adherence to the original adopted budget and will prepare reports, which compare actual expenditures to budgeted amounts. Expenditures greater or less than the original adopted budget will flow through the audited Ending Budget Balance.

5. The City will restrict the use of appropriations as follows:
   - Funds appropriated for personnel expenses shall be restricted to use as personnel expenses; Any personnel savings at the end of each fiscal year will be re-appropriated in the next fiscal year to be transferred to the City's unfunded retirement liabilities;
   - Funds appropriated as capital expenses shall be restricted to use as capital expenses;
   - Funds appropriated as operating expenses shall be restricted to use as operating expenses;
   - All requests for additional personnel shall be accompanied with a five-year estimate on the costs of such position(s), including salaries and other employment costs (OEC's);

6. The City will refrain from budgeting revenues derived from infrequent and unanticipated transactions for ongoing expenses. These revenues will be set aside for asset replacement or as otherwise directed by Council.

7. The City will provide access to medical, dental, vision, life, AD & D, and short-term disability insurance for its employees. The cost for these benefits will be a shared responsibility between the City and its employees as outlined in the City Personnel Handbook or collective bargaining agreements

8. The City will provide access to medical and dental insurance for its retirees and their families. The cost for these benefits will be a shared responsibility between the City and its retirees as outlined in the City Personnel Handbook or collective bargaining agreements.

9. The City will provide access to appropriate retirement plans for its employees. The City will make contributions for eligible employees at the actuarial determined percentage defined for each of the respective retirement plans.

10. The City will establish an Other Post-Employment Benefit Fund (OPEB). The City will make contributions for eligible employees and retirees at the actuarial determined rates or percentages to fund future retiree medical benefits.

**Debt Policy**

1. The City will maintain a debt management policy and full disclosure on financial reports.

2. The City will maintain communications with bond rating agencies and continue to strive for improvements in the City's bond rating.

3. The City will adhere to its debt covenants.

4. The City will review its debt capacity every three (3) years.

5. The City will pay for all capital projects and capital improvements on a pay-as-you-go basis using current revenues if possible. If a project or improvement cannot be financed with current revenues, long-term debt or use of reserves will be recommended.

6. The City will refrain from issuing long-term debt for a period in excess of the expected useful life of the capital project.

7. The City will use special assessment revenue or other self-supporting bonds instead of general obligation bonds, when practical.

8. The City will seek refinancing of outstanding debt if it is determined that the City will benefit by reduced interest expense over the remaining life of the bonds.

**Budget Balance/Reserve Policy – General Fund**

1. The City will strive to maintain a minimum Budget Balance, of at least 8% and no greater than 12% of the current year operating revenues for the General Fund, excluding the carry forward balance. The purpose of the budget balance is to meet temporary fluctuations in cash flows and to provide a cushion for loss of revenues until operating changes can be implemented. If the final Budget Balance exceeds the amount as approved in the budget ordinance, such funds shall be used to provide for unfunded retirement liabilities or as otherwise designated by City Council. The City may use monies in the Budget Balance only in times of fiscal and economic hardship.

2. Once achieved, at no time should the City's budget balances fall below their specified percentages. If a shortfall occurs in the budget balance and immediately restoring the balances to the specified percentage would cause an extreme burden on the taxpayers, the budget balance may, with the City Council's approval, be restored to the specified percentage within one (1) year, but in any case, no longer than three (3) years.

3. The City will maintain a minimum reserve, in a contingency account, of at least $700,000. The City may only use monies in the contingency accounts to cover emergencies of a non-recurring nature that are over and above the normal course of operations. Examples are uninsured losses,

storms or hurricane damages. The Contingency Reserve will not be used to balance the operating budget.

4. The total of the General Fund budget and contingency balances shall not exceed 17% (~ 2 months) of Budgeted Operating Revenues.

5. The City will create a Capital Asset Replacement account for Governmental Fund asset procurements. Optimally, the amount set aside for future asset replacements should equal the annual depreciation of the current assets. (Annual Depreciation is approximately $2.5 million per year) The City will appropriate excess (amounts greater than budgeted) revenues to fund this account, or if the balance is less than the $500,000 minimum, $200,000 per annum until such time the minimum balance is replenished.

6. The City will create a General Capital Project Fund to account for all General Government asset procurements and projects. The City will provide operating fund transfers and/or debt proceeds for each fiscal year's Capital Investment Plan. All vehicle and equipment purchases under $25,000 will be budgeted on a pay as you go basis.

**Budget Balance/Reserve Policy – Water/Wastewater Fund**

1. The City will strive to maintain a minimum Budget Balance, of at least 8% and no greater than 17% (two months) of the current year operating revenues for each of the Water & Wastewater Utility Funds, excluding the carry forward balance. The purpose of the budget balance is to meet temporary fluctuations in cash flows and to provide a cushion for loss of revenues until operating changes can be implemented. If the final Budget Balance exceeds the amount as approved in the budget ordinance, such funds shall be used to provide for unfunded retirement liabilities or as otherwise designated by City Council. The City may use monies in the Budget Balance only in times of fiscal and economic hardship.

2. Once achieved, at no time should the City's budget balances fall below their specified percentages. If a shortfall occurs in the budget balance and immediately restoring the balances to the specified percentage would cause an extreme burden on the ratepayers, the budget balance may, with the City Council's approval, be restored to the specified percentage within one (1) year, but in any case, no longer than three (3) years.

3. The City will maintain a minimum reserve, in a contingency account, of at least $250,000 for each the Water & Wastewater Fund. The City may only use monies in the contingency accounts to cover emergencies of a non-recurring nature that are over and above the normal course of operations. Examples are uninsured losses, storms or hurricane damages. The Contingency Reserve will not be used to balance the operating budget.

4. The total of the combined Water & Wastewater Fund budget and contingency balances shall not exceed 25% (3 months) of Budgeted Operating Revenues.

5. The City will maintain a Capital Asset Replacement account to cover replacement or procurement of assets of the utility. Optimally, the amount set aside for future asset replacements should equal the annual depreciation of the current assets. The City will maintain a minimum balance of $500,000 for each utility for Capital Asset Replacements. The City will

appropriate excess revenues to fund this account, or if the balance is less than the minimum $100,000 per annum for each utility until such time the minimum balance is achieved.

6. The City established by ordinance on December 17, 1996 the Wastewater Impact Fee Reserve to provide for future expansion of the City's wastewater system due to increased demand. The ordinance further provides for debt service payments attributed to wastewater expansion projects to be funded by the current year's collection of Impact Fees and the remainder to be deposited into the reserve account. The City shall maintain a minimum of 20% of wastewater revenues in the Impact Fee Reserve account. Amounts used to finance projects shall be replenished by the operating revenues of the Wastewater Fund over the succeeding seven years of any project completion.

7. The City established by ordinance on February 1, 2008 the Water Impact Fee Reserve to provide for future expansion of the City's water system due to increased demand. The ordinance further provides for debt service payments attributed to water system expansion projects to be funded by the current year's collection of Impact Fees and the remainder to be deposited into the reserve account. The City shall maintain a minimum of $1.5 million of water revenues in the Impact Fee Reserve account. Amounts used to finance projects shall be replenished by the operating revenues of the Water Fund over the succeeding seven (7) years of any project completion.

8. The Water & Wastewater Improvement & Extension Fund budget balance shall be no less than $200,000 of the current fiscal year's appropriation for water and wastewater projects to allow for project variances and change orders; a 10% contingency shall be included in project budgets greater than $250,000 if the Department Head determines it to be appropriate. All vehicle and equipment purchases under $25,000 will be budgeted on a pay as you go basis. The City Manager shall make the necessary budget amendments in accordance with the City of Dover Purchasing & Budget Amendment Policies.

**Budget Balance/Reserve Policy – Electric Revenue Fund**

1. The City will strive to maintain a minimum Budget Balance, of at least 12% (45 days) of the current year operating revenues for the Electric Revenue Fund, excluding the carry forward balance and power cost adjustments. The purpose of the budget balance is to meet temporary fluctuations in cash flows and to provide a cushion for loss of revenues until operating changes can be implemented. If the final Budget Balance exceeds the amount as approved in the budget ordinance, such funds shall be used to provide for unfunded retirement liabilities or as otherwise designated by City Council. The City may use monies in the Budget Balance only in times of fiscal and economic hardship.

2. Once achieved, at no time should the City's budget balances fall below their specified percentages. If a shortfall occurs in the budget balance and immediately restoring the balances to the specified percentage would cause an extreme burden on the ratepayers, the budget balance may, with the City Council's approval, be restored to the specified percentage within one year, but in any case, no longer than three years.

3. The City will maintain a minimum reserve, in a contingency account, of at least $750,000 for the Electric Revenue Fund. The City may only use monies in the contingency accounts to cover emergencies of a non-recurring nature that are over and above the normal course of operations.

Examples are uninsured losses, storms or hurricane damages. The Contingency Reserve will not be used to balance the operating budget.

4. The total of the combined Electric Revenue Fund budget and contingency balances shall not exceed 25% (3 months) of Budgeted Operating Revenues.

5. The City has established by bond covenant an account to cover insurance deductibles on the electric transmission and distribution system or the generating plants. The City shall maintain a minimum balance of $750,000 to cover various deductibles.

6. Recognizing price fluctuations in the wholesale power markets the City has established a rate stabilization reserve. The purpose of using such a reserve is to level off the fluctuations in the wholesale power supply market and in turn provide stable rates to our customers. In those instances where the actual cost of power supply and generation are less/more than the budgeted cost of power supply and generation, the City will transfer the difference to/from the Rate Stabilization Reserve. The balance shall be maintained at a minimum of 10% not to exceed 20% of the purchase power cost in any given year. If the reserve balance exceeds the 20% maximum, a credit will be applied to the power cost adjustment.

7. The Electric Improvement & Extension Fund budget balance shall be no less than $200,000 of the current fiscal year's appropriation for electric system projects to allow for project variances and change orders; a 10% contingency shall be included in project budgets greater than $250,000 if the Department Head determines it to be appropriate. All vehicle and equipment purchases under $25,000 will be budgeted on a pay as you go basis. The City Manager shall make the necessary budget amendments in accordance with the City of Dover Purchasing & Budget Amendment Policies.

8. The City has established an account to provide for capital financing of Future Capacity or system expansion. The City shall maintain a balance equivalent to the value of 10% growth in capacity at any given time, or no less than $10,000,000. Amounts used to finance projects shall be replenished by the operating revenues of the Electric Revenue Fund over the succeeding seven years of any project completion.

9. The City has established an account to provide for replacement or procurement of utility system assets, otherwise known as Depreciation Reserve. Optimally, the amount set aside for future asset replacements should equal the annual depreciation of the current assets. The City will maintain a minimum balance of $10,000,000. The primary purpose of this account is to provide partial or all financing of major capital projects and minimize debt service payments. The account is also intended to cover unforeseen capital replacements due to equipment breakdowns, storms or hurricane damages. Amounts used to finance projects shall be replenished by the operating revenues of the Electric Revenue Fund over the succeeding seven (7) years of any project completion

10. The total of the combined Electric Revenue and Electric Improvement & Extension Fund budget and reserve balances shall be benchmarked at 50% Budgeted Operating Revenues. Operating Fund Budget Balance and Reserves shall be adjusted to appropriate levels through adjustments in the operating budget. Improvement & Extension Fund Budget Balance and Reserves shall be adjusted in accordance with the Capital Improvement Plan.

## Investment and Cash Management Policy

1. The City will deposit all receipts on a timely basis in interest bearing accounts.

2. The City will strive to maximize the return on its investment portfolio without jeopardizing principal amounts.

3. The City will limit its investments to the types of securities provided for by Delaware statutes.

4. The City will diversify its investments by maturity date to protect against market fluctuations.

5. The City will purchase securities from qualified institutions based on competitive bids in an effort to obtain the highest available rates.

6. The City will maintain an Investment Policy based on prudent investment practices and will monitor all investment managers' compliance with policy objectives.

## Capital Improvement Policy

1. The City will prepare and update, as needed a five-year Capital Improvements Program (CIP) which will provide for the orderly maintenance, replacement, and expansion of capital assets.

2. The CIP will identify long-range capital projects and capital improvements of all types, which will be coordinated with the annual operating budget to maintain full utilization of available revenue sources.

3. When preparing the CIP, the City will seek to identify all viable capital projects and capital improvements required during the subsequent five-year period. These projects and improvements will be prioritized by year and by funding source.

4. Every attempt will be made to match projects and improvements with available funding sources. Future operating costs and savings associated with a project or an improvement will also be given consideration in the establishment of priorities.

5. When appropriate, the City will seek Federal, State, and other funding to assist in financing capital projects and capital improvements.

6. The City will incorporate the reasonable findings and recommendations of other cities' Boards, Commissions, Committees, and Citizen Task Forces, as they relate to capital projects and improvements.

7. The City will seek input from the public by holding public hearings in relation to the establishment of projects and project priorities.

## Financial Reporting Policy

1. The City's accounting system will maintain records in accordance with accounting standards and principles outlined by the Governmental Accounting Standards Board (GASB), Financial Accounting Standards Board (FASB), and the State of Delaware.

2. The City will employ an independent accounting firm to perform an annual audit of the City's finances and make the annual audit available to all required and interested parties.

3. The City will produce monthly and quarterly financial statements reporting the current periods' activity for all funds maintained by the City.

4. The City will prepare an annual budget document that provides a basic understanding of the City's planned financial operations for the coming fiscal year. Copies of the proposed and final budget will be made available to all interested parties and opportunities will be provided for citizen input prior to final decisions on the budget.

5. The City will place continued emphasis on review and maintenance of an accounting system which provides strong internal budgetary and accounting controls designed to provide reasonable assurance, but not absolute, assurance regarding:

    (a) the safeguarding of assets against loss from unauthorized use or disposition and,
    (b) the reliability of financial records for preparing financial statements and reports, and the maintaining accountability for assets.

6. The City will seek annual renewal of the Government Finance Officers Association's (GFOA) Certificate of Achievement for Excellence in Financial Reporting.
7.

**Adoption:**
Approval by City Council: January 28, 2002

Most recent amendments:
1. Amended by City Council on June 11, 2014
2. Amended by City Council on September 8, 2014
3. Amended by City Council on October 12, 2015

# City of Dover, DE

# Investment Policy Statement

Dated October 12, 2015

## 1.0 Governing Authority

It is the policy of the City of Dover to invest public funds under its control in a manner that will provide the highest investment return consistent with the maximum safety of principal, while meeting cash flow needs of the City. The investment program shall conform to all state and local statutes governing the investment of public funds.

## 2.0 Scope

This Investment Policy Statement (the "Policy") applies to all financial assets of the City of Dover for which the City retains direct or indirect daily control. Funds for which the City has retained outside fund manager(s) shall also be governed by this Policy or, in the case of bond proceeds, related governing bond documents.

### 2.1 Accounts

**2.1.1** Cash and Liquidity Accounts: The majority of the City's cash balance available for investment is maintained in the cash and liquidity accounts. These accounts will be managed and invested by investment managers, selected by the City Council through competitive bid, in order to maximize the return to the City while, at the same time, providing for safety of principal and sufficient liquidity for the City to meet its cash needs. The City will manage its short-term investments to ensure sufficient liquidity and prevent their premature sale for the purpose of covering expenditures. Short-term investments should mature at face value in sufficient amounts to meet any liquidity needs.

**2.1.2** Reserve Cash (Intermediate) Account: To the extent cash is not expected to be needed on short notice, the City shall invest such funds in the Reserve Cash Account. This fund shall be managed and invested by an investment manager or managers**,** selected by the City Council after a competitive bid, in order to maximize the return on said money to the City while providing for the safety of principal.

All of the City of Dover's funds are accounted for in its Comprehensive Annual Financial Report. Those funds to which this Policy applies include (excluding the Deferred Compensation Plan and Pension Trusts):

### 2.2 Funds

**2.2.1** General Fund
**2.2.2** Capital Project Funds
**2.2.3** Special Revenue Funds
**2.2.4** Enterprise Funds
**2.2.5** Internal Service Funds
**2.2.6** Any new fund created by the City Council, unless specifically exempted

## 3.0 Objectives

The primary objectives of the City of Dover's investment activities, in order of importance shall be:

### 3.1 Safety

Preservation of principal is the foremost objective of the investment program. To attain this objective, funds shall be diversified among securities of high credit quality and liquidity, so that risk of loss of principal is minimized.

### 3.2 Liquidity

The City's investments shall be made for such periods as to enable the City to meet all operating requirements that may be scheduled or reasonably anticipated.

### 3.3 Return on Investments

A goal of the investment program shall be to maximize investment return within the constraints of Sections 3.1 and 3.2.

## 4.0 Delegation of Authority

Authority to manage the City of Dover's investment program is derived from this Policy, which is approved by City Council, and "Dover Code, PART I, Subpart A, Article II, Section 17" (attachment B) which states in part that "The Controller/Treasurer shall be the custodian of all of the City funds."

The City's Controller/Treasurer shall:

1) Review the this Policy annually and recommend changes, if any, to City Council;
2) Be charged with implementing the Policy, and may delegate authority to make investments to an investment advisor. The Controller/Treasurer shall be responsible for all investment transactions and shall establish controls to regulate the activities of the investment advisor, if any.
3) Ensure that records of the City's investment activities are kept for ten-years.

## 5.0 Prudence, Ethics and Conflicts of Interest

Any official of the City or investment advisor/manager empowered to make investments on behalf of the City of Dover shall comply with the following:

### 5.1 "Prudent Person" Rule

Investment decisions shall be made with the judgment and care which persons of reasonable intelligence, under circumstances prevailing at the time the investment is made, would exercise in the management of their own investments assuming that their objectives are those shown in Section 3.0 of this policy.

### 5.2 Ethics and Conflict of Interest

The delegate authorized to make City investments shall act at all times in an ethical manner, and shall not engage in activity that could impair or be perceived to impair their ability to make impartial investment decisions. They shall disclose to the Mayor and City Council any material interests in financial institutions with which the City has financial dealings, and which may be related to the performance of the investment program. Employees and officers shall refrain from undertaking personal investment transactions with the same individual(s) with whom business is conducted on behalf of the City.

## 6.0 Authorized Institutions and Dealers

All broker/dealers that desire to become qualified for investment transactions with the City shall meet the following:

1. Primary dealers and regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule)
2. Capital of at least $25,000,000 or capital of $5,000,000 for firms incorporated in the State of Delaware
3. Registered as a dealer under the Securities Exchange Act of 1934
4. Member of the Financial Industry Regulatory Authority (FINRA)
5. Registered to sell securities in the State of Delaware
6. Engaged in the business of effecting transactions in U.S. government, federal agency, and corporate securities for at least five (5) consecutive years

To the extent the City utilizes the services of an outside Investment Advisor, it shall be the responsibility of the Investment Advisor to maintain an approved list of brokers.

## 7.0 Safekeeping and Custody

To ensure that securities are deposited in an eligible financial institution prior to the release of funds, all trades of marketable securities will be executed by delivery vs. payment ("DVP").

Further, all securities will be held by an independent third-party custodian, in the name of the City, and evidenced by safekeeping receipts in the City's name. The custodian shall provide daily confirmation of held securities as well as a monthly transactions and holdings report.

## 8.0 Authorized Investments and Trading of Securities

The Controller/Treasurer or authorized delegate may invest only in the types of securities listed below. The maximum stated maturity of any security shall be limited to 10 years at settlement, unless otherwise stated. For Agency mortgage backed securities, the maximum maturity shall be defined as the weighted average life ("WAL"). WAL is a convention that estimates the expected weighted amount of time, in years, for the principal amount of an issue to be fully paid. For this sector, WAL shall be limited to 10 years, measured at the settlement date, provided by Bloomberg Financial Markets.

### 8.1 United States Government Securities

Marketable securities issued by the U.S. Government and supported by the full faith and credit of the U. S. Treasury either by statue or an opinion of the attorney general of the United States. Up to 100% of the portfolio may be invested in this sector.

### 8.2 Government Agency Securities

Debt securities issued by government-sponsored enterprises ("GSE"), federal agencies, federal financing banks, and instrumentalities of the U.S. Government. Up to 100% of the portfolio may be invested in this sector.

### 8.3 Certificates of Deposit and Time Deposits

**8.3.1 Domestic Institutions**: Issued or endorsed by a domestic bank, or a savings and loan association, organized and supervised under the laws of the United States and denominated in U.S. dollars; provided, however, that deposits are fully insured or guaranteed by the Federal Deposit Insurance Corporation ("FDIC").

If not insured by the FDIC:

- The banking institution must have assets of not less than $5 billion; and
- Issuers must have a short-term rating of A-1 by Standard & Poor's or P1 by Moody's and a long-term rating of AA by Standard & Poor's or Aa by Moody's.

The maximum stated maturity of any investment in this sector shall be limited to 5 years at trade settlement. This sector shall not exceed 25% of the total portfolio. No single issuer shall exceed 5% of the City's portfolio.

**8.3.2 Delaware-Domiciled Institutions**: Issued by or endorsed by any bank or savings association domiciled in the State of Delaware and organized and supervised under federal or State of Delaware banking laws which does not meet the requirements of Section 8.3.1 hereto; provided, however, that:

- For each of the latest two years, the bank or association has had a return on total average assets of 0.50% or greater and an average capital ratio (defined as total equity capital to total assets) of at least 1 to 20, or the instrument is secured as set forth in Section 9, "Collateralization of City Deposits," hereto; and
- Not more than the lesser of $10 million or 25% of an issuer's total equity capital, may be invested in any one issuer. (Investments due to mature in one business day may be excluded from the computation of this percentage.)
- The Board expressly affirms that, consistent with these guidelines, Delaware banks and savings associations should be considered as a source of investment.
- The maximum stated maturity of any investment in this sector shall be limited to 5 years at time of purchase. This sector shall not exceed 20% of the total portfolio. No single issuer shall exceed 5% of the City's portfolio.

### 8.4 Corporate Debt Instruments

Such instruments include commercial paper bankers' acceptances, and non-convertible senior debt securities (bonds and debentures).

**8.4.1** Corporate securities must be denominated/issued in US dollars. Many foreign corporations issue debt/securities in the US market, in US dollars.

**8.4.2** No single issuer shall exceed 5% of the City's portfolio.

**8.4.3** Commercial Paper shall be limited to a final stated maturity of 270 days. This sector shall not exceed 25% of the total portfolio. Issuers shall be rated at least A-1 by Standard & Poor's or P-1 by Moody's.

**8.4.4.** Bankers' Acceptances shall be limited to a final maturity of 365 days. This sector shall not exceed 25% of the City's Portfolio. Issuers shall be rated at least A-1 by Standard & Poor's or P1 by Moody's.

**8.4.5** Corporate bonds and debentures shall be limited to a final stated maturity of 5 years. This sector shall not exceed 50% of the total portfolio. Issuers shall hold a long-term rating of at least A by S&P or A2 by Moody's.

**8.5 Repurchase Agreements**

The underlying collateral shall consist of U.S. government and/or GSE securities provided, however, that:

**8.5.1** All repurchase agreements must be governed by a written master repurchase agreement;

**8.5.2** Agreements will be entered into only with respect to underlying securities in which the investment manager may otherwise invest as described above, and only with a recognized U.S. Government/broker or a bank which meets the requirements set out under paragraph Section 8.3.1 or 8.3.2 above;

**8.5.3** In the case of repurchase collateral held in book-entry form in the Federal Reserve System, all deliveries of securities must be made, for the transfer thereof, through the Federal Reserve book-entry system to the account designated by the investment manager for such purpose. Securities held in certificated form must be delivered to the investment manager or a custodian as directed by the investment manager.

**8.5.4** Any collateral employed under this paragraph shall be counted towards the applicable maximum limits set forth within these guidelines for such type of investment, and such collateral shall be valued at market at not less than 103 percent of the maturity value of the agreement and marked-to-the-market as requested by the investment manager.

**8.5.5** Repurchase agreements shall be limited to a maximum maturity of 90 days from date of purchase. No single issuer shall exceed 25% of the City's portfolio.

**8.6 Registered Investment Companies (Money Market Funds)**

No single fund shall exceed 25% of the City's portfolio. Money market funds shall be rated AAAm by Standard & Poor's. A current prospectus must be obtained before investing in any money market fund, and current holdings reports must be maintained at least each month.

**8.7 Mortgage-Backed Securities**

Mortgage-backed securities issued by the following: Government National Mortgage Association (GNMA), Federal National Mortgage Association (FNMA) or Federal Home Loan Mortgage Association (FHLMC). This sector shall not exceed 50% of the total portfolio.

**8.8 Municipal Obligations**

Taxable and tax-exempt securities issued by state and local governments and public authorities in the United States. The maximum stated maturity of any investment in this sector shall be limited to 5 years. This sector shall not exceed 30% of the

City's portfolio. No single issuer shall exceed 5% of the City's portfolio. Issuers shall be rated at least "A" by Standard & Poor's or A2 by Moody's. Additionally Issuers in the short term market (under one year) shall be rated at a minimum of "mig-1" or "sp-1" for Moody's and S&P.

**8.9 State of Delaware Investments Pool**

**8.9.1** Delaware Local Government Investment Pool (DELGIP) -The investment in this pool is permitted in relation to the City's cash flow and the guidelines set forth by the State of Delaware. The investment in this pool will not exceed 25% of the total funds available and will be monitored by the City's Finance Department on a monthly basis.

**8.9.2** Delaware Local Government Retirement Investment Pool (DELRIP) The investment in this pool is permitted in relation to the City's Post-Retirement Benefits Fund. The investment in this pool will not exceed 25% of the total funds available and will be monitored by the City's Finance Department on a monthly basis.

**8.10 Trading Securities**

The Controller/Treasurer is hereby authorized to sell securities prior to their stated maturity date in the following circumstances:

1. A security with declining credit may be sold prior to its maturity to minimize loss of principal;
2. A security swap may be executed if it would improve the quality, yield, or target duration of the portfolio;
3. Securities may be sold to provide needed liquidity.

**8.11 Internal Control on such transactions**

**8.11.1** An investment report will be provided to the Council on a quarterly basis.

**8.11.2** All investment reporting documents will be provided to the independent auditors.

**8.11.3** Investment records will be kept by the City for ten (10) years.

**8.11.4** The trading shall not involve any hedge, derivatives and/or borrowing funds for trading purposes.

**9.0 Collateralization of City Deposits**

If the City deposits funds in any financial institution, those funds will be subject to the following collateralization requirements. The financial institution shall:

**9.1** Collateralize the City's daily ledger balance(s) if, for any quarter during the most recent eight quarters the bank has not met both of the following two criteria:

- Return on total average assets of 0.50 percent or greater.
- Average capital ratio (total equity to total assets) of 5.00 percent or greater.

**9.2** If either criterion in paragraph 9.1 is not satisfied collateral must be pledged and shall consist of one or more of the following securities:

- U.S. Government securities
- U.S. Government agency securities
- Federal Home Loan Board letters of credit
- State of Delaware securities

- Mortgaged backed securities as referenced in Section 8.7
- Securities of a political subdivision of the State of Delaware with a Moody's rating of "A" or better

**9.3** Ensure that the securities pledged as collateral (except for Federal Home Loan Board letters of credit) have a market value equal to or greater than 102 percent of the ledger balance(s) in the account(s) marked to market each day.

**9.4** Ensure that securities pledged as collateral are housed at the Federal Reserve Bank or a mutually agreed upon third party depository. (The trust department of the winning vendor will not be acceptable.)

**9.5** Provide reports on a monthly basis to the City Finance Department detailing the collateral pledged.

**9.6** Provide a Call Report (Consolidated Report of Condition and Income, FFIEC 031) on a quarterly basis to the City Finance Department.

**10.0** Policy Considerations

If securities owned by the City are downgraded by either Standard & Poor's or Moody's to a level below the quality required by this Policy, it shall be the City's policy to review the credit situation and make a determination as to whether to sell or retain such securities in the portfolio.

If a security is downgraded two grades below the level required by the Policy, the security shall be sold immediately.

If a security is downgraded one grade below the level required by this Policy and matures within 6 months, the security may be held to maturity. The Controller/Treasurer may determine to sell the security if it is determined that there is a probability of default prior to maturity.

If a decision is made to retain a downgraded security in the portfolio, its presence in the portfolio will be monitored and reported monthly to the Controller/Treasurer.

**11.0 Internal Controls**

The Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The Treasurer shall also establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following:

- Control of collusion
- Separation of transaction authority from accounting and recordkeeping
- Custodial safekeeping
- Prohibition of physical delivery securities
- Clear, written delegation of authority to subordinate staff members
- Written confirmation of transactions for investments and wire transfers

## 12.0 Performance Standards

The City of Dover's investment decisions shall be made with the objective of obtaining a rate of return commensurate with the investment risk constraints and the cash flow needs. On a quarterly basis, the Controller/Treasurer shall compare the City's portfolio against the

Merrill Lynch 0-5 Year U.S. Treasury Index, in terms of time-weighted total return and average duration for the period under review.

## 13.0 Reporting

At the end of each calendar quarter, the Controller/Treasurer will submit a report of all quarter-ending investments to the Mayor and City Council. Reports shall include the following:

- Listing of individual securities held as of last day of reporting period, sorted by sector
- Par, market, and amortized cost values of each security
- Coupon, current yield, and final stated maturity date of each security

## 14.0 Investment Policy Adoption

The City of Dover's investment policy will be adopted by the City Council after review and recommendation of the Legislative and Finance Committee. The policy will be reviewed at least once every year by the Legislative and Finance Committee, which is charged with considering the existing policy and any recommendations to modify the policy. Any modifications to the policy must be approved by the City Council.

**LEGEND**

1. Original approval by City Council - November 14, 1988
2. Revised policy approved by City Council - March 7, 2005
3. City Council Approved with No Changes – April 14, 2008
4. Revised policy approved by City Council – July 25, 2011
5. Revised policy approved by City Council – August 12, 2013
6. Revised policy approved by City Council – September 8, 2014
7. Revised policy approved by City Council – October 12, 2015

**ATTACHMENT A**

## GLOSSARY

**AGENCIES:** Federal agency securities, otherwise known as "Government Sponsored Enterprises."

**CERTIFICATE OF DEPOSIT (CD):** A time deposit with a specific maturity evidenced by a certificate. Large denomination CD's are typically negotiable.

**BANKERS ACCEPTANCE:** A short-term credit investment which is created by a non-financial firm and whose payment is guaranteed by a bank.

**COLLATERAL:** Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

**COMMERCIAL PAPER:** An unsecured obligation issued by a corporation or bank to finance its short-term credit needs. Maturities typically range from one (1) to 270 days.

**COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR):** The official annual report for the City of Dover. It includes five combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

**CORPORATE BONDS:** A debt security issued by a corporation based in the United States of America. Such bonds usually have a par value of $1,000, have a term maturity, and are traded on a major exchange.

**DEALER:** A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

**DIVERSIFICATION:** Dividing investment funds among a variety of securities offering independent returns, in an attempt to limit risk.

**FEDERAL CREDIT AGENCIES:** Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

**FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC):** A federal agency that insures bank deposits, currently up to $250,000 per deposit.

**FEDERAL FUNDS RATE:** The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

**FEDERAL HOME LOAN BANKS (FHLB):** The institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks vis-a-vis member commercial banks.

**FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA):** FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted.

**FEDERAL RESERVE SYSTEM:** The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

**GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae):** Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FMHM mortgages. The term "passthroughs" is often used to describe Ginnie Mae's.

**LIQUIDITY:** A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

**LOCAL GOVERNMENT INVESTMENT POOL (LGIP):** The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

**MARKET VALUE:** The price at which a security is trading and could presumable be purchased or sold.

**MATURITY:** The date upon which the principal or stated value of an investment becomes due and payable.

**MORTGAGE-BACKED SECURITIES (MBS):** An investment instrument that represents ownership of, and is backed by, an individual interest in a pool of mortgages such as those issued by Ginnie Mae or Freddie Mac. Principal and interest from the individual mortgages is used to pay principal and interest on the MBS.

**MUNICIPAL NOTES AND BONDS:** Securities issued by a state, city, or local government to finance operations or special projects.

**PRUDENT PERSON RULE**: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody

state--the so-called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

**QUALIFIED PUBLIC DEPOSITORIES:** A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

**RATE OF RETURN:** A measure of worth, either at security or aggregate portfolio level, over a period of time. There are many return conventions, including but not limited to yield to maturity at cost, yield to maturity at market, yield to worst, time weighted total return, dollar weighted total return.

**REPURCHASE AGREEMENT (RP OR REPO):** A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money, that is, increasing bank reserves.

**REVERSE REPURCHASE AGREEMENT:** The purchase of a security by a dealer with the agreement to sell it back to the seller at a fixed price at a later date. Typically used by owners of securities to finance short-term needs without having to liquidate the security.

**SAFEKEEPING:** A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

**TIME DEPOSITS:** A savings account or CD held for a fixed term or with the understanding that the customer can withdraw only by giving advanced notice.

**TREASURY BILLS:** A short-term (less than one year) non-interest bearing discount security issued by the U.S. Treasury department to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

**TREASURY BOND:** Long-term U.S. Treasury securities having initial maturities of more than 10 years.

**TREASURY NOTES:** A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year.

**UNIFORM NET CAPITAL RULE:** Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1: also called net capital rule and net capital ratio.

Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

**VARIABLE RATE MASTER DEMAND NOTES:** A floating rate security with initial maturities and indexed rates chosen by the investor. The interest rate is adjusted periodically, usually off a standard such as that prevailing on a Treasury Bill or the prime interest rate.

**YIELD:** The rate of annual income return on an investment, expressed as a percentage.

**INCOME YIELD** is obtained by dividing the current dollar income by the current market price for the security.

**NET YIELD or YIELD TO MATURITY** is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

**ATTACHMENT B**

Dover, Delaware, Code of Ordinances >> PART I - CHARTER AND RELATED LAWS

## PART I - CHARTER AND RELATED LAWS [1]

Subpart A - CHARTER

PREAMBLE [3]

We the people of the City of Dover, under the constitution and laws of the state of Delaware, in order to secure the benefits of local self-government and to provide for an honest and accountable council-manager government, do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation.

ARTICLE I. - POWERS OF THE CITY

ARTICLE II. - MAYOR AND COUNCIL

### Sec. 17. - Controller/treasurer.

At the annual meeting the council shall elect a controller/treasurer to hold office until the next annual meeting of the council, or until his/her successor has been duly chosen and qualified, but subject to removal at any time by the council.

The controller/treasurer shall be the custodian of all the city funds and shall deposit them in a banking institution designated by the council.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 15))

# *CERTIFICATE OF RECOGNITION*

*This Certificate of Recognition is presented to*

## ***Dave Chambers***

*Thank you for sharing your incredible talent with our community.*

*You are successful at drawing our minds into the scene, while capturing the details in a single photograph that otherwise most people would not even see.*

***October 26, 2015***

*Robin R. Christiansen*
*Mayor*

*"A picture is worth a thousand words" - Frederick R. Barnard*

# *CERTIFICATE OF RECOGNITION*

*This Certificate of Recognition is presented to*

## ***Gary Emeigh***

*for*

## ***50 years of professional excellence.***

*Thank you for sharing your passion of photojournalism in our community for so many years.*

*We wish you the best with your future endeavors.*

***October 26, 2015***

*Robin R. Christiansen*
*Mayor*

# PROCLAMATION

***WHEREAS,*** *diabetes is a serious disease which has no cure and is a major cause of heart disease and stroke; it is the seventh leading cause of death in the Unites States; and*

***WHEREAS,*** *nearly twenty-six million American children and adults have diabetes, with someone diagnosed with type 1 diabetes every 35 seconds; and*

***WHEREAS,*** *type 1 diabetes is an autoimmune disease that strikes children and adults suddenly and lasts a lifetime, requiring them to take multiple injections of insulin daily or continually infuse insulin through a pump; and*

***WHEREAS,*** *one of the most significant risk factors for type 2 diabetes is obesity, those at risk of developing type 2 diabetes can reduce their chances of developing the disease by engaging in regular physical activity, maintaining a healthy weight and making nutritious food choices; and*

***WHEREAS,*** *an increase in community awareness of risk factors and symptoms related to diabetes can improve the likelihood that people with diabetes will get the attention they need before developing the disease with its devastating complications, and with more than 1.5 billion dollars allocated to research since 1970, the Juvenile Diabetes Research Foundation is the worldwide leader in funding research to cure type 1 diabetes today and in the future.*

*NOW, THEREFORE, I, ROBIN R CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim the month of November 2015 as*

## *Diabetes Awareness Month*

*in the City of Dover and urge all residents to give full support to efforts enabling people with diabetes to live full and productive lives.*

*Robin R. Christiansen*
*Mayor*

# PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee meeting was held on October 12, 2015, at 3:30 p.m. with Chairman Anderson presiding. Members present were Mr. Hosfelt, Mr. Lewis (arrived at 3:47 p.m.), and Mr. Caldwell. Mrs. Horsey was absent. Councilman Hutchison was also present (departed at 4:22 p.m.).

**AGENDA ADDITIONS/DELETIONS**

**Mr. Hosfelt moved for approval of the agenda, seconded by Mr. Caldwell and unanimously carried.**

**Discussion - Police Athletic League (PAL)**

Police Chief Paul Bernat expressed his belief that the City needed to bring back the Police Athletic League (PAL) program. He advised members that juvenile arrests in the City had decreased overall; however, the seriousness of arrests had increased. Chief Bernat stated that drug offenses had increased from 31 last year to 40 this year, there were no burglaries last year and 12 this year, and weapons violations had increased by one (1) compared to last year.

Chief Bernat stated that the Dover Police Department partnered with the National Association for the Advancement of Colored People (NAACP) on October 7, 2015 for a very successful community outreach event and felt that PAL events would be similar in nature to this type of event. He indicated that he had lunch with Mr. Robert Jameson, Executive Director, Police Athletic League of Delaware, Inc., noting that Mr. Jamison oversees the PAL at Hockessin and Wilmington. Chief Bernat indicated that he received some tips from Mr. Jameson, who stated that one (1) of the first things would be to organize an executive board. Chief Bernat advised members that he would be involved, along with other community leaders, including attorneys and possibly accountants, since it would be necessary to obtain a 501(c)(3) status. He felt it important to start this program, noting that a facility would also be needed. Chief Bernat stated that he had discussed this with Mr. Scott Koenig, City Manager, and Mrs. Ann Marie Townshend, Director of Planning and Community Development, but indicated that he was not comfortable discussing the particulars at this time since Mrs. Townshend was not present. Chief Bernat stated that different locations were discussed, including Dover Park. He explained that staff from Aid in Dover, including Mrs. Beverly Williams, Executive Director, and Mr. Mark Harmon, Program Director, were also present during the discussion. Chief Bernat indicated that all present had agreed that there was a need for a facility to address children, particularly on the east side of Route 13, and he felt that PAL would help to do this.

Chief Bernat informed members that there were manpower issues, noting that the Dover Police Department was authorized for 101 police officers; however, seven (7) officers entered the Delaware State Police Academy on September 15, 2015 and would complete training in March, and two (2) additional officers would be going into the Academy on March 16, 2016. He explained that six (6) officers who were hired in March 2015 would be coming out of Field Training Officer (FTO) training on October 18, 2015, two (2) officers were on administrative leave, and four (4) were on light duty. Chief Bernat stated that out of 101 authorized officers, the strength of the force was currently 80; however, he felt it was not too early to start planting the seeds of PAL, perhaps starting with the executive board and then moving on to facilities. He expressed his feeling that the program

was badly needed and the sooner it was implemented the better. Reiterating that there were manpower issues, Chief Bernat advised members that the six (6) additional officers that would be available in a couple of weeks would help tremendously.

Mr. Hosfelt asked how officers would be involved and if this would be a job assignment for one (1) officer. Responding, Chief Bernat indicated that New Castle County and Wilmington each have one (1) or two (2) officers in the program. He explained that his vision was that the Department would dedicate one (1) police officer, and maybe PAL would pay for any others that would be needed. Chief Bernat indicated that, in talking to Mr. Jameson, funding comes from different places and the City could help. Chief Bernat stated that there is also federal grant money available through the Criminal Justice Council; however, PAL relies largely on businesses within the community and it was planned to ask several large community businesses for help. He noted that volunteers are very important in PAL, including police officers who coach or are involved by helping kids with homework after school and other things of that nature.

Responding to Mr. Hosfelt in regard to whether Dover would fall under the umbrella of Mr. Jameson as the Executive Director, Chief Bernat expressed his belief that Mr. Jameson handled only New Castle County and that Dover would have its own executive board that the Chief would report to or be involved with.

In response to Mr. Hutchison regarding the days and hours of operation, Chief Bernat stated that he would like PAL to operate five (5) days per week, most likely during the hours after school in the afternoon or evening, from approximately 3:30 p.m. to 8:00 or 9:00 p.m.

Responding to Mr. Hutchison regarding the cost of the program, Chief Bernat stated that he was unsure; however, he was aware of the budget for Hockessin, which is a huge facility. He indicated that a large part of the program would be financed through donations and grants.

In response to Mr. Hutchison, Chief Bernat stated that participants would be children aged five (5) through 18, noting that his reading had indicated that it is somewhat too late for older kids and younger ones should be targeted. He expressed the desire to target and build relationships with those aged five (5) through 12 or 14 who are not quite set in their ways.

Mr. Koenig stated that, from his standpoint, this was a very preliminary discussion, noting that this program was not ear-marked in the budget. He expressed reservations, stating that creating a 501(c)(3) with an executive board and the potential commitment of a facility was a major undertaking. Mr. Koenig stated that he would love to talk about doing this as a partnership with other interested parties and requested the Committee to advise on whether this was an avenue that they would like to go down. He stated that, while this would be a PAL program, he felt that recreation staff and others would carry a lot of the weight if it went forward. Mr. Koenig requested that a detailed financial analysis be done before committing to have things in place by a certain date.

Mr. Anderson agreed that these were preliminary discussions; however, he felt there was a need to start so that members would not still be talking about this five (5) years from now. He stated that he would like to see it rolling in the next few years.

In response to Mr. Hosfelt regarding how to start moving forward, Mr. Koenig stated that if the Committee and Council wanted to move forward, the City Manager, Police Chief, and Director of Planning and Community Development should be given a directive to put together a comprehensive proposal that would indicate the steps to be taken to create a PAL. He indicated that he was unsure what PAL would encompass, noting that it may include activities in addition to basketball. Mr. Koenig stated that there were hundreds of questions, including who would coordinate volunteers and what the role of the executive board would have in relation to the City, noting that the best interest of the City must be kept in mind.

Mrs. Beverly Williams, 20 Gleneagles Court, former City Council member and current Executive Director, Aid in Dover, advised members that she began discussions about this matter with Mr. Chris Kervick, Executive Director, Delaware Criminal Justice Council, while she was serving on City Council and he explained that there is an abundance of federal grants available for PAL programs, as long as the community comes together and finds a place for the program. Mrs. Williams advised members that this would not be a City project and an executive board and private non-profit structure would be formed as the governing body for the PAL program. She indicated that PAL programs are associated with cities through memorandums of understanding and probably contractual agreements in some cases. Mrs. Williams stated that she understood Mr. Koenig's reluctance, especially since he must balance so many demands on the budget; however, she felt that this could be worked on independently from the City's budget and the only part that the City might play would be to help access land and a building or something of that nature.

**Youth Advisory Committee Recommendations**

Ms. Rebecca Anderson, Vice Chair, Youth Advisory Committee (YAC), 217 Cecil Street, advised members that the YAC had several items to recommend for evaluation, one (1) of which was a mixed martial arts program. She explained that Mr. Hopeton Stewart advised the YAC that he was willing to provide instruction at a reduced cost in exchange for ensuring that some spaces in the program would be provided for participants from low-income households. Mr. Stewart had indicated that mats were the only thing needed to start the program; therefore the cost would be low. Ms. Anderson stated that the Committee would also like digital recording devices for minutes.

Ms. Anderson advised members that the YAC was organizing a New Year's Eve event and would like security, public announcement stages, and facilities. She indicated that the Downtown Dover Partnership (DDP) could participate, as well as other organizations that help with downtown Dover events. She stated that the community could be brought together by a sense of unity through starting the year together at a family-friendly event. Ms. Anderson noted that the YAC had involved a number of businesses, as well as others who were willing to participate. In total, over 200 people had said they would be willing to help out.

In response to Mr. Hosfelt's request for more information regarding plans for the New Year's Eve event, Ms. Anderson stated that there was a thorough event checklist. Some tasks had been assigned to members of the YAC and additional volunteers were being sought.

Responding to Mr. Anderson regarding the type of event envisioned, Ms. Anderson stated that it would be similar to First Night Dover. Bands would come from different schools and establishments on Loockerman Street would be open for activities such as poetry, movies in the library, etc. The YAC was looking at a variety of other groups, had contacted radio stations to provide disc jockeys and to advertise the event, and there were a number of local musicians who wanted to perform.

In response to Mr. Hosfelt, Ms. Anderson confirmed that the YAC had raised $7,000 for fireworks and an additional $3,000 was needed, for a total of $10,000.

Responding to Mr. Caldwell, Ms. Anderson stated that other members of the Committee had contacted local high school bands regarding their participation and she planned to get in contact with them very soon.

In response to Mr. Hosfelt, Mr. Anderson stated that the YAC consisted of seven (7) members, plus an adult advisor and volunteers from the community.

Mr. Scott Koenig, City Manager, stated that Mrs. Ann Marie Townshend, Director of Planning and Community Development, could not be present; therefore, she was unable to ask questions for the record. Mr. Koenig questioned what the Committee saw as the role of staff in the event. He noted that when First Night Dover was held, it was a full-time planning exercise for a number of people and involved volunteer coordination. The Parks and Recreation Department indicated that approximately 16 City staff had worked on that event with approximately 50 to 80 volunteers. Mr. Koenig stated that First Night Dover was not nearly as big an event during its first year as it later became. He expressed the desire to understand the role of the City to either help deliver the event or not to be involved. Mr. Koenig explained that a venue like this would involve security and insurance issues and, noting that the event was 8½ to 10 weeks out, he stated the need to get these things squared away quickly.

Mr. Anderson stated that one (1) of the YAC's requests specifically had to do with insurance and security. The actual organization and coordination of the event, except for things like setting up and tearing down stages, would be done through the YAC. Mr. Anderson advised members that funding would be private. Except for sanctioning this as a City event, the needs would be for insurance, staff for things like staging, and making library meeting rooms available.

In response to Mr. Koenig, Mr. Anderson confirmed that the recommendation was for this to be a City-sponsored event with the full faith and credit of the City backing it. Mr. Anderson stated that the event would be planned and staffed by volunteers.

Mr. Koenig indicated that if the Parks, Recreation, and Community Enhancement Committee recommends that the City to sponsor this event, there would be a need to ensure that the City would

be involved early and often with planning since these are young kids and if the kids do not show up or if they need assistance, they would need it very quickly.

Responding to Mr. Lewis regarding the cost of the First Night Dover event before being discontinued by the City a year or two (2) ago, Mr. Koenig stated that he was unsure since a specific 501(c)(3) corporation separate from the City was set up for this. He confirmed that police officers and other tools from the City were provided and estimated that approximately $5,000 to $10,000 of staff support went into it because the event was held at night, which involved overtime work. Mr. Koenig did not recall how much involvement the Police Department had, noting that it would depend on the level of activity, since 300 people would require fewer officers assisting than 3,000. Mr. Koenig stated that he would have to review the record to see how much was spent on that previously. He noted that the event grew for about a five (5) to seven (7) year period and then started to diminish. He estimated that the cost for man hours easily exceeded $10,000.

Mr. Lewis asked if there was funding available in the budget for the City to go forward with the event. Responding, Mr. Koenig stated that funding was not specifically identified in the budget. He explained that there were line items for events such as the African American Festival, the Dover Days Festival, and the 4th of July Celebration; however, there was no expense indicated in the budget to support this event.

Ms. Teresa Morris, 1360 Old White Oak Road, adult advisor for the YAC, stated that she wished to alleviate some worries. She explained that the youth group had taken it upon themselves to raise funds. The group was currently working on a fundraiser, had spoken with Jake's Hamburgers and a lot of local businesses, and were not asking the City for money. Ms. Morris stated that the cost of the New Year's event in the past was $100,000, and these funds were sent to an organization out of Boston and did not benefit the Dover community. She indicated that the goal was to lift up the community, bring everyone back together, and put on the New Year's that the City used to have that everyone looked forward to, noting that this was one (1) of the things that had made the City great. Ms. Morris expressed her belief that this was needed now more than ever and her hope that members would support it. She indicated that help was needed with police coverage and liability insurance. Ms. Morris stated that the YAC was talking with RPJ Waste Services, Inc. about port-a-potties. She advised members that they had looked at everything involved in putting on an event this large. They knew that it could have from 100 people to 10,000 people, and this was unknown because the event had not been done in a long time. Ms. Morris expressed her hope that Council could help the YAC with the few things that they had on their agenda. She felt that there would not be a lot since the community was willing to contribute and businesses were willing to open their doors. Ms. Morris explained that fireworks would be done by the same company who did the Dover 4th of July Celebration, noting that the company had donated $7,000 and indicated that they may be able to help more. She reiterated that the funding needed from the City was very minimal. She expressed the desire to have a good police presence, but stated that they had also talked about the possibility of the police cadets and different organizations coming to help, noting that they were speaking with Dover Downs in this regard. Ms. Morris stated the goal not to hit the City pocket any more than need be, but help was needed with the police and liability insurance. She stated her belief that members

would be surprised at the work, time, and energy the youth had put into this, indicating that this had not been taken on lightly and they understood the magnitude of the event.

Mr. Lewis expressed his belief that this was a good initiative; however, he would leave it up to the City Manager to see if he could come up with funding, noting that the well was dry.

Ms. Morris expressed confidence that the community would pitch in, like they did in 2011 when the last New Year's Eve event was held in the City, noting that she and a group of citizens had put on that event rather than the City. She indicated that she did not put out a penny at that time since the community pulled together. Someone paid for port-a-potties and another gentleman paid for the police, which cost $32.00 per hour at that time. Ms. Morris stated that this cost was based on the number of people they thought would attend, which was projected at 10,000 and ended up being 200, although she was happy with 200 because they had 10 days to pull together the event. She felt that members would be surprised with how many people in the community wanted to do this, noting that they had created a group on Facebook asking for help and 700 people had responded on one (1) of the pages and 111 on another. She stated her confidence that this could be pulled together if the City would sponsor and back the event and agree that the kids could do this. Ms. Morris stated that they were not asking for a lot compared to what the City used to pay for New Year's, indicating that she had a letter from the individual who was previously making $100,000 off the City which did not go to the citizens.

Mr. Anderson noted that the previous provider made a lot of money by selling buttons and paid for a lot of entertainment, as opposed to getting local people together.

Ms. Morris advised members that there were very talented, positive, and uplifting people in the City that do not get any recognition and whose music includes genres such as country, hip-hop, blues, jazz, etc. and whose talents include face painting, fire spinning, etc., noting that these performers were on the Facebook page that includes 111 people. She reiterated that there is a great deal of citizen support which had given her a little more hope in humanity and a belief that we have a good City. Ms. Morris indicated that people had wanted to bring back the event since it was cancelled in 2011. She stated that in 2011 a gentleman had paid approximately $500 for $1M in insurance coverage and he got back half of that after the event because no one was hurt. Ms. Morris acknowledged that prices had probably changed since that time.

Mr. Anderson stated that the City already had liability insurance, so it would not be a different expense.

In regard to security, Ms. Morris stated that they could reach out to security agencies in the community; however, in principle, it would be better if City police were out there having fun with the community and letting them know that they are regular people. She felt this would also deter criminal activity, because a police officer holds a lot more weight than a security guard. Ms. Morris advised members that the YAC had created an outline and members were handling different positions, noting that one (1) of the young ladies was handling public relations and contacting radio stations.

In response to Mr. Hosfelt, Ms. Morris stated that the YAC had not yet reached out to any insurance carriers, noting that appearing before the Parks, Recreation, and Community Enhancement Committee was the first step.

Mr. Anderson stated that, according to Resolution No. 2010-03, since the YAC is specifically authorized to make contracts for family friendly events the insurance should go through the City, unless there is a reason not to. He indicated that this would not be a big expense for a one (1) day event.

Ms. Morris stated that the biggest matter was security. She stated that a small business that does residential trash removal indicated that they would put out trash cans and empty them.

Responding to Mr. Hosfelt regarding the action that was needed from the Committee, Mr. Anderson stated that the request was to approve the YAC recommendation.

In response to Mr. Lewis as to whether they were looking for permission to hold the event or financial assistance, Mr. Anderson stated that endorsement was needed.

Mr. Lewis stated that he could not commit on any cost at this juncture.

Mr. Anderson stated that the request was for the City to be behind the event, the City stage, and access to facilities and pocket parks. He stated that an appropriation was not being asked for because the money was being raised privately.

Mr. Lewis noted the need for police protection and insurance, stating that this would come at a cost and questioned if there was funding for this. Responding, Mr. Anderson stated that this would be up to the Mayor and Council, noting that there were a number of ways this could be done. He indicated that as the event approaches, the YAC would have a better idea of how big the event would be. Mr. Anderson stated that it could be run cheaply. He indicated that the cost would differ depending on whether cadets were hired at approximately $12.00 per hour to walk through and run patrols through, or off-duty police officers were hired at $65.00 per hour to be there for the whole event.

Responding to Mr. Lewis, Mr. Anderson stated that there was funding for this.

In response to Mr. Lewis as to whether funding was available, Mr. Koenig stated that the YAC minutes reflected that a lot of work had been done regarding this event; however, he stated the need for additional documentation, including the previously mentioned checklist, and a specific request. He stated that he would need a specific request in order to commit staff to things, and the sooner he can receive those specific requests, the easier it would be to incorporate them. In regard to insurance, Mr. Koenig stated that he did not want to minimize the potential cost of insurance, noting that he had received an education on insurance in the last four (4) years on a number of different events. He advised members that to protect the City's umbrella policy for events such as Old Dover Days and its involvement with the Amish Bike Tour, the City had bought special riders so that the

full faith and credit of the City's insurance would not potentially be negatively impacted by something, such as an injury or some activity that happens at an events. He estimated the cost as ranging from $1,500 to $4,000 or $5,000, depending on the rider. Mr. Koenig indicated that staff had been very specific when talking to the City's insurance company, explaining that the City did not want to get the City's broad umbrella policy tied up in what was a very minor event compared to all the other activities in the City and have somebody go after those upper limits. He advised members that insurance policies were being purchased to minimize risks; therefore, sometimes the City pays a premium for those specific events and for this reason it is important to know what activities are associated with the events. Mr. Koenig explained that if there are food vendors, a petting zoo, etc., the City pays a higher premium; therefore, these things must be known when talking to the insurance carrier about creating a rider for the policy to address this event. He reiterated the need to get a better understanding of what was being asked so that he could obtain a price.

Mr. Hosfelt stated that he was still not certain what the City and staff were being asked to do. It was his recollection that at least 12-15 police officers had been committed to the event in the past, noting that there would be street closures, patrols, etc. In response to Mr. Hosfelt, Police Chief Paul Bernat recalled that this was the case when the First Night Dover event first began; however, he indicated that the demand became less as the attendance decreased.

Mr. Anderson stated that current comparable events would be First Friday or the OktDoverFest.

Mr. Lewis requested that a list be provided to the City Manager of what the event would include so that he could do the math, and Ms. Anderson stated that this could be done.

Ms. Morris expressed her belief that there was enough support from the community to cover any expenses, if there was any financial shortfall.

Mr. Hosfelt asked that the YAC communicate with the City Manager as soon as possible, noting there was a lot to be done in a short amount of time. He stated that a major event for the area which had been planned for a year had just been cancelled due to an insurance problem, explaining that these things do not happen overnight but take time and resources. Agreeing with Mr. Lewis, Mr. Hosfelt expressed uncertainty that a lot of resources could be afforded at this point. He commended Ms. Anderson for a great presentation, stating that he wanted to find a way to endorse the event, but expressed concern about the timing, feeling that the event was behind the eight ball.

Mr. Anderson stated that the youth group had been working on this project since May.

Ms. Morris stated that the YAC wanted to make sure that a majority of the groundwork had been laid prior to coming to the Committee, so that they could provide the details regarding musicians, vendors, and fireworks instead of simply asking for a specific amount of money. She indicated that she would work with the group to provide a very detailed outline of their vision and what had been done so far.

Mr. Caldwell suggested that the outline, and particularly the numbers, be provided to the City Manager so that he could have a better idea of what was going on.

Mr. Anderson expressed his opinion that it was not understood how little commitment was needed from the City since so much of the groundwork had been laid. He indicated that he would entertain a motion to recommend that staff coordinate with the YAC on the details of this event and return with a joint recommendation during the next meeting.

Responding to Mr. Hosfelt, Mr. Anderson stated that the motion was not for preliminary inquiries, which had all been done, but for staff to work out the details and final numbers with the youth and bring back a final proposal to the Committee next month.

Mr. Hosfelt questioned whether Mr. Anderson was asking for a recommendation as to whether or not the City would support this event. Mr. Hosfelt reiterated his concern that City staff was being put behind the eight ball and was unsure if it would be fair to ask staff to advise on what would be required and state that they are ready to move forward with this without knowing the costs to the City. He stated that there would be costs and, since they were not budgeted, he did not know where the money would come from. He reminded members that Mrs. Townshend was not present to speak about the Parks and Recreation Department and expressed uncertainty about the motion.

Responding to Mr. Anderson regarding the motion he would like to make, Mr. Hosfelt stated that would be willing to endorse a recommendation from the Committee to ask Mr. Koenig to work with the YAC to see if in fact this is a project that is doable this year, or if it is something that must be planned for next year.

Mr. Hosfelt moved to recommend that the City Manager evaluate the Youth Advisory Committee's proposal for a New Year's Eve event, including numbers, to see if the proposal was doable this year or if it was something that must be planned for next year.

Mr. Lewis stated that he would concur with motion; however, he was unsure how quickly Mr. Koenig could provide the Committee with an estimate of how much it would cost the City, noting that his main concern was that the event was not budgeted. He questioned whether the City would be able to somehow find the money.

Mr. Anderson stated that numbers were essential either way. He noted that particular numbers were needed and that it had always been the plan to raise the funds privately.

**The motion to recommend that the City Manager evaluate the Youth Advisory Committee's proposal for a New Year's Eve event, including numbers, to see if the proposal was doable this year or if it was something that must be planned for next year was seconded by Mr. Lewis and unanimously carried.**

**Strategic Planning and Goal Setting**

During the Parks, Recreation, and Community Enhancement Committee meeting of September 14, 2015, members considered Strategic Planning and Goal Setting in relation to the Restoring Central Dover Strategic Plan. Mr. Anderson suggested that members review the capital budget and Recreation Needs Assessment, talk with constituents, and come back with their top five (5) ideas and set priorities, in order for the Committee's strategic planning and goal setting to be completed in October.

Mr. Anderson stated that some items related to strategic planning and goal setting would be deferred until next month, noting that Mayor Christiansen had a proposal regarding a park facility on the east side of the City which would relate to the Police Athletic League (PAL) as well as privately funded grants. Mr. Anderson indicated that Mayor Christiansen had requested this delay because final preparations were being made on some of the grants. Mr. Anderson reminded members that money was reserved in the budget in the Parkland Reserve Fund for such a facility, and the Mayor was looking at whether there should be a re-prioritization of the splash pad into matching the grant, so the City could have a new facility. He indicated that this would part of an ongoing discussion.

Members were provided the City of Dover FY 2016 Capital Investment Plan, FY 16 thru FY 20, related to Parks and Recreation projects ***(Attachment #1)***. Mr. Anderson stated that part of the reason for the strategic planning was to look at the current priorities in the Capital Investment Plan and consider what members think the funding priorities should be in the future. He expressed his opinion that there was agreement on some of the "low-hanging fruit," such as enhancing some of the existing exercise and bike trails at Schutte Park, Silver Lake, and Dover Park, particularly with some of the healthy communities grant. He reminded members that inside restroom facilities for Silver Lake Park and Dover Park were mentioned in the Recreation Needs Assessment. Mr. Anderson questioned what the first priorities should be.

Mr. Caldwell thanked Mrs. Townshend and her staff for the work that they had put in, which provided an understanding of what the young people in the community need. He stated that over the past weekend he had the opportunity to talk to young people regarding what they would like to see in the community, particularly in the Fourth District, and they indicated that they want open space for football, basketball, soccer, etc., as well as bathroom facilities. Mr. Caldwell noted that splash pads are more seasonal and would be used for three (3) or four (4) months before the weather becomes chilly in September and October. He advised members that kids want to be outside and were not looking for indoor facilities. He noted that inside facilities may be needed for the older, senior group which has transportation, but young people in certain communities do not have transportation. Mr. Caldwell suggested that schools could be opened up at certain times, or just have the open space where children can play and do the things that they like to do. He felt that adults were also looking for swings and a place to take kids aged six (6) and under to let them get fresh air. Mr. Caldwell felt, in terms of outside activities, that the splash park was not a major item and could be implemented somewhere in the future, maybe at Dover Park or the Pitts Center.

Mr. Lewis stated that he conducted a survey in the Second District and spoke with the elderly and the young in that area. He advised members that the survey indicated that a lot of the elderly wanted a dog park, noting that 45% requested a dog park, 30% a community center, 15% a skate park, and 10% a boat dock at Silver Lake or one (1) of the City lakes with paddle boats. Mr. Lewis stated that responses from younger constituents in his district were tied between a community center and a skate park. He indicated that this input came from Schoolview, Mayfair, and the majority of the communities.

Mr. Anderson noted that the dog park was not part of the City's Recreation Needs Assessment, yet it was an item mentioned by almost 20% of the respondents; therefore, there was definitely a demand for this.

Mr. Hosfelt noted that Schutte Park borders the First District and that the district also contained the former Kent Swim Club, which is now a YMCA property, as well as a golf club, so residents have options. He stated that residents questioned whether the former Dover High School, which is a great facility, would eventually be available for use, noting that the property has ball fields and one (1) of the better tracks in the State. Mr. Hosfelt stated that he liked the concept of a dog park, which a lot of other communities have.

Mr. Anderson stated that the dog park idea had potential, especially since new areas of Schutte Park were being expanded and this could possibly be incorporated. He felt that the City should reach out regarding the former Dover High School property before something happens to those facilities. Mr. Anderson indicated that there had been related discussion with Mrs. Townshend and he felt that this item should be put on a future agenda.

Mr. Lewis stated that when he was serving as a Capital School District Board member the stadium and track at the former Dover High School were being utilized by Central Middle School, and expressed his belief that this was still the case. He felt that they were the only ones currently utilizing it and that it would be a good opportunity to engage in conversation with the District with respect to utilizing it on the City level.

**Mr. Lewis moved to recommend reaching out to the Capital School District to have a conversation with respect to their intent for the old Dover High School field and track and a dialogue regarding a partnership with the City, seconded by Mr. Caldwell and unanimously carried.**

Mr. Hosfelt moved to recommend deferring further discussion on strategic goal setting and planning until after the Mayor's presentation and that when Mrs. Townshend can be present for members to hear from her as well, seconded by Mr. Caldwell.

Mr. Lewis concurred as far as hearing the presentation but, speaking for the constituents of the Second District, he felt that the City should look at a proposed dog park for the future to see if there was any way to integrate it.

Mr. Anderson stated that the dog park was also mentioned in the Recreation Needs Assessment and that was not an outlier, expressing his belief that it was a legitimate need as it was the second most written-in item after restroom facilities and ranked higher than some of the items listed.

**The motion to recommend deferring further discussion on strategic goal setting and planning until after the Mayor's presentation when Mrs. Townshend can be present for members to hear from her as well was unanimously carried.**

**Mr. Lewis moved for adjournment, seconded by Mr. Hosfelt and unanimously carried.**

Meeting adjourned at 4:41 p.m.

David L. Anderson
Chairman

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Attachments
Attachment #1 - City of Dover FY 2016 Capital Investment Plan - Parks and Recreation Projects

City of Dover, Delaware

*FY 2016 Capital Investment Plan*

**FY 16** thru **FY 20**

# FUNDING SOURCE SUMMARY

| Source | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Total |
|---|---|---|---|---|---|---|
| Community Transportation Fund | | 30,000 | | | 250,000 | *280,000* |
| General Fund | 1,555,500 | 1,359,200 | 1,412,200 | 1,711,700 | 1,566,700 | *7,605,300* |
| Other | | 2,067,000 | 2,067,000 | 2,067,000 | | *6,201,000* |
| Parkland Reserve Fund | | 40,000 | 10,000 | 150,000 | | *200,000* |
| State Grant | | 80,000 | 43,000 | 280,000 | | *403,000* |
| **GRAND TOTAL** | **1,555,500** | **3,576,200** | **3,532,200** | **4,208,700** | **1,816,700** | ***14,689,300*** |

# PROJECTS BY DEPARTMENT

| Department | Project# | Priority | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Total |
|---|---|---|---|---|---|---|---|---|
| **Fire/Robbins Hose** | | | | | | | | |
| Annual Contribution to Robbins Hose | *FR1400* | 1 | 145,600 | 319,200 | 319,200 | 409,200 | 409,200 | *1,602,400* |
| **Fire/Robbins Hose Total** | | | **145,600** | **319,200** | **319,200** | **409,200** | **409,200** | ***1,602,400*** |
| **Parks and Recreation** | | | | | | | | |
| Schutte Park Land Improvements | *PR1602* | 1 | | 190,000 | | | | *190,000* |
| Park and Playground Improvement Program | *PR1701* | 1 | | | 66,000 | | | *66,000* |
| Splash Pad | *PR1702* | 1 | | | 20,000 | 280,000 | | *300,000* |
| Skate Parks | *PR1703* | 3 | | | 10,000 | 300,000 | | *310,000* |
| Silver Lake Revitalization Project | *PR1803* | 3 | | | | 50,000 | 250,000 | *300,000* |
| **Parks and Recreation Total** | | | | **190,000** | **96,000** | **630,000** | **250,000** | ***1,166,000*** |
| **Police** | | | | | | | | |
| Camera Monitoring Station | *PD1601* | 1 | 19,900 | | | | | *19,900* |
| **Police Total** | | | **19,900** | | | | | ***19,900*** |
| **Public Works - Streets** | | | | | | | | |
| Street, Concrete and Alley Program | *ST1601* | 1 | 1,000,000 | 1,000,000 | 1,050,000 | 1,102,500 | 1,157,500 | *5,310,000* |
| Old PW2 Site Improvements | *ST1602* | 1 | 330,000 | 2,067,000 | 2,067,000 | 2,067,000 | | *6,531,000* |
| Replacement of Valve at Silver Lake Dam | *ST1603* | 1 | 60,000 | | | | | *60,000* |
| **Public Works - Streets Total** | | | **1,390,000** | **3,067,000** | **3,117,000** | **3,169,500** | **1,157,500** | ***11,901,000*** |
| **GRAND TOTAL** | | | **1,555,500** | **3,576,200** | **3,532,200** | **4,208,700** | **1,816,700** | ***14,689,300*** |

# FY 2016 Capital Investment Plan

## City of Dover, Delaware

**FY 16** *thru* **FY 20**

**Department** Parks and Recreation
**Contact** Public Works Director

**Project #** **PR1602**
**Project Name** **Schutte Park Land Improvements**

**Type** Improvement
**Useful Life** 50 years
**Category** General
**Priority** 1
**Status** Active
**Total Project Cost:** **$190,000**

**New Project:** No
**Account Number:** TBD
**Time-Line:** FY-16

### Description

This project will include a boundary and topographical survey of Schutte Park and a plan to develop multipurpose fields on the lands on the west side of the park and to complete the multipurpose pathway around the park's perimeter. Once plans are complete, the improvements will be constructed in FY 16.

### Justification

Currently, the Schutte Park addition is unusable. There is constant demand for field space, and we have 14 acres of unusable space.

| Expenditures | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Total |
|---|---|---|---|---|---|---|
| Construction/Maintenance | | 190,000 | | | | 190,000 |
| **Total** | | **190,000** | | | | **190,000** |

| Funding Sources | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Total |
|---|---|---|---|---|---|---|
| Community Transportation Fund | | 30,000 | | | | 30,000 |
| General Fund | | 40,000 | | | | 40,000 |
| Parkland Reserve Fund | | 40,000 | | | | 40,000 |
| State Grant | | 80,000 | | | | 80,000 |
| **Total** | | **190,000** | | | | **190,000** |

### Budget Impact/Other

# FY 2016 Capital Investment Plan

**FY 16** *thru* **FY 20**

## City of Dover, Delaware

**Department** Parks and Recreation
**Contact** Public Works Director

**Project #** PR1701
**Project Name** Park and Playground Improvement Program

**Type** Improvement
**Useful Life** 10-15 years
**Category** General
**Priority** 1
**Status** Active

**New Project:** No
**Account Number:**
**Time-Line:** FY17-FY20
**Total Project Cost:** **$66,000**

### Description

This project provides for a regular replacement of playground equipment throughout the park system. It could also potentially include installation of playground equipment in parks without equipment. This is important to ensure that equipment is replaced as old equipment deteriorates and becomes less safe. All newly installed equipment will meet the standards of the Consumer Product Safety Commission.

### Justification

As equipment ages it deteriorates and can become unsightly and/or unsafe. Replacement of dated equipment is important to ensure that our parks meet the needs of the population and provides a safe play environment.

| Expenditures | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Total |
|---|---|---|---|---|---|---|
| Construction/Maintenance | | | 66,000 | | | 66,000 |
| **Total** | | | **66,000** | | | **66,000** |

| Funding Sources | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Total |
|---|---|---|---|---|---|---|
| General Fund | | | 33,000 | | | 33,000 |
| State Grant | | | 33,000 | | | 33,000 |
| **Total** | | | **66,000** | | | **66,000** |

### Budget Impact/Other

# FY 2016 Capital Investment Plan

FY 16 *thru* FY 20

## City of Dover, Delaware

**Project #** PR1702
**Project Name** Splash Pad

**New Project:** No
**Account Number:** TBD
**Time-Line:** FY17-FY18

**Department** Parks and Recreation
**Contact** Public Works Director
**Type** Improvement
**Useful Life** 10-15 years
**Category** General
**Priority** 1
**Status** Active
**Total Project Cost:** **$300,000**

### Description

This project will construct a ground-level splash pad in a City Park. Consequences of delaying or eliminating this project include; not meeting the needs of our residents who depend on Silver Lake for outdoor recreation.

### Justification

This project would improve the quality of life for families in Dover. It would be an enhancement to our summer outdoor camp and sport activities and provide outdoor water activities during the summer months.

| Expenditures | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Total |
|---|---|---|---|---|---|---|
| Planning/Design | | | 20,000 | | | 20,000 |
| Construction/Maintenance | | | | 280,000 | | 280,000 |
| **Total** | | | **20,000** | **280,000** | | **300,000** |

| Funding Sources | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Total |
|---|---|---|---|---|---|---|
| General Fund | | | 10,000 | | | 10,000 |
| Parkland Reserve Fund | | | | 150,000 | | 150,000 |
| State Grant | | | 10,000 | 130,000 | | 140,000 |
| **Total** | | | **20,000** | **280,000** | | **300,000** |

### Budget Impact/Other

Increased Water Usage

| Budget Items | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Total |
|---|---|---|---|---|---|---|
| Other (Insurance, Utilities) | | | | 19,000 | 20,000 | 39,000 |
| **Total** | | | | **19,000** | **20,000** | **39,000** |

# FY 2016 Capital Investment Plan

**FY 16** *thru* **FY 20**

## City of Dover, Delaware

**Project #** PR1703
**Project Name** Skate Parks

**Department** Parks and Recreation
**Contact** Public Works Director
**Type** Improvement
**Useful Life** 10-15 years
**Category** General
**Priority** 3
**Status** Active
**Total Project Cost:** $310,000

**New Project:** No
**Account Number:** TBD
**Time-Line:** FY17-FY18

### Description

This project will construct a skating area in a City Park. Consequences of delaying or eliminating this project will result in the continual lack of meeting the needs of the youth population, more destruction and problems with business property.

### Justification

Many youth and their parents have approached the City to build a skateboard park. Area business owners have complained about skateboarders damaging their property. This park would give the youth a designated area to use their skateboards. In addition, the City will work with the State Park Committee and Kent County Levy Court to develop a skate park in Fiscal 2018.

| Expenditures | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Total |
|---|---|---|---|---|---|---|
| Planning/Design | | | 10,000 | | | 10,000 |
| Construction/Maintenance | | | | 300,000 | | 300,000 |
| **Total** | | | **10,000** | **300,000** | | **310,000** |

| Funding Sources | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Total |
|---|---|---|---|---|---|---|
| General Fund | | | | 150,000 | | 150,000 |
| Parkland Reserve Fund | | | 10,000 | | | 10,000 |
| State Grant | | | | 150,000 | | 150,000 |
| **Total** | | | **10,000** | **300,000** | | **310,000** |

### Budget Impact/Other

# FY 2016 Capital Investment Plan

**FY 16** *thru* **FY 20**

## City of Dover, Delaware

**Project #** PR1803

**Project Name** Silver Lake Revitalization Project

**New Project:** No

**Account Number:**

**Time-Line:** FY18-FY20

**Department** Parks and Recreation

**Contact** Public Works Director

**Type** Improvement

**Useful Life** 10-15 years

**Category** General

**Priority** 3

**Status** Active

**Total Project Cost:** **$300,000**

### Description

The proposed project will remove all the old pavement and parking areas and construct a new central parking lot and access to the boat ramp area as well as access from Kings Highway. The existing pavement condition is in poor repair, and the parking pods create a public perception problem. This project will plant trees, flowers and shrubs below the Silver Lake dam to Court Street, along the St. Jones River in order to improve water quality and protect the stream bank. This will be a multi-year project. The department continues to receive complaints regarding the parking pods, the further deterioration of the existing pavement sections and parking areas, lack of stormwater management practices, bank erosion related to stormwater runoff and poor lighting.

### Justification

Currently there are no stormwater management practices being implemented at this site and the location adjacent to the St. Jones River causes direct stormwater discharge to an environmentally sensitive area. The proposed reconstruction and relocation of the loaded parking lot will allow for best management practices regarding stormwater management to be implemented at this site.

| Expenditures | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Total |
|---|---|---|---|---|---|---|
| Planning/Design | | | | 50,000 | | 50,000 |
| Miscellaneous | | | | | 250,000 | 250,000 |
| **Total** | | | | **50,000** | **250,000** | **300,000** |

| Funding Sources | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Total |
|---|---|---|---|---|---|---|
| Community Transportation Fund | | | | | 250,000 | 250,000 |
| General Fund | | | | 50,000 | | 50,000 |
| **Total** | | | | **50,000** | **250,000** | **300,000** |

### Budget Impact/Other

# LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on October 12, 2015, at 6:00 p.m. with Chairman Hare presiding. Members present were Mr. Cole, Mr. Sudler (arrived at 6:06 p.m.), Mr. Shevock, and Ms. Maucher. Members of Council present were Mr. Anderson, Mr. Hosfelt, Mr. Hutchison, and Mr. Slavin (arrived at 6:25 p.m.). Mayor Christiansen was also present.

**AGENDA ADDITIONS/DELETIONS**

**Mr. Shevock moved for approval of the agenda, seconded by Mr. Cole and unanimously carried.**

**Update - Transfer of Real Property from Delaware Civic Center Corporation to Delaware State University**

During their meeting of August 24, 2015, the Committee reviewed a request from Delaware State University (DSU) regarding the transfer of property from the Delaware Civic Center Corporation. The Committee recommended continued conversation and information gathering from Delaware State University (DSU), as well as the City Manager, and for DSU to come back at the first meeting in October and give another presentation in regard to how they could economically benefit both the City and DSU.

Mr. Scott Koenig, City Manager, informed members that he did not invite representatives from Delaware State University (DSU) to attend this evening's meeting because staff was still working on a few issues that were discussed during the Committee meeting of August 24, 2015. He stated that when the request was received earlier this year staff thought that it would probably be good to transfer the property; however, since that time, concerns have come up regarding the potential drop in State revenues, the need for the City to look at locations for renewable energy, and some of the other things that are going on in local and State governments.

Mr. Koenig stated that since the meeting of August 24, 2015, Mr. Harry Maloney, Electric Director, had been working with Scott Engineering, who did some layout of the Civic Center property, to determine whether there is enough room to lay out a solar field that would be large enough to give the City a good return on investment.

Mr. Koenig advised members that there was currently utility work happening on the property related to the expansion of easements in this area, which were previously approved by City Council, to afford for the new Kent County bypass line that will relieve the large diameter force main in the center of U.S. 13. Mr. Koenig stated that the intent is to finalize all of the easements after the line is actually in to ensure the line is correctly located within the easements across the property.

Mr. Koenig explained that, in the intervening time, Councilman Hare, Mr. Kirby Hudson, Assistant City Manager, and he met with DSU representatives regarding opportunities to partner and discussed branding, marketing, and the issue of payment in lieu of taxes (PILOT).

Mr. Koenig expressed his belief that there is potential for the City and DSU to bring a proposal back to Council that is mutually beneficial from a number of different standpoints. He stated that, in the long run, he does not believe that the City has a good use for a majority of this property because it was a former landfill and is going to be subject to differential settlement for many years. Mr. Koenig

noted that, with this type of property, it would be best to either leave it as fields or convert it to parking which can be adjusted in the future if settlement occurs.

Mr. Koenig stated that he would be back with a more concrete plan in the future. He explained that, given the consideration of tightening budgets, he did not think it prudent for the City to give this land away, noting his belief that a deal could be made that would be mutually beneficial to the City and DSU.

Mr. Cole asked whether the concrete proposal would be brought forward after the State and the Joint Finance Committee get into their budget. Responding, Mr. Koenig stated that a concrete plan would be more DSU's responsibility than the City. He explained that the City was currently in the process of having the annual property inspection completed and reminded members that the City only owned the back-end of the property. Mr. Koenig stated that the four (4) or five (5) acres along the access road is owned by the Civic Center Corporation. He explained that once the City decides how much of the property it may want, it would be incumbent on DSU to come forward with a proposal to City Council.

Mr. Hare asked if a solar field was something that the City wanted to get into again and questioned the possibility of the City partnering with the Delaware Municipal Electric Corporation (DEMEC) like other municipalities have. In response, Mr. Koenig stated that the City would probably not enter into an agreement with LS Power again but may pursue a potential partnership with DEMEC. He explained that the City may also consider doing the project without a partner, if the numbers work out, noting that there are 2% interest loans available. Mr. Koenig stated that DEMEC has been working with various communities to install the equipment and if that was the best or least cost option for the City, staff would propose that coming forward to City Council.

Mr. Hare asked if DSU was also considering the possibility of using the property the City let them have years ago adjacent to the Delaware Agricultural Museum for a convocation center or whether it would forever be a tax-free race parking lot. Responding, Mr. Koenig advised that, to his knowledge, the City of Dover never owned that property and DSU purchased it from a third party. He explained that, at one point, DSU had proposed a strip mall which would include the university bookstore; however, there have not been any specific discussions regarding this development in at least four (4) or five (5) years. Mr. Koenig stated that, at this point, the property is tax exempt because it is owned by the university and the City did not regulate the use of the land. He noted that if DSU was to develop the property commercially, they would most likely lose their tax exempt status on it because they would be receiving business generated revenue. Mr. Koenig stated that it was his understanding that DSU was interested in going north to tie-in the potential of working with the former Sheraton hotel, which is now a dormitory and school, and if DSU can get that land for a low cost from the City, then it leaves them another development option to the south.

Mr. Sudler asked whether, if DSU used 100% of their nonprofit status, they could use approximately 25% of it for the commercial usage with their civic center if they are going to be renting it out to other organizations and agencies for income. He also asked where the money goes when DSU parks cars during races and whether that is a form of generating income on a nonprofit land parcel. In

response, Mr. Koenig stated his belief that it would be in the category of other business related income; however, he was uncertain how it works in terms of accounting.

Mr. Koenig informed members that some things had come up recently that had never been considered before in regard to the tax exempt status for parcels. He noted that the City never contemplated Wesley College renting dormitories to the National Guard for training or individuals during Firefly or other events when the development applications were considered. Mr. Koenig explained that in considering future development applications or modifications, these types of things would need to be questioned. He stated that the City, through the Planning Commission, needs to figure out if additional licensing may need to occur, or if there will need to be any additional oversight when there is a different use than the intended building use.

Responding to Mr. Hare, Mr. Koenig stated that he was uncertain whether the City would be able to revoke a tax-free status, and that it would be a question for City Solicitor Rodriguez. Mr. Koenig noted that the City would have some leverage if there was a different use than what was originally authorized by the City, and advised that when things change, sometimes the City has the ability to create new guidance.

Mr. Hare noted his understanding that DSU could make upwards of $40,000 per race for parking cars and campers and this money goes into their scholarship fund.

Mayor Christiansen asked whether it would be smart for Council to have tax exempt entities that use their properties during certain periods of time be required to have a specific license for that type of operation. He suggested that a one-time use permit could be applied that would be substantial enough to generate some revenue for the City. In response, Mrs. Townshend, Director of Planning and Community Development, stated that staff could review the licensing. She explained, for instance, that dormitories get a lodging permit and staff has never looked at having to license them separately; however, she thought that something could be developed for special events that are not education-related.

Mayor Christiansen noted that, for all intent and purposes, Wesley College and DSU would be in competition with hotels, motels and other parking facilities that are not tax exempt. He also suggested extending the license requirement to individuals parking 85 cars on a one (1) acre lot.

In response to Mr. Hosfelt, Mrs. Townshend stated that the City did currently permit DSU to park cars in the area where they camp. She stated that DSU gets a camping permit which she believed cost $125 per event. Mr. Hare stated that $125 was a maximum, noting that if an individual parks six (6) to 12 campers, it costs $25 which is not proportionately the same.

Mayor Christiansen expressed his opinion that it was an issue of maintenance of standards, noting that if the other hotels and motels, including Dover Downs, have to pay licensing fees for lodging, so should anybody else that chooses to do the same, whether they are a profit or non-profit entity.

Mr. Hare reiterated that City Solicitor Rodriguez should be consulted, noting that a tax exempt status was granted to these entities based on a specific use; however, the entities are now using their properties to generate income.

Mr. Hosfelt noted that members were advised that DSU had previously discussed developing a strip mall on their property located next to the Delaware Agricultural Museum and the possibility of that property losing its tax exempt status. Referring to DSU's proposal for a civic or convocation center which would generate a profit, Mr. Hosfelt expressed his opinion that, no matter what else may be worked out, it would be appropriate for the City to take measures to ensure that the property would be taxable.

**Proposed Amendment to Downtown Development District Boundary**

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that on January 11, 2015, Governor Jack Markell designated the City of Dover's downtown as one (1) of three (3) Downtown Development Districts (DDD) in the State of Delaware. Since that time, the City has been actively promoting redevelopment of properties within the City's DDD. The State's DDD program allows for up to 225 acres to be included within the DDD boundary. Dover's District is approximately 220 acres. In selecting the original DDD boundary, the City utilized public streets as boundaries to the extent possible. As the program has been implemented, staff has determined that some of the properties that front the streets utilized as boundaries are also in need of investment. Expanding the boundary as proposed would make the DDD 224.9 acres, fully utilizing the allowable area under the State's program.

Staff recommended the following changes to Dover's DDD boundary, with the following justification for each area:

1. The area immediately east of South State Street between Loockerman Street and The Green is mostly privately owned. A number of property owners have inquired about incentives to renovate their historic properties. This modest expansion would make these renovations more feasible.

2. Similarly, the area south of Water Street between South State Street and South Governors Avenue includes properties in need of investment. State Street Commons has sat vacant since the completion of the building shell for many years. The addition of this small area on the south side of Water Street would allow for these improvements to qualify for the incentives and would also make improvements to other properties on this block more feasible.

This request for expansion was submitted to the Office of State Planning Coordination and reviewed by the Cabinet Committee on State Planning Issues on September 30, 2015. The Cabinet Committee on State Planning Issues approved the proposed expansion.

Mr. Shevock noted that the 1.6 acres on State Street was part of the historic district and if the buildings are historic, the owners could apply for federal money to have them rehabilitated.

Responding, Mrs. Townshend confirmed that these owners would be eligible for the State and Federal Historic Preservation Tax Credits, in addition to the DDD incentives. She stated that there would still be out-of-pocket costs but the tax credits and cash rebates would make it more feasible.

Mayor Christiansen asked whether the housing authority has come down with the new regulations for residential properties starting at $15,000. In response, Mrs. Townshend stated that for the small projects, yes, so it would be commercial and residential, but if it is below $250,000 of capital costs, then the threshold is $15,000 now.

Responding to Mayor Christiansen, Mrs. Townshend stated that for the small projects, individuals can apply for a reservation at any time because there is not a deadline like there is for the larger projects. She explained that someone could apply for the state housing authority to reserve funds and from the time of their reservation they have six (6) months to complete the improvements and then 45 days after that to submit for reimbursements.

Mayor Christiansen asked whether it stresses the fact that these projects should be in owner-occupied houses, noting that when he and the Governor discussed them lowering the project threshold for individuals, small commercial and small housing, he requested that they go with the owner-occupied or owner-occupied to be projects. In response, Mrs. Townshend stated that they did not include that.

**Ms. Maucher moved to recommend approval of the expansion of the Downtown Development District Boundary, as recommended by staff *(Attachment #1)*, seconded by Mr. Cole and unanimously carried.**

**Proposed Ordinance #2015-17 Amending Chapter 14 - Amusements and Entertainments; Appendix B - Zoning, Article 3 - District Regulations, Section 18 - Recreational and Commercial Zone (RC); and Appendix F - Fees and Fines**

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed proposed Ordinance #2015-17, explaining that it would remove Chapter 14 of the Dover Code - Amusements and Entertainment, which addresses Outdoor Music Festivals, amend the RC (Recreation and Commercial) Zone to allow temporary special events and temporary camping areas within the zone and set minimum requirements for these events and camping areas.

Mrs. Townshend stated that the principle amendments would be to the zoning ordinance as it relates to the permitted uses in the recreational and commercial zones, and staff also included some necessary cleanup. She stated that this ordinance would move auto, horse, and motorcycle race tracks from the conditional use section to the permitted use section. It would also allow for temporary outdoor activities and temporary camping areas and create the permitting process and the standards for that. Mrs. Townshend explained that this ordinance would allow events such as Firefly, Big Barrel, and other large events planned to be held at the Woodlands area at Dover International Speedway. She noted that staff had been working on this ordinance for several months with Dover International Speedway.

Referring to Line 99, Mrs. Townshend explained that this ordinance included specific noise hours, so that the use of loud speakers and other amplification systems outdoors would be prohibited after midnight on weeknights, and after 2:00 a.m. on weekends.

Mrs. Townshend stated that the City's zoning ordinance had previously been set up to deal with the issue of recreational vehicle (RV) camping, and the proposed ordinance includes similar language for tent camping. She explained that this specific ordinance only affects the RC zone, so some of the language, specifically regarding camping, would need to be added to other sections of the zoning ordinance as well. She stated that those changes could certainly follow but staff wanted to make sure that the Code was set up for the RC zone in order to begin working with the speedway on the process of annexing the land where the festivals are taking place, noting that the land was currently split between the City and Kent County.

Mr. Sudler, referring to the noise restrictions, requested clarification regarding when the weekend hours would start and end. Responding, Mrs. Townshend stated that the proposed ordinance was written so that the use of loud speakers and other amplification systems outdoors shall be prohibited between 12:00 a.m. and 7:00 a.m. Monday through Friday, and 2:00 a.m. and 9:00 a.m. on Saturday and Sunday. She explained that this would allow the use of loud speakers and other amplification systems outdoors on Friday and Saturday nights until 2:00 a.m., and no later than midnight Sunday through Thursday. Mrs. Townshend stated that staff thought it was important to make sure that there was a standard that could be articulated to the people running the events as well as the public, since there were some issues regarding noise during these large events in previous years.

Mrs. Townshend noted that the proposed ordinance would go through the hearing process which would include public hearings held by the Planning Commission and City Council.

Mr. Anderson asked if staff would be agreeable to changing the time to 12:05 a.m. in case there is a New Years' Eve event. Responding, Mrs. Townshend explained that this ordinance only applied to the RC zone.

In response to Mr. Hare, Mr. Jerry Dunning, Sr. Vice President and General Manager of Dover Motorsports, Inc., indicated that this ordinance would work for Dover International Speedway.

**Mr. Cole moved to recommend adoption of proposed ordinance #2015-17, as recommended by staff, seconded by Mr. Shevock, and unanimously carried.**

**By unanimous consent, the meeting adjourned at 6:27 p.m.**

William F. Hare
Chairman

WFH/TM/dd
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Committee-Minutes\2015\10-12-2015 LF&A.wpd

Attachments
Attachment #1 - Proposed Ordinance #2015-19 Amending Appendix C - Downtown Redevelopment, Article II - Definitions, Section 4 - Target Area

**FIRST READING**

# CITY OF DOVER PROPOSED ORDINANCE #2015-19

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

That Appendix C - Downtown Redevelopment, Article II - Definitions, Section 4 - Target Area of the Dover Code be amended by inserting the bold, blue text and deleting the text indicated in red strikeout as follows:

*High Priority Target Area* shall mean that part of the city more particularly described as bounded by the street center lines as follows:

> From the intersection of the centerlines of North Governors Avenue and Mary Street south ~~go~~ **to** the intersection of the centerlines of North Governors Avenue and Fulton Street, east to the intersections of the center lines of Fulton Street and North State Street, south to the ~~northern~~ intersection of the center lines of South State Street and ~~The Green,~~ **Loockerman Street, east 202 feet and then south 172 feet and then west 36 feet and south 73 feet, and west along the right-of-way of North Street for 136 feet, and then south 45 feet along the center line of State Street and then east 73 feet along the south right-of-way of North Street and then south 71 feet, and then west 11 feet and south six feet and west 20 feet and south 135 feet and west 8 feet and then south 22 feet,** ~~and along~~ **then west following** the centerline of The Green ~~east of South State Street~~ to the south intersection of the center lines of South State Street and The Green, south to ~~the intersection of the center lines of South State Street and~~ West Water Street **and south 218 feet and west 205 feet and southwest 41 feet and west 246 feet and north 102 feet and west 103 feet and northwest 3 feet and west 40 feet and southwest 9 feet and west 44 feet and north to the intersection of South Governors Avenue and the centerline of West Water Street** and west to the intersection of the center lines of West Water Street and South Queen Street, south along the center line of South Queen Street 541.11 feet and then west to the center line of South West Street, and north to the intersection of the center lines of West North Street and South West Street, and west to the intersection of the center lines of West North Street and Clarence Street and north to the intersection of the center lines of Clarence Street and Slaughter Street, and west along the center line of Slaughter Street to Cherry Street and north along the center line of Cherry Street to the intersection with the center line of Lincoln Street, and east along the center line of Lincoln Street to the intersection of the center lines of Forest Street and South West Street, and north along the center line of South West Street to the intersection of the center lines of West Street and West Division Street, and west to the east property line of the Norfolk Southern railroad track, and north along this property line to the intersection with the center line of Mary Street, and west to the intersection of the center lines of Mary Street and North Governors Avenue.

ADOPTED: *

Draft

**SYNOPSIS**

The amendment expands the boundaries of the high priority target area.
(Sponsor: Legislative, Finance, and Administration Committee)

*Actions History*
*10/26/2015 - First Reading at City Council meeting*

S:\ORDINANCES\2015\DRAFT\ORDINANCE #2015-19 APPENDIX C-DOWNTOWN REDEVELOPMENT, ART II-DEFINITIONS, SEC 4-TARGET AREA\Ordinance #2015-19 Appendix C - Downtown Redevelopment, Article II - Definitions, Section 4 - Target Area - First Reading.wpd

Draft

**CITY OF DOVER**
**FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016**
**QUARTERLY REVENUE REPORT**
**As of September 2015**

| | GENERAL FUND | FY16 BUDGET | FY16 REVISED BUDGET | YTD REVENUES | 25.0% % BUDGET RECEIVED | COMMENTS | FY15 REVENUES | FY14 REVENUES |
|---|---|---|---|---|---|---|---|---|
| 1 | Property Taxes | $ 12,495,500 | $ 12,495,500 | $ 12,393,700 | 99.2% | | $ 10,841,200 | $ 10,777,800 |
| 2 | Payment In Lieu of Taxes | 398,700 | 398,700 | 47,400 | 11.9% | | 335,500 | 316,700 |
| 3 | Transfer from Electric Fund | 10,000,000 | 10,000,000 | 2,500,000 | 25.0% | | 10,000,000 | 8,000,000 |
| 4 | Intrafund Service Receipts Electric | 3,738,500 | 3,738,500 | 842,200 | 22.5% | | 3,478,800 | 3,427,300 |
| 5 | Transfer from Transfer Tax Fund | 1,340,000 | 1,340,000 | 962,100 | 71.8% | Sale of Cedar Chase/County Club $532.5K | 1,713,800 | 1,544,100 |
| 6 | Business Licenses | 1,425,000 | 1,425,000 | 1,433,400 | 100.6% | | 1,403,100 | 1,494,300 |
| 7 | Intrafund Service Receipts Water/Wastewater | 1,492,700 | 1,492,700 | 319,700 | 21.4% | | 1,341,600 | 1,218,900 |
| 8 | Sanitation Fees | 2,580,000 | 2,580,000 | 641,700 | 24.9% | | 2,578,900 | 2,595,600 |
| 9 | Permits & Other Licenses | 1,436,300 | 1,436,300 | 302,800 | 21.1% | | 1,490,200 | 1,597,300 |
| 10 | Transfer from Municipal Street Aid Fund | 564,200 | 564,200 | 168,300 | 29.8% | | 664,300 | 664,900 |
| 11 | Fines & Police Revenue | 702,300 | 702,300 | 220,200 | 31.4% | | 666,700 | 653,600 |
| 12 | Police Extra Duty Fees | 533,000 | 533,000 | 55,800 | 10.5% | | 503,000 | 562,900 |
| 13 | Transfer from Police Grant Funds | 74,400 | 74,400 | - | 0.0% | | 127,100 | 80,200 |
| 14 | Court of Chancery Fees | 1,065,100 | 1,065,100 | 190,600 | 17.9% | September fees not yet received | 1,118,700 | 1,034,500 |
| 15 | Transfer from Water/Wastewater Fund | 850,000 | 850,000 | 212,500 | 25.0% | | 500,000 | 500,000 |
| 16 | Transfer from Contingency | - | - | - | 0.0% | | 50,000 | 250,000 |
| 17 | Transfer from Civil Traffic Penalties Fund | 450,000 | 450,000 | 84,200 | 18.7% | September redlight revenue not yet rec'd | 495,200 | 357,500 |
| 18 | Library Revenues & County Reciprocal Pymt | 522,000 | 522,000 | 18,000 | 3.4% | | 480,800 | 498,600 |
| 19 | Franchise Fees | 672,300 | 672,300 | - | 0.0% | Q1 franchise fees not yet received | 683,400 | 648,300 |
| 20 | General Fund Grant Receipts | 673,500 | 673,500 | - | 0.0% | Offset by transfer to Police Pension Trust | 733,900 | 571,000 |
| 21 | Recreation Revenue | 149,000 | 149,000 | 40,100 | 26.9% | | 149,300 | 151,900 |
| 22 | Other Miscellaneous Receipts | 129,600 | 129,600 | 23,300 | 18.0% | | 257,500 | 175,500 |
| 23 | Interest Income | 35,000 | 35,000 | 14,100 | 40.3% | | 35,100 | 34,500 |
| 24 | 2014 Bond Proceeds (Refinance 2003 Bonds) | - | - | - | 0.0% | Offset by debt service payments; | 475,000 | - |
| | TOTALS | $ 41,327,100 | $ 41,327,100 | $ 20,470,100 | 49.5% | | $ 40,123,100 | $ 37,155,400 |
| | **Final Budget** | | | | | | **$ 39,795,600** | **$ 37,127,200** |

**CITY OF DOVER**
**FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016**
**QUARTERLY REVENUE REPORT**
**As of September 2015**

| | WATER/WASTEWATER FUND | FY16 BUDGET | FY16 REVISED BUDGET | YTD REVENUES | 25.0% % BUDGET RECEIVED | COMMENTS | FY15 REVENUES | FY14 REVENUES |
|---|---|---|---|---|---|---|---|---|
| 1 | Water Fees | $ 6,200,000 | $ 6,200,000 | $ 1,580,200 | 25.5% | | $ 4,889,000 | $ 4,459,800 |
| 2 | Wastewater Fees | 3,728,000 | 3,728,000 | 1,051,500 | 28.2% | | 3,735,900 | 3,562,400 |
| 3 | Wastewater Adjustment Fees - County Trtmt | 3,026,500 | 3,026,500 | 833,600 | 27.5% | | 2,952,900 | 2,930,300 |
| 4 | Groundwater Inflow Adjustment | 1,864,300 | 1,864,300 | 533,600 | 28.6% | | 1,831,800 | 1,316,200 |
| 5 | Water Impact Fees | 250,000 | 250,000 | 56,700 | 22.7% | | 536,900 | 252,200 |
| 6 | Wastewater Impact Fees | 250,000 | 250,000 | 49,400 | 19.8% | | 482,200 | 230,200 |
| 7 | Water Tank Space Leasing | 341,900 | 341,900 | 28,700 | 8.4% | | 344,800 | 360,300 |
| 8 | Interest Income | 3,000 | 3,000 | 100 | 3.3% | | 2,300 | 3,616 |
| 9 | Other Miscellaneous Revenues | 64,000 | 64,000 | 17,600 | 27.5% | | 75,000 | 61,300 |
| | TOTALS | $ 15,727,700 | $ 15,727,700 | $ 4,151,400 | 26.4% | | $ 14,850,800 | $ 13,176,316 |
| | **Final Budget** | | | | | | **$ 14,386,300** | **$ 13,023,500** |

| | ELECTRIC REVENUE FUND | FY16 BUDGET | FY16 REVISED BUDGET | YTD REVENUES | 25.0% % BUDGET RECEIVED | COMMENTS | FY15 REVENUES | FY14 REVENUES |
|---|---|---|---|---|---|---|---|---|
| 1 | Sales to Customers | $ 78,279,200 | $ 78,279,200 | $ 23,252,200 | 29.7% | | $ 77,011,700 | $ 76,928,300 |
| 3 | Utility Tax | 1,281,100 | 1,281,100 | 377,000 | 29.4% | | 1,266,900 | 1,259,000 |
| 4 | Transfer from Rate Stabilization Reserve | 3,000,000 | 3,000,000 | 750,000 | 25.0% | | 3,000,000 | 7,000,000 |
| 5 | Miscellaneous Revenue | 927,800 | 927,800 | 372,800 | 40.2% | | 1,389,400 | 906,400 |
| 6 | Interest Income | 47,900 | 47,900 | 4,600 | 9.6% | | 21,200 | 10,500 |
| 7 | Intrafund Service Fees - Water/Wastewater | - | - | - | 0.0% | | - | 130,800 |
| | TOTALS | $ 83,536,000 | $ 83,536,000 | $ 24,756,600 | 29.6% | | $ 82,689,200 | $ 86,235,000 |
| | **Final Budget** | | | | | | **$ 81,766,000** | **$ 88,283,600** |

City of Dover

# Memorandum

**Office of the City Manager**
**PO Box 475**
**Dover, DE 19903**
**Phone: (302) 736-7005**
**Fax: (302) 736-7002**
**E-mail: skoenig@dover.de.us**

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**To:** Mayor and City Council

**From:** Scott D. Koenig, P.E., City Manager

**Date:** October 20, 2015

**Subject:** Semi Annual Inspection – Robbins Hose Company

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In accordance with Section 46-43 of the City Code, Mr. Kirby Hudson, Assistant City Manager, and I performed the required semi-annual inspection of the Dover Fire Department on Wednesday, October 14, 2015 at 10:30 a.m. with Chief Mark Hall and Carter Knotts, Fire Chief's Assistant. This inspection was held at Robbins Hose Station No. 2. The following items were discussed:

1) The roof at Station # 2 is now approximately twenty-two (22) years old. A third-party inspection commissioned by Robbin Hose Company of the roof was completed recently and the results will sent to the City Manager after review by Robbins Hose Company. The report indicates the roof has an expected remaining life of 5-10 years.

2) The roof at Station # 1 continues to be a problem as it is leaking over the Communications Center. This problem has been on and off for approximately five (5) years; however, it has not been clearly communicated to the City the extent of the on-going problem. More follow up is required.

3) Recent vehicle repairs include approximately $9,000 to Engine #3 for the transmission and cooling system. Engine #4 is in need of approximately $4,000 of seat replacements. Also, Engines #3, #4, #6 and Ladder #2 have rust on the undercarriage according to Chief Hall. The extent of the rust damage is unknown at this time. Ladder #1 is also out of service due to repairs. No timeline on the completion of repairs was provided.

4) Chief Hall is interested in the replacement of Engine #7. His recommendation is an Engine/Rescue unit to serve as one piece of equipment. Chief Hall explained the pros and cons of an open and closed cross lay fire hose. More manpower is required for the closed cross lay versus the open cross lay.

5) Siren Maintenance – the sirens are still in need of maintenance. Last major maintenance was in 2004. Further discussion is required on this subject.

6) Self-Contained Breathing Apparatus (SCBA) – Chief Hall demonstrated the new SCBA and explained in detail the operation of the SCBA. He advised of the new changes to the unit, such as an alarm to alert the fire fighter that the breathing air is dangerously low. The City Manager inquired if a tracking device was included in case the firefighter had to be rescued. Chief Hall responded the SCBA has a feature that could be added in the future, however, it is very costly. Each new Air Pack has six (6) C Cell batteries that power

the SCBA features. In addition, the weight of the bottle is evenly distributed across the lumbar area of the firefighter.

7) Recruitment/Retention Membership – Discussion was held regarding this situation. Chief Hall stated that Station #2 is struggling for manpower. In fact, just recently there was no response from Station #2 for an incident. Chief Hall advised that the Fire Department would like the City to offer assistance in putting in place an agreement between Wesley College and Delaware State University for their students that attend college to join the Fire Department. A co-op program was offered to Dover High Students in the past.

8) Chief requested consideration of extending the ramping area at Station #2 to include a 10'x10' area that is currently grass. This extension would help facilitate the turning of vehicles. This is a capital improvement project due to the depth of the ramp. Staff will need to design the improvement and seek funding. This task is being assigned to the Public Works Department.

9) Potential Property Tax Credit – Chief Hall described a potential incentive to entice volunteers to actively participate in the community needs regarding the Fire Service. A potential property tax credit could be extended to volunteers who meet prescribed conditions to qualify for a tax credit. The City Manager asked for a written request so a formal request could be considered by City Council in the future.

10) Delaware Fire Fighter Tax Credit – Chief Hall advised that he had spoken with Senator Brian Bushweller regarding a potential volunteer fire fighter tax credit increase from $400.00 (current rate) to $700.00. Senator Bushweller advised that they were currently exploring the idea; however, this change would most likely not occur anytime soon.

The Robbins Hose Company continues to provide an outstanding level of service to the City of Dover and the unincorporated areas of the fire district. Please feel free to contact me if you have any questions or concerns.

SDK/yml

cc: Mark Hall, Fire Chief
Donna Mitchell, Controller
Carter Knotts, Fire Chief's Assistant
Kirby Hudson, Assistant City Manager

# Chapter 66 – Manufactured Homes and Trailers

## 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:

Mobile home means a single-family dwelling designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbeds or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location of jacks or foundations, connections to utilities and the like. The term "mobile home" shall not include a single-family dwelling which is designed to be placed on a permanent foundation, is not designed to be readily movable after the original occupancy as a single-family dwelling, and conforms to the city's building, plumbing, electrical and housing codes.

Permanently placed mobile home means a single-family dwelling designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbeds or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for placement upon a permanent, unmovable foundation, removal of all wheels and axles, and other minor incidental operations, such as unpacking, connections or utilities and the like. The term "permanently placed mobile home" shall be construed as being synonymous with that of the term "single-family dwelling," a dwelling which is designed to be placed on a permanent foundation, is not designed to be readily movable after the original occupancy as a single-family dwelling, and conforms to the city's building, plumbing, electrical and housing codes, except for the purpose of zoning in which it shall be considered a mobile home.

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

Owner of a permanently placed mobile home means the person designated in the title of the mobile home, whether the title is issued by this state or by some other state, and such person must also be the owner of the lot upon which the mobile home is permanently affixed. The term "lot" shall mean a parcel of land that conforms to the multiple ownership provisions of the laws of the state dealing with unit properties and condominiums, and must be located within a mobile home park.

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

## Sec. 66-2. - License.

(a) Required fee. The owner of a mobile home 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 July 1 of each year and if such fee is not paid before August 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 mobile home into the city, such license 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 mobile home is in the city.

(d) Sticker; where placed. Once the annual license fee has been paid by the owner of a mobile home, he shall be issued a sticker or other evidence of payment by the city manager or his authorized agent. This sticker or other evidence of payment must be placed upon the mobile home on the front of the mobile home facing the street on the righthand side when facing said mobile home one foot up from the bottom of the skirting and one foot over from the side of the mobile home.

(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 mobile 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, but shall be considered a mobile home as defined in section 66-1 for purposes of zoning and shall only be permitted to be located in the mobile home park zone (MPH), as spelled out in appendix B to this Code (article 3, section 8). This section shall not apply to permanently placed mobile homes that were in place on January 1, 1985, which shall continue to be licensed in accordance with section 66-2.

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

Sec. 66-4. - Placement permit.

Every owner of a mobile home, before moving the same into the city, shall apply for and obtain from the city manager or his authorized agent a placement permit for such mobile home. The city manager or his 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 mobile home park operators.

(a) Documents to mobile home owners. Copies of this chapter and placement permit application forms shall be furnished to each mobile home park operator, who shall give a copy of the same to every mobile home owner who moves a mobile home into his park, before the 15th day of the next succeeding month after placement of the mobile home.

(b) Lease record; report. Mobile home park operators who lease land to two or more persons for parking mobile homes shall maintain a lease record, which shall be open for inspection at all reasonable times by the city manager. Before June 1 of each year, the mobile home park operator shall report to the city manager the names and addresses of all persons having mobile homes on his land.

(Ord. of 2-23-1970, §§ 4, 5, 7; Code 1981, § 12-4)

Sec. 66-6. - Anchoring and skirting.

Within 30 days after occupancy of all mobile homes, the mobile homes 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 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 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 mobile homes located on a dealer's display lot; or

(2) State license tag. Mobile homes bearing a current license tag of this state.

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

Appendix B – Zoning, Article 3 – District Regulations

Section 1. - One-family residence zones [(R-20, R-15, R-10, R-8 and R-7)].

(R-20, R-15, R-10, R-8, R-7.) (See also article 5, Supplementary Regulations; and article 6, Off-Street Parking, Driveways and Loading Facilities.)

1.1 Uses permitted. In a one-family residence R-20, R-15, R-10, R-8 and R-7 zones, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

1.11 The raising of field and garden crops, vineyards and orchard farming, the maintenance of nurseries, and the seasonal sale of the products thereof, provided no building is erected and signs conform with article 5, section 4.

1.12 One-family detached dwellings, not to exceed one such dwelling per lot.

1.13 Public buildings, structures and uses, including parks and playgrounds, subject to approval of site plans by the planning commission in accordance with article 10, section 2.

1.14 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 section 10.1 and to any specified requirements set forth below:

(a) Places of worship, including parish houses; [and] schools, including nursery schools, kindergartens and day care centers in accordance with article 5, Supplementary Regulations, section 14. Day care facilities; philanthropic and eleemosynary institutions; hospitals and sanitariums for general medical care; and funeral homes subject to the following requirements:

i. Any school permitted under this paragraph [subsection 1.14(a)] shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such thereunder.

ii. Any school permitted under this paragraph [subsection 1.14(a)], other than a kindergarten, nursery school, or day care center, shall occupy a lot with an area of not less than two acres, plus one acre for each 100 pupils for which the building is designed.

iii. Any kindergarten or nursery school permitted under this paragraph [subsection 1.14(a)] shall be limited to a maximum of 50 children in zones R-8 thru R-20 and a maximum of 100 children in all other zones. At least 100 square feet of outdoor play space per child shall be provided. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space. Fencing or other enclosures shall be a minimum height of four feet. The minimum lot area for each ten, or remainder over the multiple of ten, children shall be the same as the minimum lot area requirement for each dwelling unit in the districts in which such uses are to be located.

iv. No such building or part thereof shall be erected with less than a 50-foot front yard or nearer than 25 feet from any other street or property line.

v. The sum of all areas covered by all principal and accessory buildings shall not exceed 20 percent of the area of the lot.

vi. Courts shall conform to the requirements of article 5, section 3 hereof.

(b) Railroad and public utility rights-of-way and structures necessary to serve areas within the city, subject to such conditions as the planning commission may impose in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.

(c) Country clubs or other annual membership clubs, catering exclusively to members and their guests, and accessory private playgrounds, golf courses, swimming pools, tennis courts and recreation buildings not conducted as business enterprises, provided that the following operations shall be prohibited:

i. Outdoor entertainment, live or mechanical;

ii. The use of outdoor public address systems for any purpose; and

iii. Exterior lighting producing glare at the lot line other than that essential for the safety of the users of the premises.

No building erected under the provisions of this paragraph [subsection 1.14(c)] shall be so erected nearer than 50 feet to any street or property line.

1.15 Accessory uses, limited to the following:

(a) Professional office or studio of an artist, dentist, musician, teacher, or physician, but not including veterinarians, provided that:

i. Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant; and

ii. Such office or studio shall occupy not more than 30 percent of the area of one floor of the main building.

iii. Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.

iv. Medical centers, barbershops, beauty parlors, real estate offices, funeral homes or similar uses shall not be considered permitted accessory uses.

(b) Garden house, tool house, playhouse, greenhouse or pool incidental to the residential use of the premises and not operated for gain.

(c) Private garage, provided that, in the case of a one-family dwelling, such garage shall have a capacity of not more than three passenger automobiles. One such space may be leased to a person not [a] resident on the premises.

(d) Keeping domestic animals (except pigs) for individual domestic purposes or as pets, provided not more than three dogs over six months old and not more than 25 fowl shall be permitted, and no animals (except dogs) or fowl shall be penned or housed within 20 feet of any lot line.

(e) (Reserved.)

(f) Dormitories accessory to schools, provided that such dormitories conform to the bulk regulations of the RG-1 zone. For purposes of computing bulk requirements, each four rooms shall be considered one dwelling unit. Parking shall be calculated as identified in Article 6—Off-Street Parking, Section 3—Required off-street parking spaces, Paragraph 3.1—Schedule of requirements.

(g) Customary home occupations, provided that:

i. No display of products, goods and/or signs shall be visible from the street.

ii. Such home occupation shall be incidental and secondary to the residential use of the premises and shall be conducted in the principal building by the resident or residents that reside therein.

iii. Nonresident assistants or co-workers shall be prohibited.

iv. Such home occupation shall not occupy more than 30 percent of the area of one floor in the principal building.

v. There shall be no exterior effect such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.

1.16 [1.2] 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.

1.17 [1.3] Performance standards. All uses are subject to performance standards as set forth in article 5, section 8.1.

1.18 [1.4] [Closed zone.] Zone R-7 is a closed zone in accordance with article 10, section 5.19.

1.19 [1.5] [Signs.] Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

(Ord. of 1-8-1979; Ord. of 5-14-1990; Ord. of 12-14-1992(2); Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. No. 2009-12, 9-14-2009; Ord. No. 2011-21, 10-10-2011)

Appendix B – Zoning, Article 5 - Supplementary Regulations

Section 1. - Supplementary regulations applying to residence zones.

1.1 Accessory buildings. An accessory building may be located in any required side or rear yard provided:

1.11 Such buildings shall not exceed 15 feet in height.

1.12 Such buildings shall be set back five feet from any lot line and shall not be located less than ten feet from an adjoining principal structure.

1.13 All such buildings in the aggregate shall not occupy more than 30 percent of the area of the required rear and side yard.

Accessory buildings constructed at the same time may be located in pairs or groups in the required rear or side yard along the common side lot line or rear lot line of contiguous lots.

1.2 Relation of accessory buildings to streets. No accessory building shall project nearer to the street on which the principal building fronts than such principal building. The board of adjustment may authorize the erection of garages under the following conditions: If the natural slope is from 12 percent to 20 percent within 25 feet of the street line, the board may permit a garage not closer than ten feet of the street line. If the slope is over 20 percent, a garage may be permitted not closer than five feet of the street line.

1.3 Corner lots.

1.31 Corner visibility. In all zones within the city, no structure, fence, wall, landscaping, earthen berm, sign or any other form of obstruction to visibility, in excess of three feet in height above the adjacent street grade, shall be erected, placed or maintained on any corner lot within the triangular area formed by intersecting right-of-way lines. Two sides of the triangular area shall be 20 feet in length and measured from the point of intersection of the right-of-way lines as further illustrated in figure 5-1.

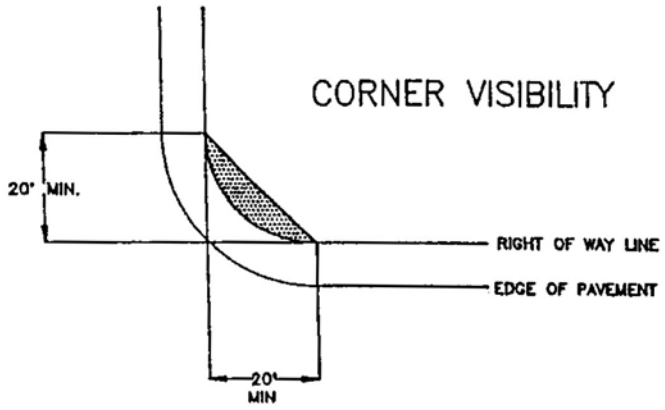



FIGURE 5-1

1.32 Yard requirements. Corner lots are considered to have two front yards. The rear yard for a corner lot shall be the yard that is opposite the street upon which the principal structure fronts. The side yard for a corner lot shall be the yard that is opposite the street adjacent to the side of the principal structure.

1.33 Fences. A fence on a corner lot shall comply with the front yard requirement for height along the street upon which the principal structure fronts. A fence on a corner lot shall comply with the side yard requirement for height along the street adjacent to the side of the principal structure.

1.4 Exceptions to lot depth requirements. The depth of any lot other than a corner lot may be decreased at any point to 75 percent of the minimum requirement if the average depth conforms with the minimum requirement.

1.5 Exceptions to yard requirements.

1.51 Permitted obstructions. Cornice or cantilevered roofs and chimneys may project not more than 2½ feet into a required yard. Belt courses, windowsills and other ornamental features may project not more than six inches into a required yard. Paved terraces, steps, and walks (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street line or four feet of a property line.

1.52 Entries and porticos. A roofed-over but unenclosed projection in the nature of an entry, portico or awning not more than eight feet wide and extending not more than six feet into the required front yard shall be exempt from the requirements of this section when the building otherwise complies with the regulations of this section. In computing the average setback, the presence of such entries and porticos shall be ignored.

1.53 Existing setback. No proposed one-family or two-family dwelling need have a setback greater than the average setback of the two existing dwellings with the greatest setbacks within 200 feet on each side of the said proposed dwelling, on the same side of the street and within the same block and the same zone.

1.54 Open decks. An open deck or patio extending to within ten feet of a rear lot line or within 20 feet of a rear lot for second story decks shall be exempt from rear yard setback requirements and lot coverage requirements so long as the principal structure complies with the regulations. Such open decks or patios shall not be enclosed and used as a part of the principal structure.

1.55 Fences. Fences or walls shall be limited to a maximum height of four feet above the ground when situated within front yard areas, and shall be limited to a maximum height of six and one-half feet above ground when situated within side and rear yard areas. Fences situated on corner lots shall be subject to the provisions of article 5, section 1.3. For the purposes of this provision, on lots with dual street frontage that are not corner lots, a fence situated to the rear of the principal structure shall be limited to a maximum height of six and one-half feet above ground. Fences or walls with a height in excess of six and one-half feet above ground shall conform to the setback requirements for dwelling buildings as set forth in article 4 of this appendix. Fence material commonly referred to as "barbed wire" and/or "razor wire," or any similar material, shall be prohibited in residential zones.

1.6 Existing small lots in all one-family residence zones. A lot owned individually and separately and separated from any adjoining tracts of land on November 27, 1971, which has a total area or width less than prescribed herein, may be used for a one-family residence, provided such lot shall be developed in conformity with all applicable zone regulations, other than the minimum lot area and lot width requirements, and with the minimum side yards set forth below:

| | For Lots With Width In Feet | | | |
|---|---|---|---|---|
| | Equal to or Greater Than | Equal to or Less Than | Minimum Side Yard In Feet | Total Both Side Yards In Feet |
| R-15 zone | 50 | 90 | 12 | 30 |
| R-10 zone | 50 | 70 | 8 | 20 |
| R-8 zone | 50 | 60 | 5 | 15 |
| R-7 zone | No exceptions | | | |

1.7 Uniformity of design in all one-family residence zones. Except as provided in this ordinance, no building permit shall be issued for the erection of any building on land within any one-family residence zone, if it is like or substantially like any neighboring building existing or for which a building permit has been issued. To be deemed unlike any such building, a proposed building shall differ therefrom in the following respects:

1.71 Relative location of windows in the front elevation or in each of both side elevations with respect to each other and with respect to any door, chimney, porch or attached garage in the same elevation;

1.72 In the front elevation, both (a) relative location with respect to each other or garage, if attached, porch, if any, and the remainder of the building and (b) with the limits of the main roof, measured from the elevation of the first floor to the roof ridge, or, in case of a flat roof, the highest point of the roof beams, or (c) width of said portion of the building if it has a gable in the front elevation, otherwise the length of said roof ridge or said flat roof in the front elevation; and

1.73 One of the following:

a. Height of the main roof edge, or, in the case of a building with a flat roof, the highest point of the roof beams above the elevation of the first floor;

b. Height of the main roof ridge above the top of the plat (all flat roofs shall be deemed identical in dimension);

c. Length of the main roof ridge, or, in the case of a building with a flat roof, length of the main roof;

d. Width between outside walls at the ends of the building measured under the main roof at right angles of the length thereof.

Buildings shall be deemed to be like each other in any dimension with respect to which the difference between them is not more than two feet. Buildings between which the only difference in relative location of elements is side-to-side reversal of elements shall be deemed to be alike in relative location of such elements.

Except as provided hereinafter, in relation to the premises with respect to which the permit is sought, a building shall be deemed to be a neighboring building if such building is located on any lot fronting on the same street as the proposed building which is the first, second, or third lot next along said street in either direction from the said proposed buildings or which is any lot directly across the street from the proposed building lot or from any lot referred to hereinafter.

The planning commission may vary or waive in their entirety any or all requirements of this section wherever, in their opinion, the overall layout of the neighborhood, road pattern, setback variations, grading, observation of natural features, views and exposure and siting of individual structures is such as to prevent monotony of architectural design despite the similarity of the structures themselves.

1.8 Buffers along arterial streets. Where residential zoned property fronts on an arterial street, as designated by the comprehensive plan, a landscape buffer shall be required in addition to normal landscaping of the street right-of-way in all residential zones. These buffer areas shall be a minimum of 30 feet in depth, measured from the right-of-way line of the arterial street, and shall, at the time of development of the property, be planted with a variety of trees, shrubs and ground cover so as to effectively screen from view the arterial street from the residential property, and to create a distinctive and consistent visual character for the arterial street. The landscape design and planting plan for these arterial street buffer areas shall be subject to the approval of the planning commission as an integral part of the site development plan. When the residential lots have rear yard areas that front on the arterial street, each lot at the time of development shall be provided with uniform fencing along the rear property line. When it can be demonstrated to the satisfaction of the planning commission through the plan review process that, due to specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties, that compliance with this section would severely limit the development potential of the property or would cause the property to be out of character with the surrounding built environment, the planning commission may approve a lesser amount of buffering, provided that the basic objective of establishing landscaped green space along arterial roadways is achieved.

1.9 Storage of furniture and appliances outdoors. The storage of any equipment, materials, furnishings or appliances that are not designed or manufactured for exterior placement is prohibited. Items such as lawn

furniture, barbeque grills, garden tools, and children's outdoor play equipment may be stored outside in an orderly fashion.

1.10 Portable storage units. For the purpose of this section the following definitions shall apply:

a. Portable storage unit means any container designed for the storage of personal property which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by truck.

1.101 Number, duration, and removal. There shall be no more than one portable storage unit per lot. No portable storage unit shall remain on a lot in a residential district in excess of 30 consecutive days, unless the lot is the subject of an active building permit, in which case it may remain as long as the building permit is active.

1.102 Cumulative time restriction. No portable storage unit as defined in section 1.10 of this article shall be placed at any one site in a residential district in excess of 60 days in any calendar year, unless the lot is the subject of an active building permit.

1.103 Location. The location of the portable storage unit shall not affect the health, safety and/or welfare of the neighborhood including, but not limited to, blocking access to a fire hydrant and obstructing the view of street intersections.

1.11 Swimming pools.

1.111 Definition. For the purposes of this section, swimming pools shall be defined as any pool, tank, depression, or excavation in or above ground, or other structure which shall cause retaining of water over a greater depth than 24 inches.

1.112 Safety. All swimming pools as defined in this section must conform to the requirements of Dover Code, Chapter 22—Buildings and Building Regulations.

1.113 Placement. Swimming pools shall be permitted to be established in the side and rear yard, but shall be prohibited from placement between the principal structure and the street.

1.114 Setback. The edge of the swimming pool, specifically referring to the edge of the water containment portion of the pool, shall be no less than 15 feet away from all property lines. All associated structures, buildings, and pavement related to the swimming pool shall be no less than five feet away from all property lines.

(Ord. No. 1-78, 1-24-1978; Ord. of 12-14-1992; Ord. of 4-25-1994; Ord. of 6-13-1994; Ord. of 1-10-1996; Ord. of 5-22-2000; Ord. of 10-23-2006; Ord. of 1-14-2008; Ord. No. 2011-21, 10-10-2011; Ord. No. 2011-26, 12-12-2011)

Section 2. - Supplementary regulations applying to general residence (RG-1, RG-2, RG-0, RG-3 and RG-4) zones.

2.1 Exceptions to yard requirements. Garages so designed as to allow the use of the roof thereof as part of the grounds may be erected in side or rear yards not nearer than four feet to any property line, provided the average height of such wall or walls thereof which face a side lot line is not in excess of 6½ feet above the average level of such lot line.

The side yard provisions may be eliminated, but not reduced, along any portion of a lot line where a building erected on an adjoining lot is built to the lot line, provided that the second side yard shall be increased to a minimum width of two times the width otherwise required.

2.2 Exceptions to maximum coverage regulations. Garages designed so that the roof is usable open space shall be exempt from any coverage limitation. The planning commission, in reviewing a site development plan, may issue a special permit for accessory garages covering ten percent more of the lot than would otherwise be permitted if they find that it is impractical to fulfill off-street parking requirements under the principal building and/or within a garage whose roof is usable open space.

2.3 Length of buildings. No building shall exceed a length of 220 feet.

2.4 Distance between buildings. The following minimum distances between buildings shall be observed:

2.41 Between a principal building (other than a one-family dwelling) and a one-story accessory building: 20 feet.

2.42 Between any two other buildings: A distance equal to the average height of such buildings at the points where such buildings are nearest one of the other.

2.43 Notwithstanding any other provisions, and except as provided hereinafter, no building on any lot shall intrude into the area enclosed by an arc of a circle with a radius of 60 feet extending 70 degrees on each side of a line perpendicular to the center of any legally required window (other than a bathroom or kitchen window), and the exterior radii of such arc. All measurements shall be performed in horizontal projection at the sill level of the subject window. This limitation shall not apply to any wall of the same building the plane of which intersects the plane of the wall in which the subject window is located at an exterior angle of more than 80 degrees. A minimum distance of 60 feet shall be maintained between the subject window and any wall parallel thereto, whether such wall is a part of the same or of another building on the same lot.

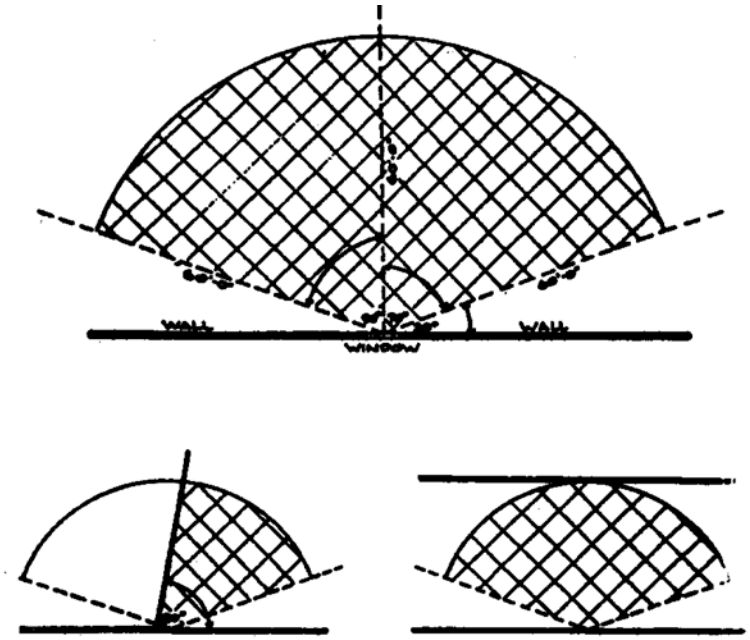



Illustration of 2.43

2.5 Courts.

2.51 Inner courts. An inner court is permitted if the minimum dimension of such court is not less than 1½ times the average height of all surrounding walls, but not less than 60 feet. The height of walls surrounding an inner court shall be measured from finished grade at the base thereof to the top of such wall, except that, in the case of roofs with a slope exceeding five inches vertical to 12 inches horizontal, the height shall be measured to the mean point between the top of the said wall and the highest point of the roof.

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

Section 3. - Supplementary regulations applying to nonresidential buildings, except in IPM zone.

3.1 Supplementary height regulations in nonresidential zones. In nonresidential zones, 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. When penthouses, 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 penthouses or bulkheads; provided, however, that no ornamental or decorative part of a building which is not used as a living or storage area, such as steeples, spires and the like be greater in height than the maximum height of the building to which the same is attached. All penthouses, bulkheads, 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.

Section 4. - Supplementary sign regulations.

4.1 Purpose statement. The purpose of this section is to create a legal framework for a comprehensive and balanced system of signs and other street graphics to facilitate an easy and pleasant communication between people and their environment. The ordinance from which this section is derived is enacted to avoid the visual clutter that is potentially harmful to vehicular and pedestrian safety, property values, business environment and opportunities, and community appearance. With these purposes in mind, it is the intent of this section to authorize the use of signs which are compatible with their surroundings, appropriate to the activity that displays them, expressive of the identity of individual activities and the community as a whole, and legible in the circumstances in which they are seen, understanding that it is important for the economic vitality of the community as well as individual businesses and institutions that they are clearly identified and their services are understood by the traveling public.

All signs, which are regulated by this section, shall conform to the following general guidelines:

A. The legibility of signs. Signs shall be legible under the circumstances in which they are primarily seen. Signs shall legibly convey their messages without being distracting or unsafe to motorists reading them. The legibility of signs is related to the speeds at which they are viewed; the context and surroundings in which they are seen; and the design, colors, and contrasts of the sign copy and sign face.

B. The relationship of signs to the buildings and sites they identify. Signs shall be an integral architectural element of the buildings and sites that they identify and their design shall be consistent with, and not detract from, the overall architectural concept of the site. Signs should be of an appropriate size and scale in relation to the buildings on the lot.

4.2 General provisions.

A. Permitting. No sign, advertising display or structure, poster or device shall be erected, moved, enlarged or reconstructed except in accordance with this section. All signs, except exempt signs, shall require a permit and fee as prescribed in Appendix F, Chapter 22—Buildings and Building Regulations.

B. Administration. Administration, interpretation, and enforcement of the provisions of this section shall be under the authority of the city planner or their authorized designee. In administering the provisions of this section, the city planner shall evaluate signs and applications for sign permits for conformity with the design guidelines, standards, and specifications contained herein. Appeals from the application or interpretation of any provision of this section may be processed in accordance with the provisions of article 9 (board of adjustment) of the zoning ordinance.

C. Unsafe, dilapidated and illegal signs. If it is determined by the city planner or his authorized designee that any sign is unsafe, presents a hazard to the safe operation and movement of motorized or nonmotorized vehicular traffic, or to pedestrians, or is in a dilapidated condition, or is in a state of disrepair, or is otherwise in violation of any provision of this section, the owner of such sign shall be responsible for removal of such sign and supporting structure within 14 days of receipt of written

notification by the city planner. In cases where signs are determined to be unsafe or present a hazard, the city planner may order their removal in a shorter period of time. Responsibility for removal shall be in accordance with subsection 4.10—Nonconforming signs, B., and subsection 4.11—Abandoned and Damaged signs, of this section.

D. Setback. All signs, including those which do not require a permit, shall be setback from the right-of-way in accordance with the provisions of Article 5, Section 4.7, unless otherwise specified, and shall not interfere with aboveground or underground utilities.

E. Administrative waiver. For existing developed properties where placement of the sign in accordance with the required setback would interfere with existing required parking, fire lane, or other site improvements, the city planner shall have the authority to waive the setback requirement.

4.3 Sign definitions.

Abandoned sign: A sign relating to or identifying a business or activity which has not been conducted on the premises for 90 days, or seven days after an election or event that the sign is advertising.

Adjacent to residential: Property lines which are situated within 200 feet and which front on the same street as a parcel, or group of parcels containing residential uses, or that are zoned for residential uses, excluding residential uses and districts fronting on principal arterial roads.

Architectural feature: An exterior component of the architecture of a building, which has a structural, functional or decorative purpose. This term shall apply to elements such as windows, doors, entry porticos, porte-cocheres, colonnades, cornices, porch columns, railings and balusters, band courses, quoins, water tables, exterior vents and louvers, moldings and other trim.

Awning sign: A wall sign that is a part of a fabric or other non-structural awning.

Banner: A light-weight fabric or similar non-rigid material which is mounted to a pole or structure, either enclosed in a frame or mounted to allow movement caused by the atmosphere.

Canopy sign: A type of wall sign attached to a permanent, decorative porch or walkway cover, other than an awning, which is attached to a building or supported by columns, extending to the ground.

Changeable sign: A sign with the capability of content change by means of manual or remote input, includes the following types:

(1) Manually activated: Changeable sign whose messages, copy or content can be changed manually on a display surface.

(2) Electrically activated: Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message center."

Clear height: The distance from the ground to the bottom of the sign. The minimum clear height shall be eight feet for pylon sign, projecting sign, and any other sign that may impact pedestrian traffic.

Comprehensive signage plan: A plan for all signs associated with a unified campus or complex.

Conforming sign: Any sign that conforms to the provisions of this section.

Construction sign: A sign which identifies architects, engineers, contractors and other individuals or firms involved with construction on the premises, the name of the building or development, the intended purpose of the building, and/or the expected completion date.

Directional sign: A freestanding sign whose primary function is to give aid to motorists or pedestrians in locating buildings or roads.

Electronic message center or sign (EMC): An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMC's typically use light emitting diodes (LEDs) as a lighting source.

Exclusion zone: The area adjacent to an existing or proposed freestanding sign within which no other freestanding sign of a similar sign type shall exist or be placed. The exclusion zone shall be measured outward in all directions from the extreme limits of the sign structure a prescribed distance.

Flag: A rectangular or pennant shaped piece of fabric or flexible material of distinctive design that is used as a symbol (as of a nation or state), as a signaling device, or as a decoration and is attached to a flag pole.

Freestanding sign: A sign that is not attached to a building and is permanently attached to the ground by one or more supports. Freestanding signs include monument, pylon, post and panel, and post signs.

Frontage: For the purposes of this section, the term "frontage" refers to a parcel's property line along a right-of-way, be it public or private, excluding alleys and service drives that are abutting residential properties. The parcel must be directly adjacent to the right-of-way for it to be considered to have frontage.

Historical or memorial sign: A sign or tablet attached to a building indicating the date of construction and/or the names of the building, the principals involved in its construction, or the history of the building or the site.

Illuminance: The amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination". Measured in foot candles (lumens/square foot) in the English system and lux (lumens/square meter) in the SI (metric) system.

Illuminated sign: A sign characterized by the use of artificial light, either projecting through its surface (s) internally or trans-illuminated; or reflecting off its surface(s).

Inflatable sign: A sign that is designed to be filled with air to form a three-dimensional shape which is designed to be anchored to the ground.

Luminance: The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurements units). Expressed in SI units as cd/m2, and in English units as foot lamberts. Sometimes also expressed as "nits", a colloquial reference to SI Units. Can be measured by means of a luminance meter.

Lux: The SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

Monument sign: A low freestanding sign that is affixed to a base that is equal to or wider than the sign itself. The height of the sign is to be measured from the finished grade to the top of the sign. (See figure 5-3.)

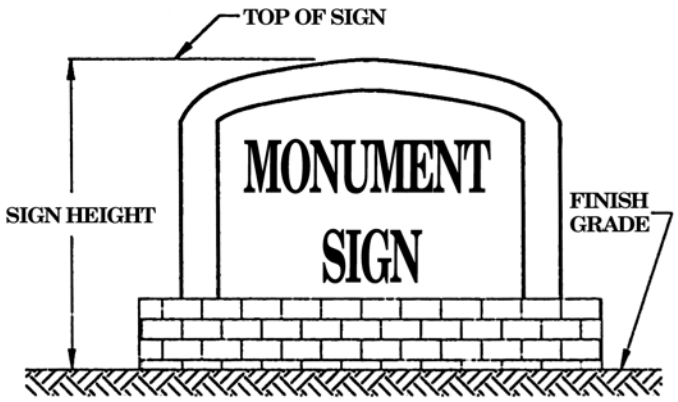



Figure 5-3: Monument Sign

Nit: A photometric unit of measurement referring to luminance. One nit is equal to one cdm2.

Nonconforming sign: Any sign which does not conform to the regulations of this ordinance, including any signs granted by variance where it can be demonstrated that the original hardship on which the variance was based no longer exists. This definition also includes the structure upon which the sign is erected, or the mounting hardware in the case of wall mounted signs.

Off-premises sign (billboard, etc.): A permanent or temporary sign erected, maintained, or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to

the use of, products sold on, or the sale or lease of the property on which it is displaced. Also referenced as billboard or commercial outdoor advertising sign.

On-premises sign: A sign which advertises or directs attention to a business, commodity, or service conducted, offered, or sold on the premises, or directs attention to the business or activity conducted on the premises.

Political sign: A temporary sign intended to advance a political statement, cause, or candidate for office.

Portable sign: Any sign not permanently attached to the ground or other permanent structure, including but not limited to signs with attached wheels, A- or T-frame signs, and menu and sandwich board signs.

Post sign: A freestanding sign that is attached to the underside of a horizontal plane or arm and is supported by the horizontal plane. (See figure 5-4.)

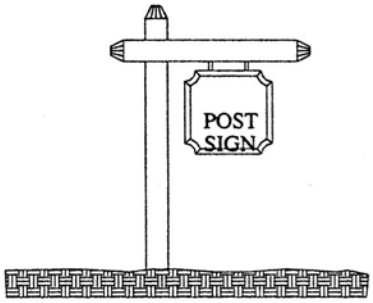



Figure 5-4: Post Sign

Post and panel sign: A freestanding sign that has a noninternally illuminated panel, not more than six inches in depth that is affixed to two posts and is not more than seven feet in total height. The sign shall not be higher than the supporting posts. (See figure 5-5.)

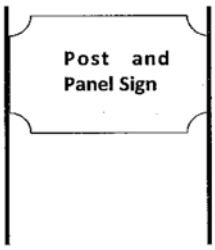



Figure 5-5: Post and Panel Sign

Projecting sign: A wall sign attached to a building with a bracket or other support projecting at a right angle from the building face. (See figure 5-6.)

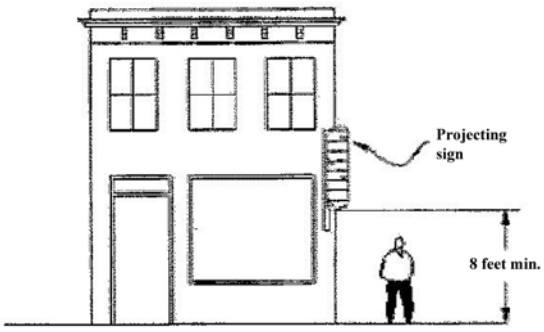


Figure 5-6: Projecting Sign

Public sign: A sign erected by or on behalf of a governmental body to post a legal notice, identify public property or public buildings, convey public information, and direct or regulate pedestrian or vehicular traffic.

Pylon sign: A tall freestanding sign that is held up by a pole or poles. The supporting structure must be equal to or narrower than the sign itself. (See figure 5-7.)

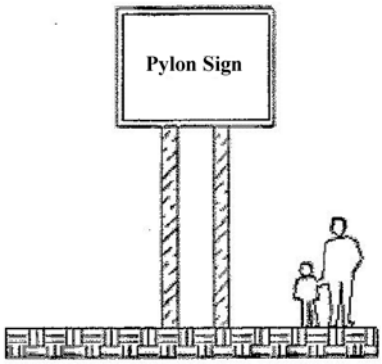



Figure 5-7: Pylon Sign

Race weekend sign: Any sign erected seven days prior to a sanctioned automobile race for the purpose of advertising products and services to race fans.

Real estate sign: A sign advertising the premises for sale, rent or lease.

Roof sign: A sign that is attached or painted on the roof, including porch roofs, dormer roofs, overhang roofs, canopy roofs or roofs of another architectural feature. Signs on the lower portion of a mansard or canopy are considered wall signs.

SI (International System of Units): The modern metric system of measurement.

Shared freestanding sign: A sign structure which is shared among multiple nonresidential properties or business interests for the purpose of displaying the name, logo type or other commercial message of multiple nonresidential occupants of said adjoining properties.

Sign: Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

Sign area: The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

Sign face: The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

Sign height: The height of a sign shall be the vertical distance from normal grade to the highest point of the sign. Any berming, filling or excavating solely for the purpose of locating the sign shall be computed as a part of the sign height.

Sign setback: The straight line distance measured in linear feet between the street right-of-way line and the nearest element of a sign.

Temporary sign: A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, is considered a temporary sign.

Unified campuses and complexes: The term "unified campuses and complexes" means:

(1) Any "shopping center" as the term is defined in the zoning ordinance.

(2) Or, any group of three or more principal structures under common management and operation, located on one or more contiguous properties;

(3) Or, any single commercial or institutional parcel which has more than 400 linear feet of frontage on a principal arterial roadway which is occupied by a conforming commercial or institutional use. Unified campuses and complexes include, but are not limited to, shopping centers; entertainment, educational, medical, governmental, or religious campuses; office complexes; and industrial parks.

Urban collector and local streets: All streets or portion of streets within the corporate limits of the City of Dover which are not specifically classified as urban principal arterials or urban minor arterials under the provisions of this section.

Urban minor arterials: Delaware (DE) Route 8 (including all alternative names); McKee Road; Saulsbury Road; College Road; North Street (from Saulsbury Road to the western city limits); Kenton Road (from College Road to DE Route 8); State Street (from Walker Road north to US Route 13 and Wyoming Avenue south to the southern city limits); Loockerman Street; Leipsic Road; Webbs Lane, New Burton Road, Scarborough Road, Walker Road and Governors Avenue (from Division Street to the southern city limits) are considered to be urban minor arterials under the provisions of this section.

Urban principal arterial: US Route 13, Bay Road, and Court Street between 13 and Bay Road are considered to be urban principal arterials under the provisions of this ordinance. Delaware State Route 1 is not considered to be a road that will provide frontage for any parcel.

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.

Wall area: For purposes of calculating wall area, the calculations shall include the height of the wall from ground level to the roofline (mansard roofs also count as wall area), multiplied by the width of the wall (including all architectural features).

Wall sign: Any sign, other than a projecting sign, which is attached to or painted on any wall of any building and projects from the plane of the wall less than 18 inches. A sign attached to the lower slope or face of a mansard roof, canopy, or awning shall be considered a wall sign for purposes of this ordinance. For purposes of this section only, a "wall" shall include any permanent architectural extension of a wall, including parapets, even if such extension projects beyond or above the enclosed portions of the building. Canopy, marquee, and awning signs are all types of wall signs. (See figure 5-8).




Figure 5-8: Wall Sign

Window sign: A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

4.4 Design requirements.

A. Freestanding signs.

1. Freestanding signs and attendant structures and bases shall be designed as an integral part of the site development and shall be coordinated and compatible with site grading, utility placements, landscaping and architectural elements.

2. Freestanding signs and associated landscaping shall be situated and maintained so as not to impair or block visibility of motorists and/or pedestrians traveling within the public street right-of-way or entering, exiting or crossing vehicular site entrances. No sign or landscaping in excess of three feet in height above the adjacent street grade, shall be erected, placed or maintained on any corner within the triangular area formed by intersecting right-of-way lines. Two sides of the triangular area shall be 20 feet in length and measured from the point of intersection of the right-of-way lines.

3. Freestanding signs shall be situated on the site and dimensioned so as not to substantially impair or block the visibility of adjacent buildings and/or existing signs.

4. All freestanding signs shall respect the exclusion zone. When a sign is not permitted within the exclusion zone, one additional wall sign may be permitted in accordance with the wall sign regulations.

5. When the presence of an existing freestanding sign on an adjoining property precludes a property from placing a freestanding sign due to exclusion zone provisions, the adjoining property owners and/or business interests may share a single freestanding sign structure in accordance with the provisions of subsection 4.9—Supplementary sign provisions, F—Shared freestanding signs, of this section.

6. Location of monument signs and post and panel signs may be approved by the Planning Commission as part of a Site Development Plan Approval process.

B. Materials and craftsmanship of signs. Signs shall be carefully crafted, durable, and consistent with the quality and permanence of the buildings and sites that they identify. Lettering shall be of a professional quality.

C. Wall sign placement.

1. When wall signs are planned, such signs shall be designed as an integral component of the building facade architectural composition.

2. Wall signs shall be limited in area and number in accordance with the provisions of subsection 4.7—Permitted signs, of this section.

3. Wall signs shall be situated so as not to cover or overlap decorative architectural elements such as cornices, belt courses, and window and doorframe moldings.

4. In cases where only one wall sign is permitted because the lot has one frontage, the business may choose to locate the sign on any exterior wall of the building to afford the best possible visibility for the traveling public.

5. In cases where more than one wall sign is permitted, the city planner or their authorized designee may allow the business to locate the additional wall sign on a different exterior wall of the building to afford the best possible visibility for the traveling public.

D. Sign illumination standards.

1. A sign may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of 750 cd/m2 or Nits, regardless of the method of illumination.

2. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaries that are fully shielded.

3. All illuminated signs must comply with the maximum luminance level of 750 cd/m2 or Nits at least one-half hour before Apparent Sunset. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise.

E. Changeable signs.

1. Changeable signs may be incorporated into a sign face when the changeable component of the sign face occupies less than 70 percent of the total area of that sign face.

2. Changeable sign area shall be integrated into the sign face and shall be enclosed by a border or similar enclosure so as to form one sign panel.

3. Electronic message centers (EMC):

(a) The following EMC display features and functions are permitted: scrolling, fading and dissolving while transitioning between messages.

(b) EMC's shall have a minimum display time of eight seconds. The transition time between message and/or message frames is limited to one second.

(c) The following EMC display features and functions are prohibited: traveling, flashing, spinning, rotating, any other moving effects, and all dynamic frame effects or patterns of illusionary movement or simulated movement.

4.5 Signs permitted in all districts and not requiring permits.

A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, which sign shall not exceed six and one-fourth square feet in residential districts and 32 square feet in all other districts, and shall comply with setback regulations. One such sign shall be permitted for each 200 linear feet of street frontage for the parcel.

B. Signs designating the name and address of the occupants, hours of operation, security notices, and business policy statements, and may not exceed four square feet.

C. Signs denoting the architect, engineer, developer, or contractor placed on premises where construction, repair, or renovation is in progress, which signs shall not exceed 32 square feet in area. No more than two signs of any type are permitted for any one property or building project. Signs shall be 50 feet from other signs on the site, except where it is not physically possible, then the signs shall be as far away from the other sign as much as possible.

D. Directional signs limited in area to no more than five square feet per sign, plus one square foot for each additional tenant. A permit is required for directional signs identifying the entrance or exit of a site if over five square feet in sign area. The sign area for these larger directional signs shall not exceed eight square feet and shall not be over four feet in height.

E. Public signs.

F. Historical and memorial signs.

G. Any sign located in an internal location on a site, campus, or complex and that cannot be seen from any public right-of-way or adjacent property.

H. People wearing costumes of the logo or character associated with the company as long as they are located on the business location.

I. Political signs shall not be over six square feet in sign area in all Residential Zones and Districts and all other zoning districts shall comply with the size regulations in subsection 4.7 Permitted Signs, of this section. All election signs shall be removed no later than seven days after the election.

J. Signs noting a tenant, store, building, etc. is "coming soon", which sign shall not exceed 32 square feet and only one sign is permitted on the site. The sign shall be 50 feet from other signs. The sign shall not be placed on the site for more than six months. After six months the sign shall be removed even if the tenant, store, building, etc. has not opened or been constructed.

K. Portable signs designed to be transported, including, but not limited to, A-frames, sandwich boards, and umbrellas. These types of signs shall not obstruct pedestrian or vehicular access. No more than one sign is permitted per business, and shall not exceed four feet in height.]

L. Signs required by federal or state law or by a municipal authority.

M. Signs carved into a building or raised in integral relief on a building.

N. Flags on flag poles.

O. Public art.

P. "Open" signs for business not to exceed two per business.

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. Vehicle signs, including changeable signs, attached to or painted on vehicles for the sole purpose of being used as signage; or attached to or painted on inoperable vehicles.

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.

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 | Single-Family | All | Signs permitted in § 4.5 only | | | | | | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Uses and Nonresidential Uses in Residential Districts | Detached/ Semi-Detached | Streets | | | | | | | |
| | 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 Manufactured Home Parks | 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 Approved Conditional Uses Educational/Institutional All Other Approved Nonresidential Uses | Urban Principal Arterial | 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 | 10 feet | 20 feet |
| | | | Post** | 1/frontage | 16 S.F. | 7 feet | N/A | 5 feet | 5 feet |
| | | | Pylon* | 1/frontage | 32 S.F. | 30 feet | N/A | 30 feet | 50 feet |
| | | Urban Minor Arterial | 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 | 1/entrance | 32 S.F. | 7 feet | N/A | 5 feet | 20 feet |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | OR | | | | | | |
| | | | Post** | 1/frontage | 16 S.F. | 7 feet | N/A | 5 feet | 10 feet |

* Denotes that an additional wall sign may be permitted/added in lieu of a freestanding pylon sign.

** Post sign would be in lieu of a monument sign or post and panel sign.

4.8 Unified Comprehensive Signage Plan.

A. Purpose statement. Recognizing that large campuses and complexes have signage needs that may not be adequately addressed by traditional sign regulations, this subsection of the ordinance is intended to allow a procedure for approval of a unified comprehensive signage plan for these Unified Campuses and Complexes.

1. Campuses and complexes are required to follow all standard signage requirements, as embodied elsewhere in this section, unless they choose to apply to the planning commission for comprehensive signage plan approval. All such plans must embody a thorough review of all existing signs.

2. Any proposed shopping center or group of three or more principal structures under common management and operation located on one or more contiguous properties is required to submit an application for comprehensive signage plan approval to the planning commission.

3. Any business or institution which has more than 400 linear feet of frontage on a principal arterial may submit an application for comprehensive signage plan approval.

B. Design guidelines for unified comprehensive signage plans.

1. Unified campuses and complexes applying for a unified comprehensive signage plan may not be held to the height, size, number and area regulations for signs found in other subsections of this section. However, the number, type and size of signs proposed may not be excessive, and must be in proportion to the scale of the buildings and the uses on the site.

2. All unified comprehensive signage plans must comply with all design guidelines found in subsection 4.4—Design requirements of this section, as well as all specific design guidelines found in this section.

3. Building signs shall be in harmony with the overall architectural concept for the site, and be compatible with each other and the building facades.

4. The freestanding signs identifying shopping centers and other unified campuses and complexes shall identify the name of the campus or complex and no more than three separate tenants within the campus or complex unless otherwise approved by the planning commission.

5. There shall be architectural harmony and unity of signs within a unified campus or complex. Sign type, color scheme, size, and illumination within the site shall be coordinated and shall be compatible with the architecture of the center and the surrounding area.

C. Planning commission duties. In reviewing and approving comprehensive signage plans, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents, businesses, and property owners of the immediate neighborhood in particular, and shall ensure that unified campuses and complexes have adequate, but not excessive, signage. Specifically, the following objectives shall guide the commission when reviewing such plans:

1. That the size and complexity of the campus or complex warrants the need for extra signage under the provisions of this section;

2. That, in respect to the number and type of entrances, the placement of signage at or near those entrances provides superior visibility in order to ensure the safety of the driving public;

3. That the proposed signs are adequate in number to safely direct the public to the use or uses on the site;

4. The proposed signs must not have an adverse impact on the visibility of adjacent signs, and shall be consistent with, or an improvement over, the prevailing type and style of signage in the general area;

5. That the proposed signs will be of a style and color which will complement the architecture of the site, and the area in general.

D. Submission requirements.

1. A pre-application meeting is required. No application will be accepted without a pre-application meeting.

2. Copies of a sign plan, which details the signage proposal, including relevant application forms, will be due on the regularly scheduled submission deadline for planning commission review. The sign plan shall illustrate the physical location of all existing and proposed signs on the subject property and their relationship to existing and/or proposed buildings on the site. The submission plan shall include color renderings of each proposed sign (drawn to scale), along with architectural elevation drawings of the building depicting the placement of all wall mounted signs existing and proposed.

3. Public notice is required, following the procedures set forth in article 10, section 2.43(C).

4. The application fee as provided for in Appendix F—Fees and Fines, is due at time of application.

E. Amendments to approved comprehensive signage plans. Any new or revised signs to be placed on a property with an approved comprehensive signage plan need not go back to the planning commission for re-approval if the sign area is not increased more than 15 percent, and the proposed signs conform to the overall design concept and colors as approved. The 15 percent increase shall be calculated cumulatively over the life of the project, based upon the originally approved sign area.

4.9 Supplementary sign provisions.

A. Window signs.

1. Three window signs shall be permitted as additional signage on walls fronting on the public right-of-way.

2. Window signs shall not cover more than 50 percent of any window exclusive of window and/or door frame.

3. Windows principally viewed from drive aisles and parking lots and not prominently visible from the public right-of-way shall be exempt from restrictions on the number of signs, and may be approved by the city planner for a window coverage area greater than 50 percent when the business elects to have less window signage than permitted on the windows fronting on, or prominently visible from, the public right-of-way.

4. Window signs shall be permitted on windows on the first floor of a building only.

5. The city planner may waive the provisions of this subsection when it has been demonstrated that the proposed window signs are of a unique or superior quality and style, and are intended to compliment the architectural design of the building, or when the business elects to use less wall signs than permitted for the purpose of complimenting the architectural design of the building. Signs granted this waiver are not exempt from the requirement to obtain a sign permit.

B. Historic district signs.

1. All signs in the historic district must meet the standards laid out in the Design Standards and Guidelines for the City of Dover Historic District Zone. Any and all standards found elsewhere in

this section may be waived as part of the architectural review approval when proposed signs are determined to contribute to or improve the historic context of the building.

C. Gas station signage.

1. Canopy signs.

(a) Canopy sign height shall not exceed 30 feet.

(b) Canopy sign copy shall be directed toward a public street.

(c) Canopy sign area shall be limited to no greater than 20 percent of the area of the canopy face to which the sign is applied.

2. Exempt signs.

(a) State or federal required price per gallon signage shall not count towards overall sign area for the site, unless they exceed 32 square feet in size.

(b) Price per gallon signs not exceeding two square feet, located on the pump itself.

D. Temporary signs.

1. Temporary signs. Temporary signs for special events including inflatable signs with a surface area of less than 100 square feet and not more than 25 feet tall, may be erected on the premises of any establishment conducting a special event, provided that such signs do not exceed a total of two signs with a total of 100 square feet in sign area.. Temporary signage shall be displayed no longer than 90 days per calendar year. For grand openings, the maximum number, sign type, and allowable area may be waived by the city planner. Permits for such signs are required and shall be accompanied by a fee as provided for in Appendix F—Fees and Fines. The city planner may waive the time period, not to exceed an additional 30 days, if they determine that there are extenuating circumstances requiring further time for a temporary sign.

2. Race weekend signs. During any seven-day period prior to the Saturday or Sunday that auto racing is occurring, temporary signs may be erected without a permit and with no restrictions on the number or size of the signs.

3. Inflatable signs. Permits for such signs are required and shall be accompanied by a fee as provided for in Appendix F—Fees and Fines.

(a) Inflatable signs with a surface area equal to or less than 100 square feet and not more than 25 feet tall are permitted in subsection 4.9—Supplementary Sign provisions, D.1., of this section and shall meet the following requirements:

i. The inflatable sign shall be setback from the edge of the right-of-way a minimum of 25 feet.

ii. The inflatable sign shall be securely anchored to the building or ground.

(b) Inflatable signs with a surface area over 100 square feet and not more than 25 feet tall are permitted only during grand opening events, community festivals, and during race weekends in accordance with subsection 4.9 Supplementary Sign provisions, D.1. and D.2., of this section and shall meet the following requirements:

i. The inflatable sign shall be setback from the edge of the right-of-way a minimum of 25 feet.

ii. A plot plan/survey is required showing the placement of the inflatable sign in respect to utility lines and traffic.

iii. The inflatable sign shall be securely anchored to the building or ground.

E. Motor vehicle sales lots. This subsection allows motor vehicle sales lots to compensate for their likelihood to be mistaken for ordinary parking lots unless additional signs or other attention getting devices are placed in the sales area. It has also been demonstrated that these businesses tend to have smaller buildings relative to their land area diminishing their ability to effectively use wall signs.

1. Banners are permitted on motor vehicle sales lots with a permit. Such banners may be permitted at a rate not to exceed one banner for each ten motor vehicle parking/storage spaces on the premises, and any such banner shall not be situated closer than 50 feet of any other banner on the premises. Parking spaces required for employees, customers, and service department uses shall not be counted to calculate the number of banners. The term "banner" does not include pennants, streamers, balloons, or other temporary or permanent signs.

2. Banners shall not exceed a width of three feet.

3. All banners must be securely attached to light standards, poles, or other substantial mounting hardware. Except for temporary signs permitted under the provisions of subsection 4.9—Supplementary sign provisions, D., of this section, all banners must be constructed of a permanent, weather resistant material.

F. Shared freestanding signs.

1. For adjoining nonresidential properties, a freestanding sign structure may be shared among adjoining property owners or businesses solely for the purpose of identification of the adjoining premises or businesses.

2. Where multiple property owners have agreed to share a freestanding sign as referenced in subsection 4.4—Design requirements, of this section, the shared freestanding sign shall be entitled to a combined sign area bonus of not more than 50 percent over the freestanding sign area otherwise permitted for the property on which the shared freestanding sign would be placed.

3. The permit application for a shared freestanding sign shall be accompanied by a binding legal agreement between the multiple adjoining property owners and/or businesses which describes the ownership and maintenance obligations for such shared sign.

G. Single buildings with multiple commercial tenant spaces or facades.

1. Structures, such as shopping centers, which contain multiple commercial tenant spaces, are permitted to have at least one wall sign on each unit. This provision shall only apply to units on the first floor of the structure.

2. When a structure is designed so that there are distinctly different facades or sections of the building along a single frontage, at least one wall sign is permitted on each facade or section of the building.

3. Multi story office buildings with multiple tenants are permitted one wall sign per tenant. Signs shall not be located above the second story.

4.10 Nonconforming signs.

A. Exclusions. Nonconforming signs which are within ten percent of compliance of any height, area or location requirement and which conform to all other provisions of this ordinance [section] shall be considered legal signs for the purposes of these regulations, except as provided in subsection 4.10—Nonconforming signs, B.4, below.

B. Removal or compliance required. Nonconforming signs shall be removed from the premises or otherwise made to comply with these regulations in the following instances:

1. When there is renovation to more than 75 percent of the exterior of the principal building measured in square feet of exterior wall surface area, or expansion of more than 20 percent of the floor area of the principal building measured in square feet of floor area on the premises on which such nonconforming signs are present, except that freestanding signs that are nonconforming as specified shall not be required to conform; however, the degree of non-conformity shall not increase. When, within any given two-year period, individual renovation projects involving less than 75 percent of the building exterior and/or individual building additions involving less than 20 percent of the floor area of the principal building on the premises would in aggregate exceed the 75 percent renovation and/or 20 percent expansion thresholds set forth herein, all such nonconforming signs shall be brought into conformity with these regulations or shall be removed from the premises.

2. Prior to the issuance of any permit for the placement of any additional signage on the property. No new signs of any type shall be added to the property until the nonconforming sign is removed.

3. Nonconforming signs (including all supporting structures and mounting hardware) which have been abandoned shall be removed from the premises or otherwise made to conform within one year from the date of abandonment. Refacing the sign in accordance with other requirements of this section does not absolve an owner from complying with this subsection. In certain instances where it is evident that the reoccupation or reuse of a premises which contains an abandoned nonconforming sign is imminent, the city planner may grant an extension of time within which to reestablish the use of such nonconforming sign.

4. Any nonconforming sign which has been removed from the premises shall be considered discarded, and replacement shall constitute a new sign, and require new permits.

C. Notification and responsibility. It shall be the responsibility of the owner of record of such property to cause the removal of such nonconforming signs in accordance with these provisions. When any of the above-listed conditions exist, the city planner is authorized to issue written notice to the owner of record of such property, stating that such signs shall be removed within two calendar weeks of the date of receipt of the written notice. In cases where signs are determined to be unsafe or present a hazard, the city planner may order their removal in a shorter period of time. Failure to comply with these regulations, after due notice, shall be deemed a violation of this ordinance [section] and is punishable in accordance with the provisions of article 8, section 4 of this ordinance [section]. In addition, in the event that compliance is not achieved within the stated period, the city planner may remove or cause to be removed from the premises any such signs in violation of this section. All expenses incidental to such removal shall be charged to the owner of record of such property and shall constitute a lien upon such property.

4.11 Abandoned and damaged signs.

A. Abandoned. All signs that conform to the current regulations which are deemed abandoned shall either be refaced with a blank or blacked out face or removed totally (including the supporting structure and/or mounting hardware) within 90 days of abandonment. Covering sign copy with tarps, paper, tape, cardboard or other nonpermanent materials is not an acceptable method of refacing.

B. Removal. Any conforming sign, which has been removed from the premises, shall be considered discarded, and replacement shall constitute a new sign, and require new permits.

C. Repair. All signs that are damaged (no longer working, cracked, missing pieces, etc.) shall be repaired within 30 days. A permit is not required as long as the sign will look exactly the same as it did before the sign was damaged. If there are any changes (color, script, etc.) to the sign a new permit will be required.

4.12 Historic or significant signs.

A. Preservation of historic or significant signs. Signs that are at least 50 years old and considered historic or to have cultural/aesthetic significance shall be protected and preserved. If these signs are legally nonconforming they shall maintain their nonconforming status indefinitely. The determination of the historic or cultural/aesthetic significance of the sign shall be determined by the historic district commission.

1. The owner of the premises on which these signs reside shall maintain the signs to ensure they work and are in good condition.

(Ord. of 2-12-2001; Ord. No. 2009-09, 6-22-2009; Ord. No. 2009-19, 10-12-2009; Ord. No. 2012-13, 8-13-2012)

Section 5. - Supplementary regulations applying to group housing zone (RG-3).

[(a)] Number of dwelling units per group. The maximum number of dwelling units per group shall be eight.

[(b)] Distance between building groups. No part of any building group shall be nearer than 30 feet to any other building group and no portion of the front or rear of any building group shall be nearer than 50 feet to any part of another building group. When the planning commission has reduced the side yard requirements through a waiver to eight feet in accordance with the supplementary minimum side yard requirement paragraph [in subsection (c)] of this section, then no part of any building group of four or less units shall be

nearer than 16 feet to any other building group of four or less units and no portion of the front or rear of any building group of four or less units shall be nearer than 50 feet to any part of another building group of four or less units.

[(c)] Supplementary minimum side yard requirements. The minimum side yard of 15 feet for group dwellings of four or less units may be waived to eight feet by the planning commission to allow for the separation of group dwelling buildings into two or more group buildings, provided that the total number of units permitted by the reduction of the minimum side yard requirement does not exceed the number of group dwelling units otherwise allowed within the same space by meeting the 15-foot side yard requirement. Such waiver shall only be granted by the planning commission after a determination that the reduction in side yard width affords a superior design and does not diminish safety.

[(d)] Exception to front yard requirement. In developments where single-family dwellings are proposed adjacent to group dwellings (i.e., duplexes or townhouses), the minimum front yard requirement may be waived by the planning commission to 15 feet, conditioned that driveways are provided with a minimum 20-foot long driveway. Such waiver shall only be granted by the planning commission after a determination that the reduction in front yard width affords a superior design and does not diminish safety.

[(e)] Minimum lot areas for single-family homes. The minimum lot area of the single-family detached dwelling may be waived by the planning commission to 6,000-foot developments where single-family dwellings are intermixed with group dwellings (i.e., duplexes or townhouses). Such waiver shall only be granted by the planning commission after a determination that the reduction in lot area affords a superior design and does not diminish safety.

(Ord. of 1-10-1996)

Section 6. - Supplementary regulations applying to all zones other than single-family residence zones.

6.1 Location of trash receptacles or garbage disposal units. In all zones of the City of Dover (except in residential zones where standard City of Dover 90-gallon trash containers are used), all trash receptacles, garbage disposal units, and bulk recycling bins (excluding publicly operated recycling drop off centers), which shall be referred to collectively as "dumpsters" in this ordinance, are to be situated in order to allow safe and efficient access by trash collection vehicles, and shall be screened from public view. All dumpsters must comply with the following regulations:

6.11 Location and screening required. All dumpsters must be located in approved locations on the lot. Dumpsters may not be placed in designated parking spaces, fire lanes, or access ways. Outside storage of trash, cardboard, or shipping pallets is prohibited. A dumpster enclosure is required to screen the dumpster from view whenever these units are situated so that they will be visible from any public right-of-way or from an adjacent property.

6.12 Minimum dumpster pads required. All sites must have provisions for the minimum amount of dumpster pads based on the following table. A dumpster pad shall be provided for each dumpster present on the site. A concrete surface shall be provided to place each dumpster on (unless the pad is reserved for future use). The minimum dimensions for a dumpster pad are 12 feet deep and 12 feet wide. Uses not specified in the table must have dumpster capacity adequate for their needs.

| Use | Dumpster Pads Required |
|---|---|
| Restaurant | Two required for the first 3,000 square feet of gross building area; one required for each additional 3,000 square feet of gross building area or fraction thereof |
| Shopping center (excluding | Two required for the first three stores; one required for each store |

| | |
|---|---|
| supermarkets or anchor tenants) | thereafter |
| Supermarkets & anchor tenants in shopping centers | Two required in addition to requirements for shopping center |
| Office & retail less than 50,000 square feet | One required for the first 8,000 square feet of gross floor area; one required for each additional 16,000 square feet of gross floor area or fraction thereof |
| Office & retail greater than 50,000 square feet | Two required for the first 50,000 square feet of gross floor area; one required for each additional 24,000 square feet of gross floor area or fraction thereof |
| Industrial, warehousing & institutional | One required for the first 40,000 square feet of gross building area; one required for each additional 40,000 square feet of gross building area or fraction thereof |
| Apartment complex | One required for the first 24 apartments; one required for each additional 24 apartments or fraction thereof |

6.13 Selection of trash service. Applicants for site plan or conditional use approval shall specify the proposed method of trash collection (side load or front load) at [the] time of application. A change in the method of collection may require an alteration of the site plan, subject to approval of the city planner or the planning commission.

6.14 Maneuvering space. Adequate off-street truck maneuvering space shall be provided on-lot and not within any public street right-of-way or other public lands. Internal site circulation lanes are to be designed with adequate turning radii to accommodate the size and efficient maneuvering of trash collection vehicles.

6.15 Minimum dimensions for dumpster enclosures. All dumpster enclosures must be adequate to screen dumpsters from public view. Enclosures for private collection must have interior dimensions of no less than ten feet in width, ten feet in depth, and seven feet of height. The height of enclosures for City of Dover collection may be no less than five feet high.

6.16 Enclosure construction. All dumpster enclosures shall be constructed of durable materials that will withstand the normal use and wear expected in trash removal operations. The appearance of the dumpster enclosures shall complement the architecture of the principal building on the lot, and be constructed with the same or similar exterior materials.

6.17 Gates. Gates are required whenever a dumpster, in its enclosure, will be visible from a public right-of-way. Gates must be designed to swing back behind the front of the enclosure and lock in the open position. If City of Dover trash service is provided, it is the responsibility of the property owner or occupant to open and securely lock back the gates to allow for trash pick up. The gates may be opened 12 hours prior to pick up, and must be closed within 12 hours after pick up.

6.18 Dumpster pads reserved for future use. In the event that an establishment is required by this ordinance to have more dumpster pads than they currently need, the additional pad(s) may be reserved on the site for future use. All dumpster pads must meet the minimum design requirements and criteria found in

this ordinance. The city planner may require that the owner of record construct the dumpster pad and enclosure on this reserved location or locations upon determining that there is a need for the additional enclosure.

6.2 Unit location to be approved by planning commission and city manager. The location of the units on the property and the type of screening necessary shall be approved by the planning commission of the City of Dover in accordance with the site development approval of the property and the same shall be approved by the city manager concerning the desirability of the location for [the] facility in collection of trash.

6.3 Location and screening approval required. It shall be unlawful for any person to maintain a unit on his property unless the location and screening of the same has been approved by the planning commission and the city manager as stated in [sub]sections 6.1 and 6.2.

6.4 Access drives. In areas under the joint or overlapping jurisdiction of the Delaware Department of Transportation and the City of Dover, the regulations of the Delaware Department of Transportation relating to ingress and egress drives shall apply.

(Ord. of 9-13-1999)

Section 7. - Supplementary regulations applying to all non-residential zones.

7.1 Lighting. Lighting of commercial uses shall provide no less than 1½ footcandles at grade. Light shall be deflected away from adjacent residential areas and shall not be distracting to traffic on adjacent roads.

7.2 Buffering. Visual and sound screening shall be provided on a non-residential use when abutting a residential use. Screening shall consist of an opaque barrier at least six feet in height, accompanied by landscaping.

7.21 Opaque barrier options. The requirement for the opaque barrier may be met by choosing one of the following:

a) An opaque wooden fence.

b) A wall constructed of masonry materials, either stucco, brick, split-faced block, or decorative concrete. If the principal structure on the lot is of masonry construction, the wall shall match the exterior of the building.

c) An earthen berm (3:1 slope maximum).

d) An earthen berm (3:1 slope maximum) and either an opaque wooden fence or a wall constructed of masonry materials, either stucco, brick, split-faced block, or decorative concrete. The total height of the buffer may be no less than six feet high.

7.22 Landscaping options. The required opaque barrier must be accompanied by one of the following:

a) A durable and continuous evergreen planted screen, six feet in height at [the] time of planting, located on the residence side of the barrier. In the case of an earthen berm, the evergreen screen may be on the top of the berm.

b) A hedge that will grow to a height of at least six feet at maturity, planted on the residence side of the barrier. The hedge shall be interspersed with evergreen trees at least six feet high at [the] time of planting. The hedge shall be at least four feet high at [the] time of planting.

7.23 Parking lots. Whenever a parking lot is located across the street from a residential use, it shall be screened from view of such land by a thick hedge located along a line drawn parallel to the street and a distance of 20 feet therefrom, such hedge to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street. A fence five feet high may be required while such hedge is growing to a suitable thickness.

7.24 Planning commission waiver. The planning commission may waive the requirement for the opaque barrier (wood fence, masonry wall, or earthen berm) and require only a durable and continuous evergreen

screen in cases where noise is not a concern and the vegetation alone is considered a desirable aesthetic alternative.

7.3 Buffers along arterial streets. Where nonresidential zoned property fronts on an arterial street, as designated by the comprehensive plan, a landscape buffer shall be required in addition to normal landscaping of the street right-of-way in all non-residential zones. These buffer areas shall be a minimum of 30 feet in depth, measured from the right-of-way line of the arterial street, and shall, at the time of development of the property, be planted with a variety of trees, shrubs and ground cover so as to create a distinctive and consistent visual character of the arterial street. The landscape design and planting plan for these arterial street buffer areas shall be subject to the approval of the planning commission as an integral part of the site development plan. When it can be demonstrated to the satisfaction of the planning commission through the plan review process that, due to specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties, that compliance with this [sub]section would severely limit the development potential of the property or would cause the property to be out of character with the surrounding built environment, the planning commission may approve a lesser amount of buffering, provided that the basic objective of establishing landscaped green space along arterial roadways is achieved.

7.4 Outdoor storage trailers. Storage trailers accessory to an approved use shall be prohibited on a site, except when meeting the following conditions:

1. The total floor area of storage trailers shall be less than two percent of the gross floor area of the principal building.
2. All storage trailers shall be placed in accordance with all zoning regulations regarding permanent structures, including setbacks, parking, and other bulk regulations.
3. All such trailers shall be screened from public streets, and shall not be located between the principal building and the public road right-of-way.
4. Trailers placed during approved construction phases or those used as collection facilities for non-profit, governmental or philanthropic organizations shall not be calculated into floor area totals used to determine parking requirements, but must conform to setbacks and all other bulk regulations.
5. Storage trailers accessory to an approved use are to be temporary features on a site. No such trailer shall be in place for more than 18 months, except for those trailers to be used during construction or those used as collection facilities for non-profit, governmental or philanthropic organizations.

7.5 Fences. Fences or walls shall be limited to a maximum height of four feet above the ground when situated within front yard areas, and shall be limited to a maximum height of eight feet above the ground when situated within side and rear yard areas. Fences situated on corner lots shall be subject to the provisions of article 5, section 1.3. For the purposes of this provision, on lots with dual street frontage that are not corner lots, a fence situated to the rear of the principal structure shall be limited to a maximum height of eight feet above ground. Fences or walls with a height in excess of eight feet above the ground shall conform to the setback requirements for dwelling buildings as set forth in article 4 of this Appendix. Fence material commonly referred to as "barbed wire" and/or "razor wire," or any similar material shall be prohibited along property lines which adjoin residential zones.

(Ord. of 3-24-1986; Ord. of 12-14-1992; Ord. of 4-25-1994; Ord. of 9-13-1999; Ord. of 5-22-2000; Ord. No. 2011-26, 12-12-2011)

Section 8. - Performance standards.

8.1 Dangerous and objectionable elements. No land or building in any zone shall be used or occupied in any manner so as to cause any one or more of the following conditions to exist and to be dangerous, injurious, noxious or offensive beyond the boundaries of such premises in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises: Fire, explosive or other hazard; noise, or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness or electromagnetic disturbance; glare, liquid or solid refuse or waste; traffic congestion causing roadways or intersections in the surrounding highway network to fall below acceptable levels of comfort and convenience;

or other substance, condition or element (referred to hereinafter as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.

8.2 Uses requiring performance standards review procedure. Those uses in the C-3, IPM and M zones and uses accessory thereto, which are specified as being subject to performance standards 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.

8.3 Enforcement provisions applicable to other uses. Even though compliance with the performance standards procedure in obtaining a site plan approval is not required for some proposed uses, initial and continuing compliance with the performance standards themselves is required of every use, and provisions for enforcement to ensure continued compliance with the performance standards shall be invoked by the city planner against the property owner, tenant, or other responsible party if there are reasonable grounds to believe that performance standards are being violated by a particular activity or use.

8.4 Nonconforming uses. Certain uses established before the effective date of this ordinance and nonconforming as to performance standards shall be given a reasonable time in which to conform therewith, as provided in article 7, section 1.53.

8.5 Performance standards regulations. Where the following regulations overlap regulations of the Delaware Department of Natural Resources and Environmental Control or other state or local agencies, the more restrictive regulations shall apply in case of a conflict:

8.51 Fire and explosion hazards. All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of the state and local laws and regulations shall also apply.

8.52 Radioactivity or electromagnetic disturbance. No activities shall be permitted which emit dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

8.53 Noise. The maximum sound pressure level radiated by any use or facility (other than transportation facilities) 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 [sic] 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<br>Manufacturing M zone | 10 |
| 6. | Property is located in industrial park manufacturing zone IPM | | 10 |

*Apply one of these corrections only.

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

8.55 Smoke. No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by

McGraw-Hill Publishing Company, Inc., and copyrighted 1954 (being a direct facsimile reduction of the standard Ringlemann chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 2 on said chart may be emitted for four minutes in any 30 minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color, but with an apparently equivalent opacity. Any emission shall be in conformance with air pollution regulations of the Delaware Department of Natural Resources and Environmental Control.

8.56 Odors. No emission shall be permitted of odorous gases or other offensive odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any offensive odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, Odor Thresholds, in chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Association, Inc., Washington D.C., and said manual and/or table as subsequently amended.

8.57 Fly ash, dust, fumes, vapors, gases, and other forms of air pollution. No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling, at any point, and/or which does not conform to air pollution regulations of the Delaware Department of Natural Resources and Environmental Control, and, in no event, any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grain per cu. ft. of the conveying gas resulting from combustion. Standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air.

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.

8.59 Liquid or solid wastes. No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, except in accord with standards approved by the Delaware Department of Natural Resources and Environmental Control, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.

8.60 Traffic congestion. When, in the surrounding highway network, operating conditions are at or near the design capacity level beyond which would result in functional failure of the surrounding highway network. All speeds are reduced to a low, but relatively uniform value. Freedom to maneuver within the traffic stream is extremely difficult, and it is generally accomplished by forcing a vehicle or pedestrian to "give way" to accommodate such maneuvers. Comfort and convenience levels are extremely poor, and driver or pedestrian frustration is generally high. Operations at this level are usually unstable, because small increases in flow or minor perturbations within the traffic stream will cause functional failures beyond acceptable levels. (The conditions described in this [sub]section are also used to describe "level of service E" as defined by the highway capacity manual developed by the transportation research board, dated 1985.)

8.6 Performance standard procedure.

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 building inspector 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 objectional 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.

8.62 Report by expert consultants. The planning commission, if there is any reasonable doubt as to the likelihood of conformance, shall refer the application for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified herein. Such consultant or consultants shall make such report within 30 days after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.

8.63 Decision of the planning commission. At the next regular meeting of the planning commission, but in no event more than 30 days after the board has received the aforesaid report, or within such further period as agreed to by the applicant, the board shall decide whether the proposed use will conform to the applicable performance standards and, on such basis, shall authorize or refuse to authorize the issuance of a building permit or certificate of occupancy, or require a modification of the proposed plan of construction. Such decision of the commission shall be in the form of a written report. Any building permit or certificate of occupancy so authorized and issued shall be conditioned on, among other things:

(i) The applicant's completed buildings and installations in operation conforming to the applicable performance standards, and

(ii) The applicant's paying the fees for services of the expert consultant or consultants deemed reasonable and necessary by the planning commission for advice as to whether or not the applicant's completed buildings and installations will, in operation, conform to the applicable performance standards.

(Ord. of 4-25-1994; Ord. of 4-28-2008(2))

## Section 9. - Development in stages.

Preliminary or final site plan approval may be granted in stages if the following criteria are met:

9.1 The development schedule must be approved by the planning commission.

9.2 Each stage submitted for site plan approval shall include not less than 20 percent of the total number of dwelling units for a residential development, or 20 percent of the total floor area, for a nonresidential development, which are proposed in the overall development plan.

9.3 The landscaping for each stage shall be 70 percent complete before final site plan approval is granted for the next stage.

9.4 In residential developments, the establishment of the common open space as detailed in the development plan must proceed concurrently with construction of the dwelling units, and must be completed no later than six months after the construction of all dwelling units.

9.5 In residential developments, the gross residential density for each stage, in addition to all preceding stages, may not exceed the approved gross density for the total development by more than 20 percent.

## Section 10. - Open space, recreation and other public facilities.

The City of Dover shall require the reservation of open space, recreation and other public facilities in accordance with the provisions of this section as a condition of approval for all one-family dwelling, two-family dwelling and multiple-family dwelling residential developments requiring conditional use approval, site development plan approval, or land subdivision approval by the City of Dover Planning Commission.

10.1 Recreation areas.

10.11 Purpose. The purpose of this section is to ensure that active recreation areas are provided as an integral design element within residential developments and that such facilities are of an adequate scale in relation to the size of the residential development and which provide residents with a variety of active recreational pursuits.

10.12 Dedication required. The commission shall require the dedication or reservation of recreation areas, and the subsequent construction of recreation facilities of a character, extent and location suitable to the needs created by a development for recreation facilities as defined and in accordance with the design guidelines set forth.

10.13 Definition. The following are illustrative of the types of recreation areas and subsequent facilities that shall be deemed to serve active recreational needs and therefore to count toward satisfaction of the recreation area requirements of this section: tennis courts, handball courts, racquetball courts, swimming pools, saunas and exercise rooms, meeting or activity rooms within clubhouses, baseball and soccer fields, basketball courts, volleyball courts, swings, slides and play apparatus, and developed walking, jogging or biking trails.

10.14 Recreation area review.

10.141 Presubmission conference. Prior to the submission of a development plan, the applicant or his representative shall meet in person with the city manager or his appointee and the city planner to receive early advice and consultation on the proposed development and the proposed recreation facilities, including the size, type and layout.

10.142 Review with parks, recreation, and community enhancement committee. Upon receipt of the submitted development plan, the city manager or his appointee shall consult with the city council parks, recreation, and community enhancement committee.

10.143 Report to planning commission. Upon consultation with the committee, the city manager or his designee shall submit to the planning commission, through the development advisory committee, a report detailing the recommendations as to the active recreation facilities to be recommended and their location, related parking areas, and proposed landscaping.

10.15 Design guidelines.

10.151 Accessible. Recreation areas shall be accessible within the development and arranged in a manner which affords reasonable access to all residents within the development. When warranted, recreation areas can be dispersed throughout the development, provided that each remote location is accessible.

10.152 Pedestrian oriented. Recreation areas shall be pedestrian oriented and designed with linkages to existing and planned public walkways and with other existing or planned recreation areas.

10.153 Age oriented. The nature and scope of planned recreation areas shall reflect an awareness of, and sensitivity toward, the anticipated age groups that would reside within the proposed development.

10.154 Parking. Designs consider the need for parking facilities associated with recreation areas.

10.155 Walking, jogging and biking trails. Recreation trails shall only be counted toward the recreation area requirement when constructed as an accessory to central recreation facilities. The developed trail shall be the only area counted toward the area requirement.

10.156 Setbacks. No structure, equipment or game court surface required under this section shall be located nearer than 30 feet to any lot line of a lot to be used for residential purposes, nor nearer than 25 feet from any right-of-way line.

10.157 Landscaping. Such uses shall be landscaped in accordance with provisions of article 5, section 15, and where warranted, visual screening of parking areas, game courts, playground areas and other features as necessary to preserve and protect the interests of adjoining residential properties may be required.

10.158 Area. The minimum area of a remote recreation area shall be 2,000 square feet.

10.16 Area required. All residential developments shall provide recreational areas in a size equal to 275 square feet per dwelling unit or one-half acre of land, whichever is greater. In no case shall the commission require that more than ten percent of the gross area of the development be so dedicated or reserved when the gross area is greater than five acres.

10.17 Cash in lieu of recreation area construction.

10.171 Determination of suitability for cash donation. If the commission determines that the construction of recreation is not practical due to close proximity to existing available recreation facilities or infeasible due to natural characteristics of the land or will not benefit the residents of the development, the commission shall require a full or partial cash in lieu of areas of donation to be made by the developer in lieu of a full or partial dedication of land.

10.172 Separate recreation account. The cash donation shall be deposited in a separate account to be used for parks, playgrounds or recreational purposes.

10.173 Amount of cash donation. The cash donation shall be equivalent to the appraised value of land area required in section 10.16. The land area value shall be based on the appraisal prepared for the developer to secure construction financing. This submitted appraisal shall be a copy of the original supplied to the lending institution, with that institution identified, and shall conform in all ways to the Uniform Standards of Professional Appraisal practice and be performed by an appropriately qualified certified appraiser. If an appraisal prepared for construction financing is not available, then the developer shall have an appraisal done in accordance with the procedures set forth in [sub]section 10.174.

10.174 Appeal of appraised value. If the city does not accept the land value established by the appraisal detailed in [sub]section 10.173, the city may, at the developer's expense, require another appraisal be performed. This appraisal will be let on a bid basis between at least three appropriately qualified, certified appraisers selected by the city. The appraiser(s) who prepared the original appraisal in [sub]section 10.173 cannot be a party to this appeal appraisal.

10.175 Payment of cash donation. One hundred percent cash donation provided under this section shall be collected prior to issuing the first building permit for the development.

10.2 Open space.

10.21 Purpose. The purpose of this [sub]section [10.2] is to preserve areas of open space within residential developments which are designed to provide buffer spaces between developing areas, to preserve existing natural and historic features and to establish a network of open spaces within the built environment to provide a balance between developed and undeveloped lands, wildlife habitat conservation, the preservation of scenic view corridors, and to provide residents opportunities to engage in passive recreation activities.

10.22 Dedication required. The commission shall require the dedication of open space for the purpose of buffering, landscaping and preservation of natural features which add value to the residential development and to the surrounding community.

10.23 Definition. Open space shall include land or an area of water, or combination of land and water, within a development site, and designed and available for the use and enjoyment of residents of the development, not including off-street parking, areas set aside for public facilities and rights-of-way, and areas to be preserved as wetlands as required. The following are illustrative of the types of open space areas that shall be deemed to serve buffering and preservation of natural features to count toward satisfaction of the open space requirements of this [sub]section [10.2]: mature forests and groves, hedge rows, water courses, historic landmarks and resources, landscaped buffers and berming designed to promote privacy, open landscaped areas suitable for being used and enjoyed for purposes of informal and unstructured recreation and relaxation, stormwater detention ponds when suitably designed to emulate natural features by incorporating irregular shapes, gradual slopes (no greater than

1:4) and appropriate landscape plantings, and irreplaceable environmental assets with values that have been adequately documented.

10.24 Design guidelines.

10.241 Width. Land areas shall be at least 20 feet in width.

10.242 Clearing. Selective clearing of natural vegetation may be permitted to form trails and clearings within woodland areas in accordance with the provisions of article 5, section 16 (tree planting and preservation).

10.243 Linked. Open spaces shall attempt to be contiguous and designed with linkages to existing and planned public walkways and with other existing or planned recreation areas.

10.25 Area required. In no case shall the commission require that more than five percent of the gross area of the development be so dedicated or reserved.

10.3 Public facilities.

10.31 Purpose. The purpose of this [sub]section [10.3] is to afford the city the opportunity to reserve lands within developing areas which represent important and strategic locations for the distribution of essential public goods and services.

10.32 Dedication optional. Where public facilities are shown or proposed in the city comprehensive plan, or in any other plan or study accepted by the city council or other public body, and are located in whole or in part in a proposed subdivision or site plan, the commission may require the dedication or reservation of the area required in lieu of the requirements of [sub]section 10.1.

10.33 Definition. The following are illustrative of the types of public facilities that may be considered for reservation or dedication by this [sub]section [10.3]: schools, utility service lines, future road rights-of-way (other than those planned to serve the proposed development), public buildings, parks, public trails, and recreation facilities.

10.34 Area required. In no case shall the commission require that more than five percent of the gross area of the development be dedicated for the public facility. Area dedications shall only be allowed when the facility is to be dedicated to the City of Dover for facilities to be operated by the city.

10.35 Reservation. Any areas required by any other public bodies or any remaining areas beyond the five percent dedicated to the city under [sub]section 10.34 may be set aside by the commission for a period of one year to allow the proper authority the opportunity to purchase the area. Upon failure of the proper authorities to purchase such site within one year after the date of the final approval of the project, the developer, upon application, shall be relieved of the responsibility of reserving such land for public purposes.

10.4 Management and maintenance of common open space and recreational areas.

10.41 Management and maintenance required. There shall be provisions which ensure that the common open space land and all public facilities not dedicated to the City of Dover shall continue as such and be properly maintained. These provisions shall be in a form acceptable to the City of Dover. The developer shall either (a) retain ownership and responsibility for maintenance of such open land; or (b) provide for and establish one or more organizations for the ownership and maintenance of all common open space. In the case of (b) above, each organization shall be a nonprofit homeowners' corporation, unless the developer demonstrates that a community open space trust is a more appropriate form of organization.

10.42 Homeowners' association requirements. If a homeowners' association or open space trust is formed, it shall be governed according to the following:

10.421 Membership mandatory. Membership in the organization is mandatory for all purchasers of homes therein and their successors. The members of the organization shall share equitably the costs of maintaining and developing common open space and recreation areas, in accordance with procedures established by them.

10.422 Responsibilities. The organization shall be responsible for maintenance, insurance and taxes on common open space, recreation facilities and open public facilities, including but not limited to roads, gutters, sidewalks, curbs, drainage systems, water distribution systems and sewer facilities not dedicated to the City of Dover.

10.5 Exemption to recreation area and open space dedication.

10.51 Exemptions for small developments.

10.511 Residential developments with less than five acres of land and less than ten dwelling units. These developments shall be exempt from the land requirements set forth in [sub]sections 10.1 and 10.2, but shall require a full cash donation to be made by the developer in lieu of a dedication of land.

10.512 Residential developments with less than five acres of land and less than 20 dwelling units. These developments may be exempt from the one-half acre minimum requirement for recreation areas, but may be required to provide a lesser amount as recommended by the parks, recreation, and community enhancement committee. The commission shall require a full or partial donation in lieu of a full or partial dedication of land.

10.513 Residential phases. Phases or sections within developments that are commonly owned or commonly proposed for development shall not be considered as individual residential developments qualified for exemptions under this [sub]section [10.51].

10.514 Residential developments of ten (10) or fewer acres with a density over six units per acre. These developments shall be exempt from the area requirements set forth in section 10.16, but shall be required to provide 150 square feet of active recreation area per dwelling unit or 10,000 square feet of active recreation area, whichever is greater. If the commission determines that the construction of some or all of the required active recreation area is not practical or desirable, the commission shall require a cash in lieu donation for the active recreation area determined as not practical or desirable. Cash-in-lieu amount shall be in accordance with subsection 10.173 of this article.

10.515 Residential developments located within the Downtown Redevelopment Target Area as defined in Appendix C. These developments shall be exempt from the area requirements set forth in section 10.16, but shall be required to provide 75 square feet of active recreation area per dwelling unit with a minimum of 2,500 square feet provided on site. If the commission determines that the construction of the entirety of the required active recreation area is not practical or desirable, the commission shall require a cash in lieu donation for the active recreation area determined as not practical or desirable. Cash in lieu shall be calculated in accordance with subsection 10.173 of this article.

10.52 Amount of cash donation. This cash donation shall be equivalent to ten percent of the appraised value of gross land area. The land area value shall be based on the appraisal prepared for the developer to secure construction financing. This submitted appraisal shall be a copy of the original supplied to the lending institution, with that institution identified, and shall conform in all ways to the Uniform Standard of Professional Appraisal practice and be performed by an appropriately qualified certified appraiser. If an appraisal prepared for construction financing is not available, then the developer shall have an appraisal done in accordance with the procedures set forth in [sub]section 10.174.

10.53 Separate recreation account. The cash donation shall be deposited in a separate account to be used for parks, playgrounds or recreational purposes.

10.54 Appeal of appraised value. If the city does not accept the land value established by the appraisal detailed in [sub]section 10.52, the city may, at the developer's expense, require another appraisal be performed. This appraisal will be let on a bid basis between at least three qualified, certified and licensed appraisers selected by the city. The appraiser(s) who prepared the original appraisal in [sub]section 10.52 cannot be a party to this appeal appraisal.

10.55 Payment of cash donation. One hundred percent cash donation provided under this [sub]section [10.5] shall be collected prior to issuing the first building permit for the development.

10.6 Construction phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that 100 percent of the recreation and open space areas shall be completed prior to issuing building permits for the final 20 percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

10.7 Council approval. Prior to acceptance by the planning commission, all areas planned for public dedication, or cash donations provided under this section must be submitted to, and approved by the parks, recreation, and community enhancement committee of the City of Dover, and shall be subject to final review and approval by [the] city council.

(Ord. of 3-13-1995; Ord. of 1-12-2009)

Section 11. - Environmental protection.

11.1 Purpose. The purpose of this section is to protect public health and safety by ensuring that environmental standards for water, air, and soil in the City of Dover adequately address current practices in the realm of environmental protection. Further, it is the intent of this section to protect environmentally sensitive land as well as the plants and animals that reside on that land.

11.2 Environmentally sensitive areas and scarce resources. All land areas which contain one of the following natural features or combination of these features shall be considered to be an environmentally sensitive area or an area of scarce resources subject to specific requirements for environmental protection and conservation: flood hazard areas, steep slopes, water bodies and wetlands, wet soils, woodlands, significant wildlife habitats, prime agricultural soils, designated scenic areas, and natural areas and nature preserves identified in the comprehensive plan.

11.21 Flood hazard areas. All flood hazard areas shall remain as natural open space, except for the construction of roads authorized by the City of Dover and/or the Delaware Department of Transportation.

a) For the purposes of this section, natural open space is defined as an area of land that excludes buildings, structures, and impervious surface from being constructed on or located within the area. For evaluating flood hazard areas, patios, cement slabs, sidewalks, and other similar constructs are considered to be structures and are similarly prohibited.

11.211 Redevelopment. Existing uses or buildings located within a flood hazard area are considered to be nonconforming structures and are subject to the following requirements if redevelopment occurs on properties within the flood hazard area.

a) Nonresidential uses existing in a flood hazard area seeking to redevelop a property under the requirements of Article 10 are required to reduce impervious surfaces for the lot by 15 percent from the preredevelopment conditions.

b) For nonresidential uses where less than 33 percent of the total lot area is located within a flood hazard area, the planning commission may waive or reduce the amount of required reduction in impervious surfaces. For projects being reviewed under administrative site plan review, the city planner may waive or reduce the amount of required reduction in impervious surface for projects where less than 33 percent of the total lot area is located within a flood hazard area.

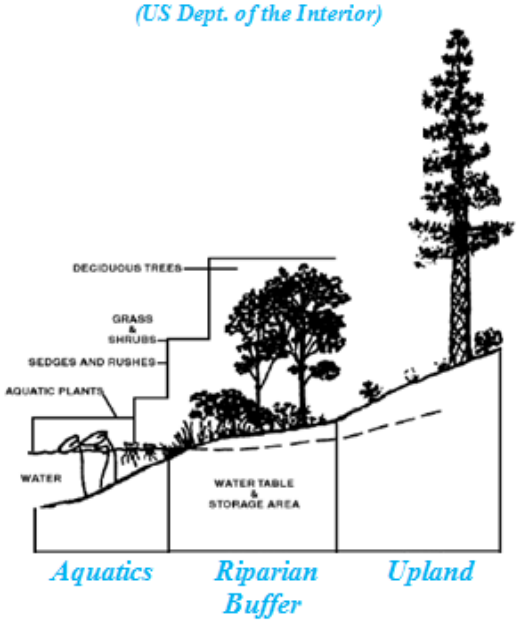
c) New residential building construction or additions of impervious surface are not permitted in pervious areas of the flood hazard area.

11.22 Water bodies and wetlands. Water bodies and wetlands shall be left as permanent open space. No development, filling, piping or diverting shall be permitted, except for required roads, to be approved by the United States Army Corps of Engineers and/or the Delaware Department of Natural Resources and Environmental Control. Within these same areas, the clearing or removal of natural ground cover or vegetation, including the cultivation of the soil for agricultural purposes, is prohibited.

11.221 [Water bodies identified.] For the purposes of this section, the following, as depicted on the most recent USGS Topographic Maps, shall be defined as water bodies: Cahoon Branch, Dover Run, Fork Branch, Little River, Maidstone Branch, McKee Run, Morgan Branch, Muddy Branch, Puncheon Run, Silver Lake, and St. Jones River.

11.222 Setbacks. All buildings, structures, and impervious surfaces shall be set back at least 100 feet from the top of bank from wetland areas greater than 0.25 acres in size and from all water bodies. Patios, cement slabs, sidewalks, and other similar constructs are considered to be impervious surfaces. Within this 100-foot setback, vegetative ground cover is required. This setback may be reduced under the conditions set forth as follows:

*Figure 11-1*
*(US Dept. of the Interior)*




a) [Riparian buffer.] The setback may be reduced to 50 feet from the top of bank provided that a riparian buffer is established in the setback, consisting of native vegetation. (See figure 11-1)

b) [Bank stabilization.] The setback may be reduced to 30 feet from the top of bank provided that a riparian buffer is established in the setback, consisting of native vegetation and provided that bank stabilization is implemented through the planting of native species. (See figure 11-1)

c) [Single-family residential uses.] Single-family residential uses may reduce the setback requirement to 75 feet of the top of bank.

d) Removal of buffer plantings without approval. The removal of native vegetation or plantings required for the purposes of riparian buffers for any purpose whatsoever, except the establishment of pathways (not greater than eight feet in width), shall be prohibited unless approved by the planning commission through the site plan, conditional use, or subdivision review process.

e) [Replacement plantings.] Plantings in a riparian buffer that are removed without permission must be replaced with similar plantings within 30 days of removal. The City Planner may extend this time frame where and if weather conditions necessitate a delay.

f) Exceptions to the setback requirements. Stairs, ramps, open decks, patios, fences, and docks necessary for access to natural features with a combined total of 200 square feet in size are exempt from the setback restrictions. Paved trails and sidewalks of up to six feet in width or less are exempt from the setback restrictions as defined in this section.

11.23 Wet soils. No construction shall be permitted where the seasonally high water table is within two and one-half feet of the surface unless crawl space, piles or slab on grade with provisions to prevent water seepage will be used to prevent water damage to the building. The proposed construction techniques must be approved by the building inspector in accordance with City of Dover Building Code and must meet or exceed the standards of the Federal Housing Administration.

No basements or cellars shall be permitted to be constructed below the seasonal high water table, unless special measures are taken to prevent water damage to the building. Such measures must be approved by the building inspector in accordance with City of Dover Building Code and must meet or exceed the standards of the Federal Housing Administration.

11.231 Requirements for development applications. Site development applications appearing before the planning commission must include either a wetland delineation prepared by a licensed/registered soil scientist, wetlands scientist, or professional engineer in accordance with U.S. Army Corps of Engineers standards; or provide a statement from the design professional that no wetlands are present on the site.

11.232 Requirements for major subdivision applications. Subdivision plans must identify the seasonal high water table on each lot if basements are proposed for those lots. A licensed Class D Soil Scientist is required to determine the seasonal high water table and this information must be displayed on the subdivision plat. This information must also be present in the deed and plot plan for each property. Basements may be prohibited where severe groundwater conditions exist.

a) A lot specific study may be substituted for the recorded seasonal high water table as per the subdivision plan.

11.24 Significant wildlife habitat. Natural features that constitute significant wildlife habitats are considered to be environmentally sensitive features and a scarce resource deserving of protection. The natural features that typically provide significant wildlife habitat include wetlands and marsh areas that provide nesting and breeding grounds for waterfowl and support a wide variety of aquatic life; wooded areas in general, but most especially the edges of the wooded areas adjacent to open fields and along stream corridors; freshwater marsh and wetland areas, old fields and hedgerows; and natural areas of grasses and shrubs along the edges of open fields, drainage channels and wetlands. Applications for subdivision plan and site development plan approval shall include the identification of all areas and features which constitute significant wildlife habitat as part of the documentation of existing site conditions. The protection and preservation of wildlife habitat shall be considered by the planning commission in development review.

11.25 Scenic resources. Scenic resources shall consist of the following: mature woodlands and most especially the edges of wooded areas adjacent to open fields, wetlands or urbanized areas; other areas of mature natural vegetation such as marsh grasses; the historic district and areas listed on the National Register of Historic Places ; and freestanding historic buildings and sites and other buildings or districts of the city exhibiting particular architectural or visual merit buildings and places of special public or cultural significance, and significant views and view corridors to buildings or places of architectural, visual, public or cultural value and to attractive natural areas. Application for subdivision plan or site development plan approval shall include, as a part of the documentation of existing site conditions, the presence of and location of all scenic resources. The preservation and enhancement of the scenic resources potentially affected by the proposed development shall be considered by the planning commission in development review.

11.251 Silver Lake. All Site Plan, Conditional Use Site Plan, or Subdivision applications for parcels where any boundary of the parcel is abutting Silver Lake are required to go before the Silver Lake

commission prior to appearing before the planning commission. The Silver Lake commission shall provide advisory comments for the planning commission on such applications.

11.26 Combinations of environmentally sensitive features and scarce resources. Wherever more than one environmentally sensitive feature or scarce resource is present on a site in combination, special care shall be taken in both the documentation of existing conditions on a site being considered for development and in the planning commission's review of a specific subdivision plan or site development plan application.

In general, the use of available development options such as planned neighborhood design and traditional neighborhood design is strongly encouraged to take advantage of the design and the planning feasibility in new development projects afforded by these options to preserve and protect environmentally sensitive features and the natural processes associated with these features to the maximum extent possible.

11.3 Stormwater management. All development must be designed, constructed, and maintained in accordance with State of Delaware Sediment and Stormwater regulations. The planning commission may require stormwater management in excess of the minimum regulations in areas with documented drainage problems upon concurrence with the Kent Conservation District, State of Delaware, or the City Engineer.

(Ord. of 3-24-1986; Ord. of 7-13-1992; Ord. of 6-13-1994; Ord. of 1-10-1996; Ord. No. 2010-25, 11-8-2010)

Section 12. - Reserved.

**Editor's note—** An ordinance adopted June 10, 1996, repealed § 12 of art. 5, app. B, in its entirety. Formerly, said section pertained to density bonus and derived unchanged from a zoning ordinance adopted April 21, 1975.

Section 13. - Adult entertainment establishment.

An adult entertainment establishment is permitted as a conditional use in the highway commercial zone (C-4) only and in no other zone and is subject to the following restrictions:

13.1 The building lot line upon which an adult entertainment establishment is to be located shall be at least 500 feet from any residential zone.

13.2 The lot line of the lot upon which an adult entertainment establishment is to be located shall be at least 1,500 feet from the lot line of any other adult entertainment establishment.

13.3 An application for a certificate of occupancy shall be accompanied by a photocopy of a valid license when such license is required by chapter 16, title 24, Del. C. (24 Del. C. § 1601 et seq.).

13.4 All building openings, entries and windows shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semipublic area.

(Ord. of 7-23-1979)

Section 14. - Day care facilities.

14.1 General. In order to promote the development of quality child care outside of the home (day care facilities), the following two basic assumptions have been made:

14.11 The establishment of day care services and facilities, wherever there is a need, is a necessary public objective; and

14.12 Day care programs shall be treated as community facilities and shall be permitted to locate in any zoning district, provided that need has been demonstrated, state licensing requirements have been met and no physical hazard to children can be reasonably anticipated.

14.2 Definitions.

Day care facility. For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by a parent or guardian, for periods of less than 24 hours per day shall be defined as follows:

14.21 Day care center.

(a) Any place, other than an occupied residence, which receives children for compensation for day care or large family day care home; and

(b) Any occupied residence which receives 13 or more children for compensation for day care.

Day care centers shall be required to obtain conditional use approval by the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10 and to any specified requirement set forth in subsection 14.3 below, except in zoning districts where listed as a permitted use.

14.22 Family day care home. An occupied residence in which a person provides care for children other than his/her own family and the children of close relatives for compensation. Such care in a family day care home is limited to that care given to six or fewer children. Such child care facility shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit and site plan approval.

14.23 Large family day care home. A facility which provides child care for more than six, but less than 13 children. This care may be offered in a private home or in a property converted to the purpose of providing child day care. This form of day care facility requires the submission of a site plan application in accordance with the procedures and subject to article 10, section 2 of the zoning ordinance. If a large family day care home is not to be located in an occupied residence, then a conditional use site plan application shall be required in accordance with article 10 section 1 of the zoning ordinance.

14.3 Zoning criteria.

14.31 Number of children. Day care centers shall be limited to a maximum of 50 children in all residential zones.

14.32 Outdoor play area. Must meet the state requirement for day care centers.

14.33 Off-street parking/loading. One space per each adult attendant, plus one space for every ten children.

14.34 Signs in all residential zones. Signage shall be limited as follows:

(a) Family day care homes and large family day care homes. One wall-mounted sign limited to two square feet.

(b) Day care center. One sign, wall-mounted or freestanding, limited in area to 12 square feet. The planning commission shall consider the location of such sign as part of the conditional use review and may approve a lesser amount of sign area if deemed necessary by the commission to protect the general health, safety and welfare of the public in general and the residents of the immediate neighborhood in particular.

Signs in nonresidential zones. Day care centers within nonresidential zoning districts shall be governed by the sign regulations in effect for the particular nonresidential zoning district in which the day care center is located.

14.35 Licensing requirements. Day care facilities must meet state standards, and a license from the state shall be submitted to the department of planning and inspections prior to the issuance of a City of Dover Business License.

(Ord. of 5-14-1990; Ord. of 4-25-1994; Ord. of 4-23-2007(3))

**Editor's note—** The subsections of this section have been numbered by the editor to retain format.

Section 15. - Landscape guidelines.

The following guidelines shall be used in the design of site landscape as required in other sections of this ordinance and shall be followed unless it can be demonstrated through the site plan review process that such features would be impractical or incompatible with a particular land use or site development proposal. Failure to maintain required landscaping shall constitute a violation of this ordinance and is subject to, as specified in article 8, section 4, violations and penalties:

15.1 Trees of substantial size shall be provided to create a sense of scale and an overhead canopy. Where trees are set in paving, flush tree grates or open planters shall be used to protect root zones without interrupting the ground plane.

15.2 Large shrubs, small trees and evergreens are most effective for foundation planting around buildings, emphasizing major vehicular entrances and areas requiring visual screening. Avoid using large, dense plant material where maximum visibility is imperative.

15.3 Security and visibility are important considerations in landscape design along commercial corridors. Understory plant materials shall be confined to 36 inches or lower and trees shall be limbed to above 12 feet at maturity to allow for visual surveillance.

15.4 Color and specimen material shall be targeted to a few key locations. A few highly visible masses of color will be more effective than numerous small patches dispersed over the entire site.

15.5 Massing of plant material, or large groups of a single species is preferred over planting a large area with numerous species. Trees and shrubbery shall be used in scale with corridor development and large open spaces to create visual balance.

15.6 Grading shall be level, except to allow for necessary surface drainage and earth berms used for screening purposes.

15.7 Lawn areas shall be contained and separated from landscaped beds with defined edging such as concrete walks, steel edging or curbing.

15.8 Entrances shall be provided with landscaping to define the entrance location and to establish the site entrance as part of the overall landscape.

(Ord. of 3-18-1992)

Section 16. - Tree planting and preservation.

16.1 Purpose. The purpose of this section is to establish standards and requirements for the protection and planting of trees and woodlands because it is recognized that woodlands and trees are not only desirable, but are essential to the health, safety, and welfare of the population in that they provide oxygen, reduce carbon dioxide, stabilize soil, cleanse the air by transpiring clean water into the atmosphere, cleanse water passing into the ground through the root system, provide protection for wildlife and their habitats, provide shade, reduce noise and glare, increase property values, and provide an important physical, aesthetic, and psychological balance to the built environment.

16.2 Definitions.

Caliper dimension. The term "caliper dimension" means an outside diameter measurement of the trunk of a tree measured at a vertical distance of three feet above grade.

Clearing. The removal of trees from an area of 5,000 square feet or greater, whether by cutting or other means. [The term] "clearing" shall not include the removal of trees for landscaping purposes by individual lot owners.

Design professional. [The term "design professional"] shall be any person licensed as a landscape architect or architect, or Delaware certified nursery professional.

Dripline. A line on the ground established by a vertical plane extending from a tree's outermost branch tips to the ground, i.e., the line enclosing the area directly beneath the tree's crown, from which rainfall would drip.

Tree. Any self-supporting, woody perennial plant, usually having a main stem or trunk and many branches and at maturity normally attaining a trunk diameter greater than three inches at any point and height of over ten feet.

Tree protection area. Any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the requirements of this section. The tree protection area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.

Woodland. An area of contiguous wooded vegetation (7,500 square feet or greater), where trees exist at a density of at least one tree with a caliper dimension of six inches or greater per 375 square feet of land and where the tree branches form a contiguous canopy.

16.3 Applicability. The terms and provisions of this section shall apply to any activity on real property which requires conditional use, site plan or subdivision approval of the planning commission as set forth in article 10, except the provisions in [sub]section 16.4 which shall apply to all real property.

16.4 Tree preservation.

16.41 Trees required by planning commission to be replaced. Trees required by the planning commission as a part of a conditional use, subdivision, or site plan approval shall not be removed unless it is [they are] diseased or infested, or present a danger to life and property. In cases where such trees are removed, they must be replaced with a tree planting of a similar variety in accordance with the table of trees standards kept in the office of the city planner.

16.42 Trees of special value. Trees having an historic value, as determined by the state historic preservation officer, or that are of an outstanding nature due to type or species, age, or other professional criteria, may be required by the planning commission to be preserved. Such trees may be prohibited from being removed by the city planner until such time that the planning commission has granted approval to remove such trees.

16.43 Tree preservation in wetlands. No portions of wetland areas shall be developed or cleared of vegetation unless granted permission under state and/or federal permit; [and] they shall remain as essentially undisturbed areas protected under the provisions set forth in [sub]section 16.7.

16.44 Clearing prohibited without approval. Clearing, as defined by this section, for any purpose whatsoever, except the establishment of trails and pathways (not greater than eight feet in width) and open yard areas, shall be prohibited unless approved by the planning commission through the site plan, conditional use, or subdivision review process.

16.5 Woodland preservation.

16.51 Tree preservation and selective clearing plan required. All site development proposals in woodland areas that require planning commission approval and which involve the development of woodland areas shall include a tree preservation and selective clearing plan as part of the submission plan. The tree preservation and selective clearing plan shall be prepared in accordance with the provisions of this [sub]section [16.5] and [sub]section 16.7 and [sub]section 16.8 of this section.

16.52 Limited clearing for site development allowed. Generally, site development plans for the construction of [a] new building within existing woodland areas shall limit clearing of the land to those areas necessary to provide for the placement of the building or group [of] buildings, adequate access onto the property and to the proposed building or group of buildings, utility placement, off-street parking and yard areas to allow for daylight infiltration and building maintenance. When woodland areas are proposed to be cleared to allow for

new construction, clearing within the area of the proposed construction shall be limited to an area of 30 feet from proposed building foundation, and 15 feet from off-street parking lots, and utility placement.

16.53 Maximum clearing requirement. Specifically, no more than 50 percent of a lot, parcel or tract of land occupied by woodland vegetation may be cleared for any purpose.

16.54 Reserved.

16.6 Tree preservation and planting in nonwoodlands.

16.61 Tree preservation and planting plan required. All developments in nonwoodland areas requiring approval of the planning commission shall be required to submit, with its application and plans, a tree preservation and planting plan as set forth in [sub]section 16.8, and shall conform with the following provisions.

16.62 Tree density. On each property for which a tree preservation and planting plan is required by this section, existing trees may be retained and new trees shall be planted such that the lot shall attain or exceed a tree density of one tree per 3,000 square feet of lot area or fraction thereof. Trees needed to meet buffer requirements shall not be counted towards tree density. Trees required to be planted in parking areas as specified by the planning commission shall not be counted towards tree density.

16.63 Minimum standards for new trees. For [new] trees to be counted toward the required tree density, they must be of a species and size as set forth in the table of trees approved by the planning commission and kept on file in the office of the city planner.

16.64 Minimum standards for existing trees. For existing trees to be counted toward the required tree density, the tree shall have a minimum caliper dimension of two inches. No trees over eight inches in caliper dimension shall be removed unless within an area of 30 feet from the proposed building foundation, off-street parking lot, and utility placement.

16.7 Tree protection and planting requirements.

16.71 Application. The following guidelines and standards shall apply to activities regulated under article V [5], section 15 of this section [ordinance]:

16.72 Protection required. To protect the required trees or woodland and their critical root zone, a tree protection area delineated by the dripline of a tree or group of trees to be retained, shall be established. The protection area shall not be disturbed by site utility and grading work, by construction activities such as parking, material storage, concrete washout, sedimentation intrusion or erosion, or other activity. Damage to trees or woodlands and their critical root zones shall require tree plans to be revised to compensate for the loss as determined by the building inspector.

16.73 Protection measures. Tree protection areas shall be protected by fencing, staking, or continuous ribbon and, where necessary, silt screens which shall be situated to coincide with the dripline of the tree or group of trees to be preserved. Protection measures shall be erected prior to construction, and must remain until final landscaping is installed.

16.74 Planting requirements. New trees proposed to be planted for credit toward the density requirement shall have spacing that is compatible with the spacial site limitations and with responsible consideration toward species size when mature. Species selected for planting must be ecologically compatible with the specifically intended growing site. Trees selected for planting shall be free from injury, pest, disease, and disorders.

16.8 Tree preservation, planting and selective clearing plans.

16.81 Plan specifications. A tree preservation and planting plan or a preservation and selective clearing plan, prepared by or in conjunction with a design professional, shall be shown on a copy of a preliminary plat, sketch, or site plan, as appropriate to the proposed development, drawn to the same scale and covering the same area as the other plan documents prepared for the planning commission hearing. The plan may be combined with a required buffer and landscape plan for the project, at the option of the developer. The plan

shall provide sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this section will be fully satisfied. The plan shall contain, but need not be limited to, the following:

a. Project name, zone, parcel number, north arrow and scale.

b. Developer's name, address and telephone number.

c. Name, address, and telephone number of the design professional responsible for the preparation of the plan.

d. Delineation of all lot lines, minimum yard areas, buffers, and landscape areas as required by the zoning ordinance [this appendix].

e. Total acreage of the site and total lot area for each lot delineated.

f. Delineation of all wetlands and woodlands.

g. Designation and delineation of all lots in nonwoodland areas expected to retain existing trees to meet the tree density requirement.

h. Approximate location and description of the protective tree fencing, staking, or continuous ribbon to be installed which, at a minimum, shall follow the dripline of all trees to be retained along adjoining areas of clearing, grading, or other construction activity.

i. The location, spacing, caliper dimension, and species of new trees proposed to meet tree density requirements.

j. Measures to be taken to avoid sedimentation intrusions and erosion in tree protection areas, and the location of such devices.

k. A summary table of the number of new trees to be planted and minimum number of existing trees to be retained to meet the tree density requirement, if any, along with calculations showing that the tree density requirement has been achieved. Groupings of trees in the tree protection areas for new trees may be keyed to the summary table by area rather than having each tree individually labeled on the plan.

l. There shall be a note on the plan indicating that a one-year full price replacement guarantee on all new trees planted is held by the applicant.

16.9 Tree mitigation.

16.91 Planning commission waiver. The planning commission may waive the provisions of [sub]sections 16.52, 16.53, and 16.62, and require replacement planting for mitigation purposes should the planning commission determine, after demonstration by the applicant, that due to physical limitations of the land which would otherwise prohibit the reasonable use of the land, or for purposes of preserving, protecting and promoting the interest of public health, safety, welfare and/or public convenience. All tree mitigation plantings must occur within the corporate limits of the City of Dover. Tree mitigation may occur off-site in accordance with the provisions listed below in this ordinance:

(a) If a waiver is sought from the provisions of § [subsection] 16.62, new tree plantings are required at a rate of 1:1. All new tree plantings shall meet the minimum size at planting requirements of the City of Dover table of trees.

(b) If a waiver is sought from the provisions of § [subsection] 16.52 and/or § [subsection] 16.53, then mitigation must be in the form of newly created woodland areas. New woodlands shall be created at a rate of 1.25 times the amount of woodlands to be removed. A woodland mitigation plan shall be prepared by a licensed forester, landscape architect, or certified nursery professional, for the consideration of the planning commission.

(c) All tree mitigation must occur on-site unless an off-site location is specifically approved by the planning commission. When considering off-site locations for tree mitigation, the commission shall consider:

1) A physical hardship related to the land which would otherwise prohibit compliance on the subject site;

2) Whether the mitigation plan proposed by the applicant is superior in terms of environmental benefits, tree quantity, or aesthetic qualities compared to strict compliance with the ordinance on-site.

16.92 Tree mitigation required for unauthorized clearing. In the event that trees or woodland areas to be preserved under this ordinance or as a condition of a site plan, subdivision, or conditional use approval are illegally removed, tree mitigation shall be required. All tree mitigation plantings must be placed on the same lot, parcel, or tract on which the illegal clearing occurred, except as noted below. All replacement trees must be of the same or a similar variety as the trees illegally removed.

(a) If trees have been removed from non-woodland areas, new tree plantings shall be provided in accordance with the table below:

| Caliper Dimension of Trees Removed | Number of Trees Required | Caliper dimension at Planting |
|---|---|---|
| 25″ or larger | 5 trees | 3″ |
| 17″ to 24″ | 3 trees | 3″ |
| 9″ to 16″ | 3 trees | 3″ |
| 8″ or less | 2 trees | 3″ |

* Note—All trees replanted must be guaranteed to survive a minimum of one year.

(b) If trees have been removed from woodland areas, then mitigation must be in the form of newly created woodland areas. New woodlands shall be created at a rate of 1.75 times the amount of woodlands that were illegally removed. The woodland unlawfully removed must be replanted to satisfy a portion of this requirement. A woodland mitigation plan shall be prepared by a licensed forester, landscape architect, or certified nursery professional, for review and approval by the city planner.

(c) If the applicant wishes to provide replacement plantings on any property other than the one on which illegal clearing occurred, the mitigation plan must be reviewed and approved by the planning commission. When considering off-site locations for tree mitigation, the commission shall consider:

1) A physical hardship related to the land which would otherwise prohibit compliance on the subject site;

2) Whether the mitigation plan proposed by the applicant is superior in terms of environmental benefits, tree quantity, or aesthetic qualities compared to strict compliance with the ordinance on-site.

(Ord. of 7-13-1992; Ord. of 7-12-1993, § 4; Ord. of 9-13-1999; Ord. of 4-28-2008(2); Ord. No. 2010-25, 11-8-2010)

**Editor's note—** An ordinance adopted July 13, 1992, added provisions designated as app. B, art. 5, § 15. In order to avoid duplicative section numbering, such provisions have been redesigned as app. B, art. 5, § 16, at the discretion of the editor.

Section 17. - Emergency access requirements.

(1) General purpose. The purpose of this section is to establish standards and requirements for the fire protection of structures and inhabitants by providing emergency vehicle access to structures that enable the City of Dover Bureau of Fire to approach and attack fires in such a way that there is a reduced threat to the lives and safety of citizens.

(2) Waiver. Should the planning commission determine, after demonstration by an applicant, that alternative means of fire protection can be provided which are equivalent to or greater than the public safety protection provided by this ordinance, then the planning commission may recommend to [the] city council to waive certain provisions of this ordinance that are not required under other city or state laws.

(3) Fire lanes.

(a) Primary and secondary fire lanes shall be provided with all new construction in accordance with the requirement of the State of Delaware Fire Protection Regulations and in accordance with the provisions of this ordinance. Where the State of Delaware Fire Protection Regulations conflict with the provisions of these regulations, the more stringent regulation shall prevail.

(b) The owner of record of the property containing any primary or secondary fire lane shall be responsible for proper maintenance of such fire lanes in accordance with the provisions of the State of Delaware Fire Protection Regulations and all applicable regulations of the City of Dover.

(4) Subgrade emergency access lanes.

(a) A subgrade emergency access lane is designed to provide emergency vehicle accessibility in lieu of paved, hard-surfaced fire lanes where permitted under subsection 5 [(5)](a) of this section. A subgrade emergency access lane shall not be substituted for a required secondary fire lane.

(b) All subgrade emergency access lanes shall be established at a minimum width of 18 feet and shall be set back from all building walls in accordance with the Delaware State Fire Protection Regulations. The planning commission may waive the 18-foot width requirement when demarcation is enhanced beyond the standards set forth in paragraph [subsection (4)](d) below.

(c) All subgrade emergency access lanes shall be constructed on a level subgrade compacted to at least 2,000 pounds per square foot. The compacted subgrade shall be overlaid with three to four inches of compacted crusher run (CR1-2.5″) underneath four inches of compacted crusher run (CR6-1.5″) to form a compacted subbase. The compacted subbase shall be covered with at least four inches of topsoil and shall be graded and seeded or sodded. (See figure 17.1.)

(d) All subgrade emergency access lanes shall be designated and identified by shrub plantings, fencing, signage or any combination of materials to adequately delineate such access way, subject to approval by the City of Dover Fire Marshal. When shrub plantings are to be used for lane demarcation, such plantings shall be evergreen and of a columnar, upright form, with [a] tight branching habit. Shrub planting selection shall be subject to final approval by the city planner. Demarcation shrub plantings shall be spaced no greater than 40 feet on center on straight sections of access lane and no greater than 20 feet on center on curved sections.

(e) All subgrade emergency access lanes shall be maintained free of obstruction. The placement of fences, buildings, landscaping, gardens, play equipment or any other form of obstruction shall be prohibited from placement within the boundaries of subgrade emergency access lanes. The area reserved for [an] emergency access lane shall be subject to all property maintenance ordinances of the City of Dover, including those governing grass cutting, and landscape maintenance. Violations are punishable as misdemeanor offenses under the applicable ordinances of the City of Dover.

(f) At points of access to subgrade emergency access lanes, there shall be provided an adequate curb depression of at least 24 feet in width. Such access points shall be designated as restricted use and

controlled by signage, pavement marking, gates or fencing to prevent the use of such lane for purposes other than emergency vehicle access. The methods employed to ensure controlled access shall be reviewed, approved and inspected by the fire marshal on a case by case basis prior to the issuance of a certificate of occupancy for associated buildings.

(5) Rear access requirements.

(a) Emergency access to rear building areas shall be provided for various residential dwelling types in accordance with the following matrix:

REAR ACCESS REQUIREMENTS

| | 24 ft. Primary Fire Lane | 16 ft. Alley or 18 ft. Secondary Fire Lane | 18 ft. Subgrade Emergency Access Lane | Open Rear Yard | No Requirement |
|---|---|---|---|---|---|
| Four-story and greater | X | | | | |
| Two—three-story apartments | | X fire lane | X | | |
| Townhouse three—eight units no fire protection | | X alley only | | | |
| Townhouse three—five units fire protected | | | | X | |
| Duplex | | | | | X |
| Single-family detached | | | | | X |

1. A "fire protected townhouse" means the individual units are separated by an NFPA-approved fire barrier and alternating pattern of noncombustible exterior siding separating combustible exterior siding.

2. An "open rear yard" means as open yard area of at least 16 feet in width that must be maintained between townhouse buildings which back up to each other. Within this open rear yard, the placement of structures, fences, landscaping or any other obstruction shall be prohibited. Remaining yard areas may be enclosed by fencing and used for the placement of accessory structures, provided that such fencing shall be limited to four feet in height and structures limited to no more than one shed not greater than ten′ × ten′.

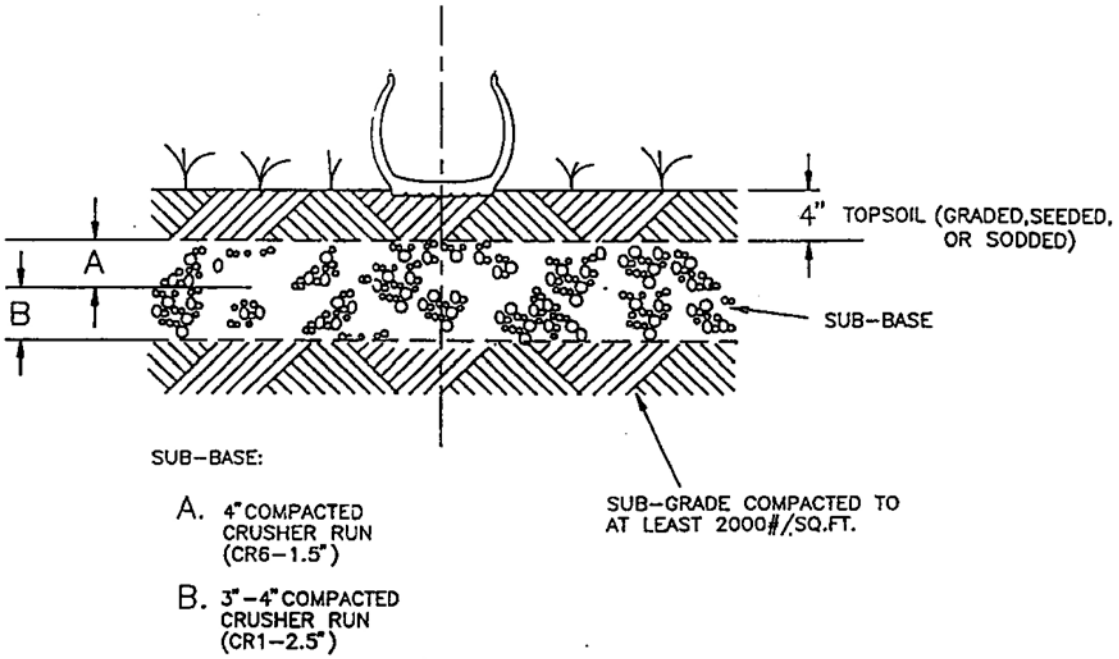



FIGURE 17.1

(Ord. of 12-12-1994; Ord. of 4-14-1997)

Section 18. - Sidewalk requirements.

18.1 Standard City of Dover sidewalk, as per chapter 19 [98], article IV of the Dover Code of Ordinances, shall be required to be installed along the public street frontage of a property by the property owner or developer whenever such property involves a development proposal which is subject to planning commission review and approval.

18.2 Whenever a private road within a development is proposed, whether planned for future subdivision or not, the developer shall be required to install [a] standard City of Dover sidewalk, as per chapter 19 [98], article IV of the Dover Code of Ordinances, on both sides of the cartway of the private road. Such sidewalk shall include barrier free access ramping at points of intersection with street crossing and at other locations so as to afford reasonable barrier free pedestrian movement and access to buildings.

18.3 Within all multifamily residential developments that do not involve subdivision of the land, and with all nonresidential developments, [a] standard City of Dover sidewalk shall be required to be installed by the developer. Such sidewalk shall be situated so as to provide for pedestrian access from parking areas to building entrances and shall provide sidewalk linkages to the existing sidewalk network in the neighborhood, if present, or to frontage sidewalk as required in [sub]section 18.1 above, and shall provide pedestrian linkages between buildings and community facilities, including, but not limited to, park areas and laundry buildings.

18.4 When it can be demonstrated to the satisfaction of the planning commission that strict adherence to the provisions of this section would represent an undue burden on a development, then the planning commission may modify or waive any of the stated requirements, provided that the objective of providing adequate, visible and suitably located walkways as part of the development proposal is secured. When considering a request for modification or waiver, the planning commission shall determine whether or not an undue hardship exists, based on a finding that one or more of the following criteria have been met:

1) The property is isolated with respect to sidewalks with no existing sidewalk within the immediate vicinity of the property; or

2) The proposed use would not generate or attract additional pedestrian trips; or

3) Sidewalk construction to serve the property is planned as part of a state or municipal capital improvement project; or

4) Physical characteristics of the property are such that sidewalk installation is impractical or impossible.

18.5 The planning commission may authorize the use of construction materials other than those required of [a] standard City of Dover sidewalk when it can be demonstrated to the satisfaction of the planning commission that:

(1) Such alternative materials would serve the public as well as [a] standard City of Dover sidewalk; and

(2) Such alternative materials would be more environmentally desirable or more in keeping with the overall design of the development.

(Ord. of 6-13-1994; (Ord. of 9-13-1999)

Section 19. - Building and architectural design guidelines.

The following guidelines shall be used in design of buildings and their architectural characteristics for the purposes of meeting the intent of article 10, section 2, subsection 2.27:

(1) Physical orientation and facade.

(i) The principal building facade of proposed buildings shall be oriented toward the primary street frontage, and in the same direction as the majority of existing buildings on the frontage street. Proposed buildings on corner properties shall reflect a public facade on both street frontages.

(ii) Consideration shall be given to the dominant architectural features of existing buildings, but do not necessarily have to mimic those styles. Large expanses of blank walls are to be avoided, [and] consideration shall be given to windows and entrance ways along frontage, as well as projecting elements such as eaves, cornices, canopies, projecting bays, shadow lines and overhangs.

(2) Architectural characteristics.

(i) Building proportions. Consideration shall be given to proportional attributes, including overall height-to-width ratios, of existing building facades, doors, windows, projecting canopies, and other architectural features, found in adjacent existing buildings.

(ii) Building mass. Facades of new buildings shall consider, but not mimic, the sense of lightness or weight of existing buildings on neighboring properties and consider similar proportions of solids (i.e., siding, blank walls, etc.) to voids (i.e., windows, door openings, etc.).

(iii) Materials. Proposed buildings shall incorporate durable exterior surface materials similar to and complementary with the color, texture, size, and scale of exterior materials reflected on existing buildings in the immediate vicinity.

(iv) Roofs. Consideration shall be given to general shape, ridge and eave heights, and material characteristics expressed in existing buildings along the subject street.

(3) Exemptions.

(i) Building additions. Proposed building additions which will be designed to match the architectural characteristics and exterior material treatments of the existing building to which the addition is being made shall be exempt from the requirement to submit elevation drawings or other graphic representations.

(Ord. of 9-25-2000)

Section 20. - Solar and small wind energy systems.

Solar energy systems and small wind energy systems shall be permitted as accessory uses within all zones subject to the following requirements:

20.1 Residential zones.

20.11 Solar energy systems shall be subject to the following:

(a) Ground-mounted solar energy systems shall be permitted only in the rear yard.

(b) Ground-mounted solar energy systems shall be set back a minimum of five feet from side and rear property lines, or the height of the tallest point on the system, whichever is greater.

(c) Ground-mounted solar energy systems shall not exceed 15 feet in height.

(d) Ground-mounted solar energy systems shall be visually screened from adjacent properties to a height of six feet by either an opaque fence or a dense vegetative screen.

(e) All exterior electrical and/or plumbing lines must be buried below the surface of the ground and placed in a conduit.

(f) Roof-mounted solar energy systems must comply with all building height requirements for the zoning district where the system is to be installed.

20.12 Small wind energy systems in residential zones shall be subject to the following restrictions:

(a) Small wind energy systems shall be set back 1.0 times the turbine height from adjoining property lines. Turbine height means the height of the tower plus the length of one blade.

(b) The aggregate noise or audible sound of a small wind energy system shall not exceed five decibels above the existing average noise level of the surrounding area and shall be restricted to a maximum of 60 decibels measured at any location along the property line of the parcel where the small wind energy system is located.

(c) Small wind energy systems shall be free from signage, advertising, flags, streamers, decorative items, or any item not related to the operation of the wind turbine. Electric wiring for the turbines shall be placed underground for nonbuilding integrated systems.

(d) Small wind energy systems shall not be permitted within the H (Historic District) Zone.

(e) Any small wind energy system shall be visually screened to a height of six feet by either an opaque fence or a dense vegetative screen from any properties or structures included on the National Register of Historic Places.

20.2 Nonresidential zones.

20.21 Solar energy systems shall be subject to the following:

(a) For the purposes of this subsection, a use is considered accessory if it is located within a complex or campus that includes one or more contiguous lots under common ownership and management, where the principal use of the complex or campus is other than a solar energy system, and the energy generated by the solar energy system is intended to primarily reduce on-site consumption of utility-supplied energy.

(b) Ground-mounted solar energy systems shall not occupy more than 30 percent of the lot area of the complex or campus for which the solar energy system is proposed.

(c) If ground-mounted solar energy systems are proposed to occupy more than 30 percent of the lot area of the complex or campus, their placement shall be subject to conditional use approval by the Planning Commission.

(d) Ground-mounted solar energy systems shall not be located between the principal structure and the street upon which the principal structure fronts.

(e) All exterior electrical and/or plumbing lines must be buried below the surface of the ground and placed in a conduit.

(f) Solar energy systems, whether roof-mounted or ground-mounted, must comply with all building setback and height requirements for the zoning district where the system is to be installed.

20.22 Small wind energy systems shall be subject to the following restrictions:

(a) Small wind energy [systems] shall be set back 1.0 times the turbine height from adjoining property lines. Turbine height means the height of the tower plus the length of one blade.

(b) The aggregate noise or audible sound of a wind system shall not exceed five decibels above the existing average noise level of the surrounding area and shall be restricted to a maximum of 60 decibels measured at any location along the property line to the parcel where the small wind energy system is located.

(c) Small wind energy systems shall be free from signage, advertising, flags, streamers, decorative items, or any item not related to the operation of the wind turbine. Electric wiring for the turbines shall be placed underground for nonbuilding integrated systems.

(d) Small wind energy systems shall not be permitted within the H (Historic District) Zone.

(e) Any small wind energy system shall be visually screened to a height of six feet by either an opaque fence or a dense vegetative screen from any properties or structures included on the National Register of Historic Places.

20.3 Decommissioning. Solar energy systems and/or small wind energy systems must be maintained and kept in a state suitable for immediate operation. When it can be demonstrated that a solar energy system or small wind energy system, as approved in accordance with this section, is in a state of disrepair and is not suitable for immediate operation, that system shall be removed and the accessory use terminated.

(Ord. No. 2011-01, 4-11-2011)

Section 21. - Public utility infrastructure.

Public utility infrastructure shall be permitted in all zones and generally exempt from the requirements of Article 4—Zoning Bulk and Parking Regulations, except as provided in this section.

21.1 Setback. The minimum setback for public utility structures shall be equal to the setback of the zone in which the structure is located.

21.2 Fences. Fences shall be limited to a maximum height of eight feet above ground.

21.3 Site development plan required. 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.

21.4 Exceptions.

21.41 Electric power generation facilities shall be subject to all zoning requirements.

21.42 Private communications antennas and towers shall not be considered public utility infrastructure under the provisions of this subsection, and shall be subject to all zoning requirements.

(Ord. No. 2011-27, 12-12-2011)

Appendix B – Zoning, Article 6. – Off-Street Parking, Driveways and Loading Facilities

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.

1.12 [1.2] Trailers and boats. The storage or parking and use of a house trailer by any person or persons is prohibited in all residential zones, except the mobile home park (MHP) zone. A boat with its trailer, a utility trailer, and an unoccupied travel trailer under 31 feet body length or an unoccupied motor home 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.

1.13 [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.

1.14 [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)

Section 2. - Permitted accessory loading berths.

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

Section 3. - Required off-street parking spaces.

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

(a) Exceptions.

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

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

(a) Throughout the existence of such use to which they are accessory; or

(b) 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.

3.6 Drainage and surfacing.

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

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

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

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

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

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

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

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

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

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

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

(c) Employer participation in a traffic-mitigation plan approved by the Delaware Department of Transportation.

(d) Cash-in-lieu of parking contributions toward the capital construction or improvement of municipal parking facilities that are proposed. The cash-in-lieu of parking contribution shall be in a monetary amount equivalent to the estimated cost of construction for the number of standard surface parking spaces for which the reduction is sought. To take advantage of this option, the developer shall submit to the city engineer a cost estimate for the parking requested to be waived. The city engineer shall examine the estimate for accuracy in current prevailing costs of construction at the time of proposal and shall report to the planning commission his/her findings.

(e) Proposals involving superior urban design which contribute to an enhanced pedestrian environment and which include such features as pedestrian plazas and pocket-parks, pedestrian-way connections with existing sidewalk systems and community facilities, park benches and other street furniture, mass transit connections and shelters, and landscaping and shade tree plantings.

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

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

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

(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, 9-14-2009; Ord. No. 2009-30, 3-8-2010; Ord. No. 2011-29, 1-9-2012; Ord. No. 2011-29, 1-9-2012)

Section 4. - Required off-street loading berths.

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

4.11 Dimensions. One required off-street loading berth shall have minimum dimensions of 12 feet wide and 60 feet long. If more than one loading berth is required, subsequent berths may have minimum dimensions of 12 feet wide and 40 feet long. At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or right-of-way while the truck or van is being loaded or unloaded. If the outdoor loading area is covered, but not totally enclosed, the minimum height of the outdoor loading berth area shall be 14 feet.

4.12 Maneuvering space. Adequate off-street truck maneuvering space shall be provided on-lot and not within any public street right-of-way or other public lands. Internal site circulation lanes are to be designed with adequate turning radii to accommodate the size and efficient maneuvering of delivery vehicles.

4.13 Location. Loading berths must be functionally related to the building, and be situated where actual loading and unloading activities are intended to occur. Loading berths located remotely from the building will not be permitted, unless the applicant can demonstrate the utility of such berths. Loading berths are not permitted between the street and building, except where a property fronts on three or more streets. This [sub]section of the ordinance shall not preclude the designation of an area in front of the building for parcel pick-up, mail deliveries, or passenger loading.

4.14 Obstructions. All loading berths and maneuvering spaces shall be accessible at all times.

4.15 Fire exit or emergency access. Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.

4.16 Maximum number of loading berths required. For buildings up to 150,000 square feet, a maximum of three loading berths will be required. Additional loading berths are permitted if needed by the property owner or occupant.

4.2 Loading berths required. Off-street loading berths will be required for the following uses:

4.21 For a public library, museum, art gallery, or similar quasi-public institution, or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children or the aged, or school with [a] floor area of 10,000 square feet, one berth, [and] for each additional 25,000 square feet or fraction thereof, one additional berth.

4.22 For buildings with professional, governmental, or business offices, or laboratory establishments with [a] floor area of 10,000 to 25,000 square feet, one berth, [and] for each additional 25,000 square feet or fraction thereof, one additional berth.

4.23 For buildings with retail sales and service establishments, one berth for 8,000 square feet to 25,000 square feet of floor area, and one additional berth for each additional 25,000 square feet of floor area or fraction thereof so used.

4.24 For funeral directors, one berth for each chapel. (Such berths shall be at least ten feet wide, 20 feet long, and 7½ feet high, in lieu of the standard dimensions found in [sub]section 4.11 above.)

4.25 For hotels, one berth for each 25,000 square feet of floor area, or fraction thereof.

4.26 For manufacturing, wholesale and storage uses, and for dry cleaning and rug cleaning establishments and laundries, one berth for 5,000 to 10,000 square feet of floor area in such uses, and one additional berth for each additional 10,000 square feet of floor area or fraction thereof so used.

4.27 For manufacturing, wholesale, or storage uses in the M or IPM zone, and for buildings in excess of 150,000 square feet in any zone, sufficient off-street loading berths shall be provided. Staff will determine the sufficiency of the loading berths after reviewing written documentation from the applicant through the site plan review process.

4.3 Joint facilities. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve, jointly, two or more adjacent establishments, provided that the number of required berths in such joint facilities shall not be less than the total required for all such requirements.

4.4 Planning commission waiver. The planning commission may waive required loading berths in the following instances:

1) On an improved lot, when it can be demonstrated that retrofitting the site for loading berth(s) is impractical or impossible;

2) When the applicant can demonstrate that the intended use is such that no deliveries by large vehicles is expected, now or in the future;

3) When the applicant can demonstrate that the requirements of this ordinance are far in excess of [the] actual needs on the site;

4) In the downtown redevelopment target area, where on-street loading areas are provided nearby.

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

(Ord. of 9-13-1999)

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

5.1 Access near street corners. No entrance or exit for any accessory off-street parking area with over ten parking spaces, nor any loading berth shall be located within 50 feet of the intersection of any two street lines.

5.2 On lots divided by zone boundaries. When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces or loading berths shall apply to all of the lot. Parking spaces or loading berths on such a lot may be located without regard to district lines, provided that no such parking spaces or loading berths shall be located in a residence zone, unless the use to which they are accessory is permitted in such zone, or by special permission of the board of adjustment.

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

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

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

5.42 Reserved.

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

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

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

5.51 Automobile parking.

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

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

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

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

a. No more than three recreational vehicles shall be parked on a residential lot.

b. Property owners wishing to provide parking for more than five recreational vehicles shall apply for a permit from the licensing and permitting division a minimum of 60 days prior to the race event. Fees for the permit will be charged in accordance with appendix F. Prior to issuance of a permit, the property owner or his agent must submit a legible diagram of the camping area to the licensing and permitting division. The diagram shall show recreational vehicle parking location, emergency access, drive aisles, entrance and exit, number of proposed recreational vehicles to be parked, location of power lines, and location of restroom facilities.

c. Recreational vehicles shall not be parked within 25 feet of power lines as measured from the center of the utility pole. Vertical extensions from recreational vehicles shall not be closer than 25 feet to power lines as measured from any point on the vertical extension.

d. Recreational vehicles shall not be parked closer than ten feet to other recreational vehicles, buildings or other structures, as measured from the long side of the vehicle; nor closer than two feet from other recreational vehicles, buildings or other structures, as measured from the front or rear of the vehicle. The required ten feet shall exclude any bump-outs or other protrusions from the side of the vehicle.

e. Recreational vehicle parking areas shall have drivable surfaces engineered to hold the weight of recreational vehicles, fire equipment, and other emergency response equipment in all types of weather.

f. Any changes to the layout of recreational vehicle parking areas shall be required to be submitted to the licensing and permitting division at least 30 days prior to the race event.

g. The Fire Marshal's Office may grant an exception to any provision of section 5.52 if it can be demonstrated that equivalent means of public safety and fire protection is being provided.

h. The fire marshal's office shall develop policy guidance on the implementation of this section.

(Ord. of 4-25-1994; Ord. of 9-13-1999; Ord. of 10-12-1998; Ord. No. 2009-28, 3-8-2010)

FOOTNOTE(S):

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**Editor's note—**Ord. No. 2011-14, adopted Aug. 8, 2011, amended art. 10 in its entirety and enacted similar provisions as set out herein. The former art. 10 derived from Ord. of 2-28-1977; Ord. of 4-23-1979; Ord. of 4-28-1980; Ord. of 11-24-1980; Ord. of 7-12-1982, §§ 2, 3; Ord. of 5-11-1987; Ord. of 12-12-1988; Ord. of 6-12-1989; Ord. of 6-24-1991; Ord. of 10-13-1992; Ord. of 7-12-1992; Ord. of 12-14-1992; Ord. of 7-12-1993, § 6; Ord. of 6-13-1994; Ord. of 3-27-1995; Ord. of 1-10-1996; Ord. of 5-22-2000; Ord. of 9-25-2000; Ord. of 7-12-2004(2); Ord. of 11-13-2007; Ord. of 4-28-2008(2); and Ord. No. 2009-09, adopted June 22, 2009.

Section 1. - Approval of conditional uses.

On application and after public notice and hearing, the commission may authorize the issuance by the city planner of permits for any of the conditional uses for which this ordinance requires, in the district in which such use is proposed to be located. In approving any such use, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular:

1.1 Accessibility for emergency response. That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;

1.2 Harmony of location, size and character. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

1.3 Residential zones. That, in addition to the above, in the case of any use located in, or adjacent to, a residential zone:

1.31 The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and

1.32 The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of landscaping, and other improvements on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

1.4 Conditional use permits.

1.41 Conditional use approval. Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

(A) The provision in this article under which such permit was issued is still in effect;

(B) Such permit was issued in conformity with the provisions of this article; and

(C) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

1.42 Periodic renewal of conditional use permit. The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following public notice and hearing in accordance with subsection 1.53. The commission may withhold approval of the renewal upon a

determination by the city planner to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with.

1.43 Revocation of conditional use permit. If the city planner determines that the conditions prescribed by the commission in conjunction with the issuance of the conditional use permit have not been, or are no longer complied with, he shall initiate the process for revocation of the permit according to the following procedure:

(A) The city planner shall notify the permit holder in writing of the noncompliance with the permit conditions and allow the permit holder 30 days to comply with the permit conditions.

(B) If, after 30 days, the city planner determines that the permit holder has not come into compliance with permit conditions, he shall notify the permit holder that the planning commission will hold a public hearing on revocation of the conditional use permit.

(C) The planning commission shall hold a public hearing for which notice shall be completed by the planning office in accordance with the provisions of subsection 1.53 of this article.

(D) Following the public hearing, the planning commission shall take action in the following regard:

(1) Revoke the conditional use permit.

(2) Issue a probationary period after which the commission shall review the permit in accordance with the provisions regarding periodic renewal of conditional use permit.

(3) Determine that the conditional use may continue as initially authorized.

(E) The planning commission shall document findings of fact that support the action taken with regards to the conditional use permit.

1.5 Application procedure.

1.51 Preapplication meeting. Prior to the submission of a conditional use application, the applicant or his representative shall meet in person with the city planner or his designee with a sketch plan. The purpose of this meeting shall be to discuss proposed uses or developments and to review the process and submission requirements.

1.52 Application. Application for a conditional use permit shall be submitted to the city planner, on forms approved by the planning commission, at least 30 days prior to the planning commission meeting at which approval of the permit is to be requested. Each application for a conditional use permit shall be accompanied by a fee as provided for in Appendix F—Fees and Fines.

1.53 Public hearing. Prior to the review and action on the conditional use permit application, the commission shall hold a public hearing subject to the following public notification procedures:

(A) The applicant shall advertise the public hearing in a newspaper of general circulation at least 15 days prior thereto.

(B) The applicant shall notify by mail all property owners within 200 feet of the extreme limits of the subject property as their names appear on the municipal tax record at least 15 days prior thereto.

(C) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property at least 15 days prior to the planning commission hearing. Such notice shall be designed in accordance with standards set forth by the planning commission.

(D) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating the date of mailing for all letters on or before the meeting date.

(E) Said notices shall state the date, time and place of the hearing, the site location, a brief description of the conditional use and shall state that a copy of the conditional use application and plan is filed with the planning office for public review.

1.54 City planner report. For each application for a conditional use permit, the city planner shall issue a report to the planning commission including comments from other agencies and detailing how the application conforms to the requirements of the zoning ordinance and other provisions of city and state codes. This report shall not be deemed to represent a comprehensive list of all city and state code requirements.

(A) The city planner shall transmit copies of the report and summary of the application to the planning commission at least seven days prior to the date of the meeting at which approval of the permit is to be requested.

1.55 Planning commission action. The planning commission shall act to approve or disapprove any such request for a conditional use permit within 45 days after the meeting at which approval is requested or within such additional time as may be consented to by the applicant. Planning commission disapproval shall include written findings upon any element found contrary to the provisions or intent of the zoning ordinance.

1.56 Notice of decision. The planning office shall send the applicant a letter notifying the applicant of the planning commission's decision on the conditional use permit application. Such letter shall document any conditions and waivers approved as part of the application approval. Whenever the planning commission denies an application for conditional use, such application for conditional use, or an application on the same property which is substantially similar, shall not be accepted for consideration by the planning commission sooner than one year from the date of denial.

1.57 Amendments. Substantial amendments to conditional use permits shall be acted upon in the same manner as the original request for a conditional use permit. The city planner shall review proposed amendments to determine if they are substantial in nature. Amendments that are not deemed substantial may be referred to the planning commission for consideration at the discretion of the city planner.

1.58 Transfer of property. If the property is sold by the applicant or by any affiliated member of a single corporate family of which the applicant or its parent company is a member, after approval of the conditional use but before the proposed use or construction of the proposed use is started, or if, within 24 months of the approval, the proposed use or construction of the proposed use is not undertaken by or for the applicant or any affiliated member of a single corporate family of which the applicant or its parent company is a member, the conditional use approval shall be null and void, unless an extension of time is granted by the planning commission.

1.59 Final plans and working drawings. Following approval by the planning commission, the applicant shall develop final conditional use permit plans for approval by the planning office. The planning office shall determine that all necessary approvals have been issued by city departments, and outside regulatory agencies, prior to issuing final plan approval. No building permit shall be issued until such time that the planning office has issued final conditional use permit plan approval.

1.6 Expiration of planning commission approval.

1.61 Conditional use approval shall expire on the last day of the 24th month after the date of final or conditional approval of the planning commission, if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the planning commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year, unless an extension of time is applied for and granted by the planning commission.

1.62 Requests for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such requests, the matter shall be considered at the next regularly scheduled meeting of the planning commission.

1.63 In considering a request for an extension of approval, the planning commission shall consider, but not be limited to, the following:

(A) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.

(B) Whether the applicant has made substantial progress toward obtaining final approvals.

(C) Whether there have been any significant changes in the surrounding neighborhood.

(D) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.

1.64 Requests for extensions shall be submitted in writing to the planning office.

1.65 Under no circumstances shall the planning commission grant extensions beyond 36 months from the date of first approval.

1.7 Submission requirements for conditional use permits requiring site development plan approval by the planning commission. The following submission requirements shall accompany applications for conditional use permits where site development plan approval by the planning commission is required by subsection 2.1. The applicant shall cause a site map to be prepared by a civil engineer, surveyor, land planner, or architect. The applicant shall submit copies of the site map to the city planner, who shall transmit copies to the planning commission at least seven days prior to the meeting at which approval of the permit is to be requested. Elements to be included on the site map are listed below:

1.71 Scale and dimensions. The map shall be at least 11 inches by 17 inches and at a scale of ten, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

1.72 Legal data:

(A) Tax parcel identification number.

(B) Name and address of the owner of record.

(C) Name and address of the equitable owner, if any.

(D) Name and address of the person, firm or organization preparing the map.

(E) Date, north point and written and graphic scale.

(F) Sufficient description of information to define precisely the boundaries of the property and that portion of the property for which a conditional use permit is requested, and the approximate total acreage of that portion of the property for which a conditional use permit is requested. All distances shall be given in feet and tenths of a foot. All angles shall be given to the nearest ten seconds or closer. The error of closure shall not exceed one in 10,000.

(G) The locations, names and existing widths of adjacent street rights-of-way and curblines.

(H) The locations and owners of record of all adjoining lands.

(I) Location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property.

(J) A complete outline of existing or proposed deed restrictions or covenants applying to the property and recital of the deed references if they are of record.

(K) Existing zoning, including two location maps, one at a scale of 1,200 feet to the inch, and one at a scale of 400 feet to the inch, showing the distance along all adjacent roads to the nearest intersection.

1.73 Existing structures.

(A) Location of uses and outlines of structures, drawn to scale on or within 100 feet of the property.

(B) Paved areas, sidewalks and vehicular access between the site and public streets.

(C) Other existing development, including fences and landscape screening.

1.74 Proposed use.

(A) A written description of the proposed use.

(B) A designation of that portion of the existing structures to be devoted to the proposed use and for which a conditional use permit has been requested.

(C) A designation of that portion of the property to be devoted to the proposed use, not requiring structures and for which a conditional use permit has been requested.

(D) A designation of the parking area and indication of the number of off-street parking spaces.

(E) Indication of on-site circulation pattern and access to the property from adjacent roads.

1.75 Proposed development.

(A) Conditional use applications involving construction of new buildings and structures shall include a site plan which reflects compliance with the minimum requirements of subsection 2.5.

1.76 Natural features.

(A) Topography of the site.

(B) Location of different soil types, as indicated by the Soil Survey of Kent County prepared by the Natural Resources Conservation Service. The soils information shall be supplemented by soil boring and percolation test data if requested by the city.

(C) Location of flood hazard areas as identified on the FEMA flood insurance maps.

(D) Location of significant natural features, including, bodies of water, wetlands and forest areas.

1.77 Requested information. Full and complete information requested by the city planner in accordance with the development information requirements set forth in section 4.

1.78 Miscellaneous information. Other information deemed by the planning commission to be necessary to determine conformity with the intent of this ordinance.

1.8 Submission requirements for conditional use permits where site development plan approval by the planning commission is not required. The following submission requirements shall accompany applications for conditional use permits where site development plan approval by the planning commission is not required by subsection 2.1, where the applicant is seeking conditional use approval to occupy an existing structure. The applicant shall submit copies of the site map conforming to the specifications listed below to the city planner, who shall transmit copies to the planning commission at least seven days prior to the meeting at which approval of the permit is to be requested. Elements to be included on the site map are listed below:

1.81 Scale and dimensions. The map shall be at least 8.5 inches by 11 inches and at a scale of ten, 20, 30 or 40 feet to the inch, except that, if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

1.82 Existing conditions. The existing building and conditions on the lot must be depicted. It is permissible to utilize the most recent mortgage survey of the property for this purpose. If conditions, such as buildings and building additions, paved areas, landscaping and accessory structures, on the lot have changed since the survey was completed, the applicant shall depict these changes on the plan to the best of his ability. However, the nature and extent of such revisions must be approved by the city planner at the required preapplication meeting.

1.83 Proposed use.

(A) A written description of the proposed use.

(B) A designation of that portion of the existing structures to be devoted to the proposed use and for which a conditional use permit has been requested.

(C) A designation of that portion of the property to be devoted to the proposed use, not requiring structures and for which a conditional use permit has been requested.

(D) A designation of the parking area and indication of the number of off-street parking spaces.

(E) Indication of on-site circulation pattern and access to the property from adjacent roads.

1.84 Additional information. The city planner and/or planning commission may request more detailed information, including but not limited to architectural floor plans, on a case-by-case basis at their discretion.

1.85 Legal data.

(A) Tax parcel identification number.

(B) Name and address of the owner of record.

(C) Name and address of the equitable owner, if any.

(D) Name and address of the person, firm, or organization preparing the map.

(E) Date, north point, and written and graphical scale.

(F) The location and names of adjacent streets.

(G) The location, zoning, and owners of record of all adjacent properties.

(Ord. No. 2011-14, 8-8-2011)

Section 2. - Site development plan approval.

2.1 Required. Site development plan approval shall be required for the erection or enlargement of all structures and the establishment of any use for which site development plan approval is required by this ordinance. Site development plan shall be required according to the following criteria:

2.11 Planning commission site plan review. Site development plans shall be subject to review and approval by the planning commission if they meet the following thresholds:

(A) New structures. Site plans for new structures of 5,000 square feet or greater in floor area; or

(B) Additions to existing structures. Site plans for additions to existing structures that (1) constitute 15 percent or more of the existing floor area, and (2) new floor area is greater than 5,000 square feet; or

(C) Additions of impervious surface. Site plans that propose new or additional impervious surfaces that (1) constitute 15% or more of the existing impervious surface area and (2) are equal to or greater than 5,000 square feet of impervious surface; or

(D) Adjacent to residential. Nonresidential site plans with site disturbance greater than 2,500 square feet and adjacent to residential uses or residential zones.

2.12 Site development master plan. Site development master plans shall be subject to review and approval by the planning commission in accordance with subsection 2.44.

2.13 Zoning review. For site development plans involving construction of a single-family detached, single-family attached, or single-family semidetached dwelling; an accessory structure; or a nonresidential change

of use for which no building addition or increase in impervious surface is proposed, the city planner or his designee may approve the site development plan in conjunction with building permit review.

2.14 Administrative site plan. All site development plans that do not meet the thresholds for zoning review in accordance with subsection 2.13 or planning commission site plan review in accordance with subsection 2.11 shall be reviewed as administrative site development plans.

2.2 Objectives. In considering and acting upon site development plans, the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular shall be taken into consideration and appropriate conditions and safeguards may be prescribed as may be required that the results of approval may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular:

2.21 Maximum safety and convenience of vehicular, transit, bicycle, and pedestrian traffic by ensuring that all proposed and impacted streets, driveways and walkways are adequate, but not excessive in number, adequate in width, grade, alignment, capacity, and visibility, and suitably located, particularly with respect to their connections with public streets.

2.22 The provision of adequate access to all proposed structures, equipment, or material on the site for fire, ambulance, police, and other emergency services.

2.23 The provision of adequate off-street parking to accommodate the vehicles of persons connected with or visiting the use and to obviate the parking of such vehicles in public streets.

2.24 A site layout (including the location, power, direction, and time of any outdoor lighting of the site) which would have no adverse effect upon adjacent properties.

2.25 Landscaping of the site in a manner which is in character with that generally prevailing in the neighborhood and which provides reasonable screening, at all seasons of the year, of all playgrounds, parking areas, and service areas from the view of adjacent residential properties and streets.

2.26 In applicable cases, a drainage system and layout which would afford the best solution to any drainage problems.

2.27 Ensure that large scale development projects involving extended construction periods are planned and implemented in accordance with an approved site development master plan.

2.28 Consideration shall be given to the physical orientation and architectural characteristics of proposed buildings, the relationship of proposed buildings to existing buildings and to other proposed buildings, and their contributions to the overall image of the immediate vicinity by considering the building and architectural design guidelines as set forth in article 5, section 19. Design characteristics of proposed buildings and building additions shall not detract or devalue existing buildings in the immediate vicinity.

(A) If the planning commission determines that the proposed physical orientation and architectural characteristics of the proposed buildings do not meet the intent and objectives of this section, then the planning commission shall refer the proposal to the architectural review oversight subcommittee for review and comment.

(B) The subcommittee shall meet and review the proposal with the applicant, and return its comments to the planning commission by the next regularly scheduled meeting.

(C) The architectural review oversight subcommittee shall be appointed by the commission at its annual meeting, and membership shall consist of two planning commission members, and two design professionals with experience in construction, and the mayor or the mayor's designee. Two alternate design professionals with experience in construction shall also be appointed.

2.3 Effect of site development plan approval. No building permit will be issued for any structure covered by this section until an approved site development plan or approved amendment of any such plan has been secured by the applicant. No certificate of occupancy will be issued for any structure or use of land covered by this section

unless the structure is completed or the land is developed or used in accordance with an approved site development plan or approved amendment of any such plan.

2.4 Application procedure.

2.41 Preapplication meeting. Prior to the submission of a site development plan, the applicant or his representative shall meet in person with the city planner or his designee with a sketch plan. The purpose of this meeting shall be to discuss proposed uses or developments in order to determine, first, whether the site development plan application shall be submitted to the city planner for consideration and review as an administrative site plan or shall be referred to the planning commission. If the application is to be referred to the planning commission, the applicant shall be informed at the preapplication meeting which elements listed in subsection 2.5 below will be required in determination of conformity with the provisions and intent of this section, along with any other comments and suggestions intended to bring about conformity with the provisions and intent of this section.

2.42 Administrative site plan review.

(A) Process for administrative site plan application. If, as a result of the preapplication meeting as described in subsection 2.41, it is determined that the proposed uses or development is of a type that may be approved by the city planner, the applicant shall submit the application for site development plan approval on forms approved for that purpose, to the city planner with the required documentation under the provisions of subsection 2.5, and a fee as provided for in Appendix F—Fees and Fines. The city planner shall coordinate the reviews of the various administrative departments of the City of Dover and outside regulatory agencies and approve the application within 30 days of the date of submission or refer it to the planning commission at their next scheduled meeting.

(B) Final plans and working drawings. Following initial review and comment by the city planner, the applicant shall develop final construction plans for approval by the planning office. The planning office shall determine that all necessary approvals have been issued by city departments and outside regulatory agencies prior to issuing final plan approval. No building permit shall be issued until such time that the planning office has issued final site plan approval.

(C) Expiration. Administrative site development plan approval shall expire on the last day of the 24th month after the date of final approval by the planning office if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the city planner. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the city planner.

(D) Circumventing zoning requirements. Administrative site plans shall not be used to circumvent the requirement of planning commission site plan review. If the city planner determines that cumulative administrative site plans on a property are being used to circumvent the requirements of the zoning ordinance or other provisions of the Dover Code of Ordinances, he shall refer the application to the planning commission, subject to the requirements of subsection 2.43.

2.43 Planning commission site plan review.

(A) Site development plan. If, as a result of the preapplication meeting as described in subsection 2.41, it is determined that the proposed uses or development is of a type that would be reviewed by the planning commission and approval or disapproval of the application given by that body, the application for site development plan approval shall be submitted to the city planner on forms approved by the planning commission, at least 30 days prior to the planning commission meeting at which approval is to be requested. The application for site development plan approval shall be accompanied by a fee as provided for in Appendix F—Fees and Fines.

(B) Land subdivision. If a proposed use or development requires planning commission review under the land subdivision regulations of the City of Dover as set forth in appendix A, the application for conditional approval of the preliminary layout, under article IV, section B of that ordinance appendix A, and the application for site development plan approval under this ordinance shall be submitted

and reviewed concurrently. The application for site development plan approval shall be revised and all changed elements resubmitted and reviewed concurrently with the application for plan approval under article IV, section C of the land subdivision regulations set forth in appendix A.

(C) Public hearing. Prior to the review and action on the site plan application, the commission shall hold a public hearing subject to the following public notification procedures:

(1) The applicant shall advertise the public hearing in a newspaper of general circulation at least 15 days prior thereto.

(2) The applicant shall notify, by mail, all property owners within 200 feet of the extreme limits of the site plan property as their names appear on the municipal tax record at least 15 days prior thereto.

(3) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission.

(a) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts including the date of mailing for all letters on or before the meeting date.

(4) Said notices shall state the date, time and place of the hearing, the site location, a brief description of the site plan and shall state that a copy of the site plan application and plan is filed with the planning office for public review.

(D) City planner report. For each site plan application to the planning commission the city planner shall issue a report to the planning commission including comments from other agencies detailing how the application conforms to the requirements of the zoning ordinance and other provision of city and state codes. This report shall not be deemed to represent a comprehensive list of all city and state code requirements. The city planner shall transmit copies of the proposed site development plan and the city planner's report to the planning commission at least seven days prior to the date of the meeting at which approval of the site development plan is to be requested.

(E) Planning commission action. The planning commission shall act to approve or disapprove any application for site development plan received by it either as an original review or as a referral from the city planner under the provisions of subsection 2.42(A) of this article within 45 days or within such additional time as may be consented to by the applicant. Planning commission disapproval shall include written findings upon any site development plan element found contrary to the provisions or intent of the zoning ordinance.

(F) Notice of decision. The planning office shall send the applicant a letter notifying the applicant of the planning commission's action regarding the site plan application. Such letter shall document any conditions and waivers approved or recommended as part of the application approval.

(G) Final plans and working drawings. Following approval by the planning commission, the applicant shall develop final site plans for approval by the planning office. The planning office shall determine that all necessary approvals have been issued by city departments and outside agencies regulating street access and stormwater management, prior to issuing final plan approval. No building permit shall be issued until such time that the planning office has issued final site plan approval

(H) Amendments. Substantial amendments to an approved site development plan shall be acted upon in the same manner as the original plan. The city planner shall review proposed amendments to determine if they are substantial in nature. Amendments that are not deemed substantial may be referred to the planning commission for consideration at the discretion of the city planner.

(I) Expiration of planning commission approval.

(1) Site development plan approval shall expire on the last day of the 24th month after the date of final or conditional approval of the planning commission if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the planning commission. Approval shall also expire if the construction of work

authorized has stopped for a period of one year unless an extension of time is applied for and granted by the planning commission.

(2) Request for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such request, the matter shall be considered at the next regularly scheduled meeting of the planning commission.

(3) In considering a request for an extension of approval, the planning commission shall consider, but not be limited to, the following:

(a) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.

(b) Whether the applicant has made substantial progress toward obtaining final approvals.

(c) Whether there have been any significant changes in the surrounding neighborhood.

(d) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.

(4) Requests for extensions shall be submitted in writing to the planning office.

(5) Under no circumstances shall the planning commission grant extensions beyond 36 months from the date of first approval.

2.44 Site development master plans. Conceptual site development master plans shall be reviewed by the planning commission in accordance with the provisions of subsection 2.43. Conceptual site development master plans shall depict a site development proposal that reflects general compliance with the provisions of the zoning ordinance and shall also reflect the following information on the plan:

(A) Conceptual master plan. Conceptual master plan shall include the proposed general layout of building, streets, parking, open space, landscape concepts, and stormwater management areas.

(1) Detailed site construction plans, details, and specifications are not required as part of a site development master plan submission.

(2) The plan shall illustrate distinct phase boundaries for each proposed construction phase and shall depict proposed construction and site improvements planned for each phase. Bulk quantities and area totals for each construction phase, and for the total site, shall be tabulated in a data column on the plan.

(3) Each construction phase shall be enumerated in sequential order on the site development master plan according to the order of construction contemplated by the plan. Phases shall be implemented in accordance with the approved site development master plan unless the city planner approves an alternate phasing.

(4) Each construction phase represented on the master plan shall be planned and designed to function independent of construction and site improvements contemplated in future construction phases in all respects, including but not limited to bulk area provisions of the zoning district in which the site is located, off-street parking requirements, site entrances, emergency access requirements, site utilities, and stormwater management improvements except where the requirements and needs of a later phase are met and remain met by a previous phase of completed construction.

(5) Any special agreements or conditions of approval relative to the overall development that have been specified by regulatory agencies shall be documented on the site development master plan.

(B) Phased site plan approval. Individual phased components of the conceptual master plan are to be reviewed and approved as an administrative site plan. Final site construction plans, including detailed site grading, paving, utilities, stormwater management, and tree planting and preservation plans shall be submitted for final approval by the city planner and/or authorized designee, and to other agencies having jurisdiction, on a phase by phase basis in accordance with the approved site

development master plan, and all regulations of the City of Dover governing the approval of site plans as set forth in subsections 2.4 and 2.5.

(C) Amendments. Substantial amendments to an approved site development master plans shall be acted upon in the same manner as the original plan. The city planner shall review proposed amendments to determine if they are substantial in nature. Amendments that are not deemed substantial may be referred to the planning commission for consideration at the discretion of the city planner.

(D) Expiration of planning commission approval. For projects which are reviewed and approved by the planning commission as conceptual master plans, approval of the conceptual master plan shall remain valid for a period not to exceed five years from the date of planning commission approval, provided that the authorized construction or use has commenced within two years of approval and is proceeding toward completion. In addition, the time between the completion of one phase and the initiation of the next phase shall not exceed a period of two years.

2.5 Site development plan elements submission requirements accompanying applications for site development plan approval. The applicant shall cause a site development plan map to be prepared by a civil engineer, surveyor, land planner, or architect. The applicant shall submit copies of the site development plan to the city planner at the time of filing the formal application for site development plan approval under the provisions of subsection 2.42, subsection 2.43, or subsection 2.44. If the application is under the provisions of subsection 2.43 or 2.44, the city planner shall transmit copies of the site development plan map to the planning commission at least seven days prior to the meeting at which approval of the application for site development plan approval is to be requested. Site development plan elements shall include those listed below which are appropriate to the proposed development or use as indicated in the preapplication meeting required by the provisions of subsection 2.41.

2.51 Scale dimensions. Ten, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

2.52 Legal data.

(A) Tax parcel identification number.

(B) Name and address of the owner of record.

(C) Name and address of the equitable owner, if any.

(D) Name and address of the person, firm or organization preparing the map.

(E) Date, north point and written and graphic scale.

(F) Sufficient description of information to define precisely the boundaries of the site, and total acreage of the site. All distances shall be given in feet and tenths of a foot. All angles shall be given to the nearest ten seconds or closer. The error of closure shall not exceed one in 10,000.

(G) The locations, names and existing widths of adjacent street rights-of-way and curblines.

(H) The locations and owners of record of all adjoining lands.

(I) Locations, widths and purposes of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property.

(J) A complete outline of existing or proposed deed restrictions or covenants applying to the property and recital of the deed references if they are of record.

(K) Existing zoning on the site and adjacent properties.

(L) Two location maps, one at a scale of 1,200 feet to the inch, and one at a scale of 400 feet to the inch, showing the distance along all adjacent roads to the nearest intersections.

(M) Record of any agreements between the applicant and the city regarding the proposed development.

2.53 Natural features.

(A) Contour lines at vertical intervals of two feet for land with an average existing slope of four percent or less, and at intervals of five feet for land with an average existing slope greater than four percent.

(B) Location of different soil types, as indicated by the soil survey of Kent County, prepared by the Natural Resources Conservation Service, and including locations of flood hazard areas as identified in the FEMA Flood Insurance Maps. The soils information shall be supplemented by soil boring and percolation test data, if requested by the city.

(C) Location of significant natural features, including bodies of water, wetlands, and forest areas.

2.54 Proposed development.

(A) Existing buildings and other structures.

(B) Location and width of all proposed streets and rights-of-way. Speed bumps or speed dips for the purpose of slowing down traffic on any street shall not be permitted.

(C) Location of all proposed structures, except one-family detached dwellings, and an indication of the total number of dwelling units.

(D) Location and dimensions of all lot lines.

(E) Building setback lines on all lots.

(F) Location of all uses not requiring structures, including parks, playgrounds and other open space areas.

(G) Location and plans for any outdoor signs.

(H) Location, direction, power and time of use for any proposed outdoor lighting.

(I) The location, size and arrangement of proposed sidewalks, driveways, loading areas, off-street parking areas and other paved areas.

(J) Indication of the total amount of impervious surfaces and the development coverage.

(K) Any proposed changes in elevation of the site and elevations of all streets, parking areas, and building foundations. The datum to which all elevations, including existing contour elevations, refer shall be clearly indicated on the plan.

(L) Plans for surface drainage of the site. Such plans shall include stormwater run-off calculations and shall show the proposed method of accommodating the anticipated run-off.

(M) Any proposed below-ground or above-ground utilities and any contemplated public improvements, including road improvements, on or adjoining the property. Plans for such utilities and improvements shall indicate whether the developer, the city, or other agency will bear the financial responsibility for the construction, and which improvements are intended to be dedicated to the city.

(N) Proposed grading, screening and other landscaping, including types and locations of proposed street trees.

(O) Architectural elevation drawings or other graphic representations illustrating exterior building characteristics of proposed buildings and/or building additions that would be visible from the public right-of-way. Elevation drawings shall be drawn to scale and shall reflect major architectural elements such as exterior surface materials, windows, doors, columns, and wall-mounted signage. Elevation plans are intended to provide a general depiction of the physical appearance, massing and scale of the proposed construction.

2.55 Requested information. Full and complete information requested by the city planner in accordance with the development information requirements set forth in section 4.

2.56 Development in stages. If the site development plan indicates more than one stage of the development, supplementary material shall be included to show compliance with article 5, section 9, Development in stages.

2.57 Miscellaneous information. Other information deemed by the planning commission to be necessary to determine conformity with the intent of this ordinance.

(Ord. No. 2011-14, 8-8-2011; Ord. No. 2014-08, 7-14-2014; Ord. No. 2014-20, 10-13-2014)

Section 3. - Historic district commission and architectural review.

3.1 Historic district commission established.

3.11 Creation and purpose. There shall be a historic district commission for the purpose of assisting the planning commission and city planner in reviewing applications for architectural review certifications as specified in subsection 3.2; and for making recommendations for designation of historic district zones; and for establishing guidelines for the preservation and conservation of historic district zones; and for advising other officials and departments in the City of Dover in matters concerning historic preservation; and for reviewing all proposed National Register nominations in the City of Dover; and for acting as a liaison on behalf of the City of Dover to individuals and organizations concerned with historic preservation; and for carrying out programs of historic preservation education in the City of Dover.

3.12 Appointment. The commission shall consist of five members nominated by the mayor and approved by the city council, who are residents of the City of Dover and who have demonstrated special interest, experience, or knowledge in history, architecture, or historic preservation. Two of the members, to the extent available, shall be professional members representing the professions of architecture, history, archaeology, planning, historic preservation or related disciplines. At least two members shall be residents of the district, and at least one shall represent the business within the district.

3.13 Term. The members of the commission shall serve for three-year staggered terms. Vacancies shall be filled within 60 days in accordance with subsection 3.12.

3.14 Organization. The commission shall meet at least four times per year in a place that is advertised in advance and open to the public and shall keep minutes of its meetings that are available to the public. All review decisions shall be made in public. The commission shall establish bylaws for its general procedure, which shall include a section addressing conflicts of interest. The commission shall produce an annual report of its activity that is kept on file for public review with the city planning office.

3.2 Architectural review certification.

3.21 Effect of architectural review certificate. No building permit or certificate of occupancy may be issued for any structure in the historic district until an architectural review certificate is issued as required under article 3, section 21, subsection 21.3 for the historic district.

3.22 Architectural review certification by the city planner.

(A) An architectural review certificate for specific classes of building permits, including fences, signs, siding, window and door replacement, roofing, the addition or replacement of decorative features, minor demolition, residential additions, and other construction of a minor nature, may be issued by the city planner, after a review and determination that the proposed construction is in general accordance with the standards set forth in subsection 3.25.

(B) The city planner may refer any permit application for demolition or construction in the historic district for consultation with commission.

(C) All decisions of the city planner pursuant to this subsection shall be documented on the building permit. When the city planner grants a conditional approval under this section, all conditions of approval shall be set forth in writing on the building permit. In the event of a denial, the reasons for

such denial shall be documented in a written notice of decision which shall identify all elements of the application found to be contrary to the provisions or intent of this section.

(D) An applicant may appeal the decision of the city planner to the historic district commission and such appeal shall be considered as an architectural review certification application to the historic district commission and shall meet all of the requirements set forth in subsection 3.23.

3.23 Architectural review certification by the historic district commission.

(A) The historic district commission shall issue architectural review certificates for the construction or demolition of single-family and two-family homes, and nonresidential structures or additions involving a gross floor area of 3,000 square feet or less, after review of the proposed construction and after a determination that the construction is in general accordance with the standards set forth in subsection 3.25 below.

(B) All applications to the historic district commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.

(C) All decisions of the historic district commission pursuant to this subsection shall be formalized in a written notice of decision. When the commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.

(D) An applicant may appeal the decision of the historic district commission to the planning commission, and such appeal shall be considered as an architectural review certification application to the planning commission and shall meet all of the requirements set forth in subsection 3.24 and subsection 3.26.

3.24 Architectural review certification by the planning commission.

(A) The planning commission shall issue architectural review certificates referred or appealed to it, upon review of the recommendations of the historic district commission and upon a determination that the proposed construction is in accordance with the standards set forth in subsection 3.25.

(B) All applications to the planning commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.

(C) All decisions of the planning commission pursuant to this subsection shall be formalized in a written notice of decision. When the planning commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.

3.25 Architectural review standards.

(A) An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and as set forth in the United States Secretary of the Interior's Standards for Rehabilitation.

(B) The city planner, historic district commission or planning commission shall not consider normal maintenance and repair (see Definitions, article 12), interior arrangement, or building features not subject to public view.

3.26 Procedures for an architectural review by the historic district commission and/or planning commission.

(A) Architectural preapplication meeting. Prior to action on any application for an architectural review certificate, the applicant shall meet in person with the city planner or his delegated representative. The purpose of such conference shall be to discuss the proposed construction or other action requiring the certificate in order to determine what information is useful in the determination of

conformity with the provisions and intent of the historic district regulation as expressed in this article.

(B) Application and fee. The application to the historic district commission for an architectural review certificate and related information shall be submitted to the city planner at least 30 days prior to the historic district commission meeting at which review is requested and shall be accompanied by a fee as provided for in Appendix F—Fees and Fines.

(C) Public hearing. Prior to the review and action on an architectural review certification, the historic district commission shall hold a public hearing subject to the following public notification procedures:

(1) The applicant shall advertise the public hearing newspaper of general circulation at least 15 days prior thereto.

(2) The applicant shall notify, by mail, all property owners within 200 feet of the extreme limits of the subject property as their names appear on the municipal tax record at least 15 days prior thereto.

(3) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission.

(4) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating date of mailing for all letters on or before the meeting date.

(5) Said notices shall state the date, time, and place of the hearings before the historic district commission, a brief description of the project and shall state that a copy of the application and plan is on file with the planning office for public review.

(6) If the planning commission is reviewing a project in accordance with other sections of this article, then the public hearing notice on those applications must also give notice of architectural review certification.

(D) Application information. The applicant shall provide such information and documents listed below which will satisfactorily illustrate the proposed action as indicated in the architectural preapplication meeting required in subsection 3.26(A):

(1) All plan elements required in subsection 2.5.

(2) Plans and specifications indicating existing and proposed development, including structures, architectural elevation drawings, trees and any other landscaping, existing and proposed, including the general design, location and orientation of structures in relation to curb line, right-of-way line and neighboring buildings, colors, and materials to be used on exterior surfaces, detailed plans for any signs, photographs of the existing site and neighboring buildings, and such other information as will enable the historic district commission or planning commission to determine conformity with the ordinance.

(E) City planner report. For each application to the planning commission the city planner shall issue a report to the planning commission including comments from other agencies detailing how the application conforms to the requirements of the zoning ordinance and other provision of city and state codes. This report shall not be deemed to represent a comprehensive list of all city and state code requirements. The city planner shall transmit copies of the proposed site development plan and the city planner's report at least seven days prior to the date of the meeting at which approval of the site development plan is to be requested.

(F) Historic district commission action. The historic district commission shall act to review and render a recommendation to approve any such application within 45 days of transmittal to the commission or within such additional time as may be consented to by the applicant. The recommendation of the historic district commission shall be forwarded to the planning commission and acted upon by the planning commission in conjunction with action on the associated site development plan. If a site development plan application is not filed in accordance with the provisions of subsection 2.4 of this

article within one year of recommendation, the recommendation shall expire. The historic district commission may grant a one-year extension of its recommendation upon written request by the applicant. Such request shall be made in writing to the planning office at least thirty days prior to the expiration of the historic district commission's recommendation.

(G) Substantial amendments. Substantial amendments to an application or an architectural review certificate shall be acted upon in the same manner as the original plan.

(H) Expiration of architectural review certification issued by the historic district commission.

(1) Architectural review certification approval shall expire on the last day of the 12th month after the date of approval if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the historic district commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the historic district commission.

(2) Request for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such request, the matter shall be considered at the next regularly scheduled meeting of the historic district commission.

(3) In considering a request for an extension of approval, the historic district commission shall consider, but not be limited to, the following:

(a) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.

(b) Whether the applicant has made substantial progress toward obtaining final approvals.

(c) Whether there have been any significant changes in the surrounding neighborhood.

(d) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.

(4) Requests for extensions shall be submitted in writing to the planning office.

(5) Under no circumstances shall the historic district commission grant extensions beyond 24 months from the date of first approval.

3.3 Historic district amendments.

3.31 Historic district commission review required. Any motion or petition to amend, supplement, or repeal a historic district by the city council in accordance with section 5, Amendments, shall require a report by the historic district commission as set forth in article 3, subsection 21.4.

3.32 Review criteria for placing individual structures in a historic district. The historic district commission may recommend that an individual structure or property be placed in an existing contiguous historic district or be placed in a historic district specifically created for the property or structure upon considering the following criteria and factors:

(A) Significant value as part of the historical, cultural, artistic, social, ethnic or other heritage of the nation, state or community;

(B) Association with an important person or event in national, state, or local history.

(C) Representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craftsmanship, method of construction or use of indigenous material;

(D) Notable work of a master builder, designer, architect, or artist whose individual genius has influenced an era;

(E) The desire of the owner to have the property designated;

(F) Increased potential of economic or community development.

3.33 Review criteria for amendments or creation of new historic districts. The historic district commission may recommend amendments to an existing historic district, recommend repeal of an existing historic district or recommend the creation of a new historic district upon considering the following criteria:

(A) Any criteria listed in subsection 3.32.

(B) Distinctive character or homogeneity of architectural design or dates of construction throughout the area.

(C) Identifiable by clear and distinctive boundaries.

(D) Repetition of distinguishing architectural or land use characteristics throughout the area.

3.34 Public hearing required. For all proposed amendments to the boundary of the historic district, the historic district commission shall hold a public hearing subject to the following public notification procedures:

(A) The planning office shall advertise the public hearing in a newspaper of general circulation at least 15 days prior thereto.

(B) The planning office shall notify, by mail, all directly affected property owners and all property owners within 200 feet of the extreme limits of the properties proposed for addition to or removal from the district as their names appear on the municipal tax record at least 15 days prior thereto.

3.4 Demolition by neglect.

3.41 Responsibility of property owners. Property owners of properties within the historic districts shall not allow their buildings to be demolished by neglect (see Definitions, article 12) by failing to provide ordinary maintenance or repair.

3.42 Responsibility of the historic district commission. The historic district commission shall monitor the condition of historic properties and existing buildings in the historic district to determine if they are being demolished by neglect by failing to provide ordinary maintenance and repair (see Definitions, article 12). In the event that the commission determines a demolition by neglect is occurring, it shall carry out the following:

(A) Determine and set forth steps required to remedy the situations or defects.

(B) Direct the city planner to inform the property owners of its findings, determination, and recommended remedies.

(C) In the event that the property owners fail to commence work within the reasonable time allotted by the commission, the commission may direct the building inspector to begin proceedings under chapter 22, buildings, and building regulations, article XI, dangerous buildings, of the Code of Ordinances for the City of Dover to bring about the repair or demolition of the building.

3.43 Responsibility of the city planner. The city planner shall notify the historic district commission of buildings within the historic district that have been referred to him by the building inspector that meet the definition of dangerous buildings under the provisions of chapter 22 Buildings and Building Regulations, article XI Dangerous Buildings, of the Code of Ordinances for the City of Dover. In such cases the commission shall determine if the building is being demolished by neglect. Before referring a property to the commission for consideration as demolition by neglect, the city planner shall give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before historic district commission at the time, date and location specified.

(Ord. No. 2011-14, 8-8-2011)

Section 4. - Development information requirements.

4.1 In order to more effectively evaluate the probable impact of proposed development and thereby to carry out the purposes of this ordinance when making decisions and recommendations regarding development proposals,

the planning commission, historic district commission, or city planner may adopt a standard set of information requirements, which may be updated from time to time as necessary.

4.2 The information requirements shall be administered by the city planner and shall be a part of submission requirements for all applications to the planning commission.

(Ord. No. 2011-14, 8-8-2011)

Section 5. - Amendments.

This article or any part thereof may be amended, supplemented or repealed, from time to time, by the city council on its own motion or upon application, as provided in chapter 3 of title 22, Municipalities of the Delaware Code Annotated (22 Del. C. § 301 et seq.). Every such proposed amendment shall be referred by the city council to the planning commission for a report before the public hearing. The city council shall not take action on any such amendment without a report from the planning commission unless the planning commission fails to render such a report within 75 days after its regularly scheduled meeting following such referral.

5.1 Types of amendments to the ordinance. The following are the types of amendments that may be made to the ordinance:

5.11 Zoning text amendments. Amendments to ordinance text may be made upon initiation of the city planner or under sponsorship of three members of city council.

5.12 Map amendment by application. A property owner may make application to the city for amendment of the zoning map as it relates to his property. Amendments to the zoning map may also be initiated by sponsorship of three members of city council and shall be considered under the procedures of subsection 5.3 as it relates to applications for map amendments.

5.13 Comprehensive zoning map amendment. Amendment to the zoning map as a result of a new, revised, or amended comprehensive plan, or other formal plan or study shall be considered as a comprehensive zoning map amendment and shall be initiated by the planning office.

5.2 Procedure for zoning text amendments in accordance with subsection 5.11.

5.21 Public hearing and notice. An amendment to the ordinance text shall be subject to public hearing before the planning commission and city council prior to adoption. Such hearing shall be advertised in a newspaper of general circulation at least 15 days prior to the planning commission hearing. Such notices shall state the date, time and place of the planning commission and city council hearings and a brief description of the proposed zoning text amendment, and specify that documents are available in the planning office for review.

5.22 City planner report. For each proposed zoning text amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that evaluates the following factors:

(A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and

(B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.

5.23 Report of the planning commission. Regarding each proposed amendment to the ordinance text, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

(A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and

(B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.

5.3 Application procedure for zoning map amendments in accordance with subsection 5.12.

5.31 Preapplication meeting. Prior to the submission of a zoning map amendment application, the applicant or his representative shall meet in person with the city planner or his designee to discuss the rezoning request. The purpose of this meeting shall be to discuss proposed uses or developments and to review the process and submission requirements.

5.32 Application. Application for a zoning map amendment shall be submitted to the city planner, on forms approved by the planning commission, along with a fee as provided for in Appendix F—Fees and Fines, and copies of a site map as described below.

(A) Submission requirements accompanying applications for amendments to the zoning map. The applicant shall cause a site map to be prepared by a civil engineer, surveyor, land planner, or architect. The applicant shall submit copies of the site map to the city planner. The elements to be included on the site map are listed below:

(1) Scale and dimensions. The map shall be at least 8.5 by 11 inches and at a scale of ten, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

(2) Legal data.

(a) Tax parcel identification number.

(b) Name and address of the owner of record.

(c) Name and address of the equitable owner, if any.

(d) Name and address of the person, firm or organization preparing the map.

(e) Date, north point and written and graphic scale.

(f) Sufficient description of information to precisely define the boundaries of the property and that portion of the property for which a rezoning is requested; and total acreage for which a rezoning is requested. All distances shall be in feet and hundredths of a foot. All angles shall be given to the nearest second or closer. The error of closure shall not exceed one in 10,000.

(g) The locations, names and existing widths of adjacent street rights-of-way and curblines.

(h) Location, width and purpose of all existing and proposed easements, reservations and areas dedicated to public use within or adjoining the property.

(i) Existing and proposed zoning.

(j) Any existing development on the property, including buildings, fences and landscape screening.

(k) Full and complete information requested by the city planner in accordance with the development information requirements set forth in section 4.

5.33 Setting of hearings and referral to planning commission. For any application to amend the zoning map, city council shall refer the proposed amendment to the planning commission and set dates for the public hearings to be held before the planning commission and city council.

5.34 Advertisement of public hearing. Following referral of a zoning map amendment application to planning commission by city council, the applicant shall advertise the public hearing as follows:

(A) The applicant shall notify by mail all property owners within a distance of 200 feet of the extreme limits of the subject property of the public hearing dates, times and locations.

(B) The applicant shall advertise the public hearings in a newspaper of general circulation at least fifteen (15) days prior to the planning commission hearing. Such notices shall state the date, time and place of the planning commission and city council hearings and a brief description of the proposed zoning map amendment, and specify that documents are available in the planning office for review.

(C) The applicant shall also post a notice outlining the date, time, place, and nature of the hearings in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission and city council.

(D) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating the date of mailing for all letters on or before the planning commission meeting date.

5.35 City planner report. For each application for a zoning map amendment, the city planner shall transmit a report to the planning commission and city council, including comments from other reviewing agencies that evaluate the following factors:

(A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;

(B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and

(C) Whether the proposed change is in accordance with the city's current comprehensive plan.

5.36 Report of the planning commission. Regarding each application for a zoning map amendment, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

(A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;

(B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and

(C) Whether the proposed change is in accordance with the city's current comprehensive plan.

5.37 Amendment of zoning map. Following action by city council with regards to an application to amend the zoning map, the planning office shall update the zoning map to reflect the action of city council.

5.38 Notice of decision. The city clerk shall send the applicant a letter notifying the applicant of the city council's action regarding the application for a zoning map amendment.

5.4 Procedure for comprehensive zoning map amendment in accordance with subsection 5.13.

5.41 Public hearing and notice. A comprehensive zoning map amendment shall be subject to public hearing before the planning commission and city council prior to adoption. The planning office shall advertise the public hearings as follows:

(A) The planning office shall advertise the public hearing in two newspapers of general circulation at least 15 days prior to the planning commission hearing.

(B) The planning office shall notify all affected property owners by mail at least 15 days prior to the planning commission hearing, informing them of the proposed zoning map amendment as it relates to their property.

(C) Such notices shall state the date, time and place of the planning commission and city council hearings and a brief description of the proposed zoning map amendment, and specify that documents are available in the planning office for review.

5.42 City planner report. For any comprehensive zoning map amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that identifies:

(A) The reasons for the comprehensive zoning map amendment;

(B) All properties where a change in zone is proposed; and

(C) How the proposed changes to the zoning map support the city's current comprehensive plan.

5.43 Report of the planning commission. Regarding each application for a comprehensive zoning map amendment, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

(A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;

(B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and

(C) Whether the proposed change is in accordance with the city's current comprehensive plan.

5.44 Adoption of comprehensive zoning map amendment. Upon adoption of the comprehensive zoning map amendment by city council, the zoning of properties shall be as reflected in the adopted map.

5.45 Notice of decision. The city shall notify all affected property owners in writing with regards to any amendments to the zoning map that affect their properties.

5.5 Amendment protests. In the case of a protest against any amendment, such amendment shall not become effective, except in accordance with the provisions of section 305 of chapter 3 of title 22, Municipalities, of the Delaware Code Annotated (22 Del. C. § 305).

5.6 Zoning map amendment approvals. In all cases where the city council shall approve an amendment to the zoning map, the said council shall find that, for reasons fully set forth in the said findings, such amendment is in conformity with the comprehensive plan for the city.

5.61 Reconsideration, one-year limitation.

(A) Whenever an amendment has been denied by the city council, such amendment, or one substantially similar, shall not be reconsidered sooner than one year from the date of the prior denial, except as provided in subsection (B) hereof.

(B) Notwithstanding the provisions of subsection (A) hereof, the planning commission may request the council to reconsider an application within the one-year period from the denial of the same if the land use in the area has changed to such a degree that failure to do so would prevent proper planning and development of the area in question.

5.7 Closed zones. Where the city finds that new development in a certain zone would be inconsistent with the purposes of this article, but that elimination of or substantial changes to the zone would create a hardship for many owners of existing buildings and land in that zone, the city may declare the zone closed. The city council shall not accept or approve amendments to the zoning map which would place land in a closed zone. Closed zones include:

(A) R-7;

(B) RG-4;

(C) RG-O, except in the downtown redevelopment target area as described in appendix C of the City of Dover Code of Ordinances.

(Ord. No. 2011-14, 8-8-2011)

**FIRST READING**

**CITY OF DOVER PROPOSED ORDINANCE #2015-19**

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

That Appendix C - Downtown Redevelopment, Article II - Definitions, Section 4 - Target Area of the Dover Code be amended by inserting the bold, blue text and deleting the text indicated in red strikeout as follows:

*High Priority Target Area* shall mean that part of the city more particularly described as bounded by the street center lines as follows:

> From the intersection of the centerlines of North Governors Avenue and Mary Street south ~~go~~ **to** the intersection of the centerlines of North Governors Avenue and Fulton Street, east to the intersections of the center lines of Fulton Street and North State Street, south to the ~~northern~~ intersection of the center lines of South State Street and ~~The Green,~~ **Loockerman Street, east 202 feet and then south 172 feet and then west 36 feet and south 73 feet, and west along the right-of-way of North Street for 136 feet, and then south 45 feet along the center line of State Street and then east 73 feet along the south right-of-way of North Street and then south 71 feet, and then west 11 feet and south six feet and west 20 feet and south 135 feet and west 8 feet and then south 22 feet, ~~and along~~ then west following** the centerline of The Green ~~east of South State Street~~ to the south intersection of the center lines of South State Street and The Green, south to ~~the intersection of the center lines of South State Street and~~ West Water Street **and south 218 feet and west 205 feet and southwest 41 feet and west 246 feet and north 102 feet and west 103 feet and northwest 3 feet and west 40 feet and southwest 9 feet and west 44 feet and north to the intersection of South Governors Avenue and the centerline of West Water Street** and west to the intersection of the center lines of West Water Street and South Queen Street, south along the center line of South Queen Street 541.11 feet and then west to the center line of South West Street, and north to the intersection of the center lines of West North Street and South West Street, and west to the intersection of the center lines of West North Street and Clarence Street and north to the intersection of the center lines of Clarence Street and Slaughter Street, and west along the center line of Slaughter Street to Cherry Street and north along the center line of Cherry Street to the intersection with the center line of Lincoln Street, and east along the center line of Lincoln Street to the intersection of the center lines of Forest Street and South West Street, and north along the center line of South West Street to the intersection of the center lines of West Street and West Division Street, and west to the east property line of the Norfolk Southern railroad track, and north along this property line to the intersection with the center line of Mary Street, and west to the intersection of the center lines of Mary Street and North Governors Avenue.

ADOPTED: *

Draft

**SYNOPSIS**

The amendment expands the boundaries of the high priority target area.
(Sponsor: Legislative, Finance, and Administration Committee)

*Actions History*
*10/26/2015 - First Reading at City Council meeting*

S:\ORDINANCES\2015\DRAFT\ORDINANCE #2015-19 APPENDIX C-DOWNTOWN REDEVELOPMENT, ART II-DEFINITIONS, SEC 4-TARGET AREA\Ordinance #2015-19 Appendix C - Downtown Redevelopment, Article II - Definitions, Section 4 - Target Area - First Reading.wpd

Draft

**FIRST READING**

# CITY OF DOVER PROPOSED ORDINANCE #2015-17

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

That Chapter 14 - Amusements and Entertainments of the Dover Code be deleted in its entirety, as follows:

~~**CHAPTER 14 - AMUSEMENTS AND ENTERTAINMENTS**~~

~~**ARTICLE I. - IN GENERAL**~~

~~**Secs. 14-1-14-30. - Reserved.**~~

~~**ARTICLE II. - OUTDOOR MUSIC FESTIVALS**~~

~~**Sec. 14-31. - Definitions.**~~

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

~~**Outdoor music festival means any group or person participating in musical entertainment in open spaces and not enclosed within a fully enclosed and constructed building.**~~

~~**Promotor means the organizer, operator, producer or the person staging an outdoor music festival and the owner, tenant and lessee of the land upon which an outdoor music festival is performed.**~~

~~**Spectators means a gathering of 1,000 or more persons who pay a consideration for the purpose of seeing or hearing an outdoor music festival.**~~

~~**(Code 1968, § 6-10; Ord. of 3-24-1980; Code 1981, § 11.5-16)**~~

~~**Sec. 14-32. - Permits.**~~

~~**(a) Required. No promotor shall hold or conduct any outdoor music festival where spectators will be present without first obtaining permits from the licensing division of the department of planning and inspections of the city or its successor, and the city police department.**~~

~~**(b) Bond; sanitation, health. The licensing division of the department of planning and inspections shall not issue a permit until the following provisions are met:**~~

~~**(1) The promoters post a cash bond in an amount to be determined by the city council, not to exceed $50,000.00; and**~~

~~**(2) The promoters establish adequate sanitation and health facilities that are in accordance with the rules and regulations governing outdoor music festivals adopted by the city health department.**~~

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~~(c) Issuance. The police department or the chief of police shall not issue a permit until the promotor furnishes evidence that he has provided:~~

~~(1) Adequate security for the safety of the spectators and their property; and~~

~~(2) Adequate arrangements for the orderly flow of traffic to, at and from the outdoor music festival.~~

~~(d) Use of bond money. The licensing division of the department of planning and inspections shall retain the bond required in subsection (b)(1) of this section for a period of 30 days after the outdoor music festival has terminated. Within 72 hours after the termination of an outdoor music festival, in the event the promoters fail to remove all trash, debris or residue and repair any damage to personal property, real property, crops or livestock belonging to another person, then, in that event, the licensing division of the department of planning and inspections may use as much of the bond money as is needed to remove the trash, debris or residue and repair the damage to personal property, real property, crops, or livestock. Any monies unexpended from the bond shall be returned by the licensing division of the department of planning and inspections to the promotor 30 days after termination of the outdoor music festival or at such time as the department has been able to pay for the damages and repairs incurred.~~

~~(Code 1968, § 6-12; Ord. of 3-24-1980; Code 1981, § 11.5-17)~~

~~Sec. 14-33. - License.~~

~~No promotor shall obtain a license pursuant to chapter 26 until he has first obtained a permit as required by this article, but said promotor shall be required to obtain a license pursuant to article II of chapter 26 once said permit as required by this article has been secured.~~

~~(Code 1968, § 6-13; Ord. of 3-24-1980; Code 1981, § 11.5-18)~~

~~Sec. 14-34. - Violations; penalties.~~

~~Any person who organizes, operates, produces or stages, or permits to be organized, operated, produced or staged, an outdoor music festival on land which he owns or leases without having first obtained the required permits and license shall be punished as provided in section 1-17.~~

~~(Code 1968, § 6-14; Ord. of 3-24-1980; Code 1981, § 11.5-19)~~

**BE IT FURTHER ORDAINED:**

That Appendix B - Zoning, Article 3 - District Regulations, Section 18 - Recreational and Commercial Zone (RC) of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the text indicated in bold, blue text, as follows:

**Section 18. - Recreational and commercial zone (RC).**

18.1 *Uses permitted*. No building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:

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~~18.11~~ **(a)** Public and private parks and playgrounds.

~~18.12~~ **(b)** Athletic fields.

~~18.13~~ **(c)** ~~Baseball, football or boxing~~ **Sports** stadiums and arenas.

~~18.14~~ **(d)** Public and private swimming pools and clubs.

~~18.15~~ **(e)** Miniature golf courses and pitch and putt golf courses.

~~18.16~~ **(f)** Golf or baseball driving ranges.

~~18.17~~ **(g)** Golf courses and country clubs.

~~18.18 Commercial and recreational establishments, including dancehalls, skating rinks, bowling alleys and other similar indoor recreational uses, but excluding penny arcades and shooting galleries.~~

~~18.19 Circuses, carnivals and fairs, provided that no part of the activity area of such use shall be within 500 feet of a residential zone.~~

~~18.110 [18.20]~~ **(h)** Hotels, motels and restaurants.

**(i) Auto, horse and motorcycle racetracks.**

**(j) Indoor and/or outdoor recreation and amusement establishments.**

**(k) A temporary outdoor activity, such as a fair, circus, carnival, bazaar, music festival, or other outdoor event, subject to the following requirements:**

**(1) *Permit required*. A temporary outdoor activity permit shall be required. Such permit may be issued for a calendar year, provided that any changes to the permit are reviewed and approved by the department of planning and inspections.**

**(2) *Plan required*. The owner shall submit a plan to the department of planning and inspections showing the layout for the temporary activity a minimum of 30 days prior to the event, including the location of all existing structures and any proposed temporary structures, including but not limited to stages, tents, trailers, and temporary buildings. The permit shall include any other pertinent information deemed appropriate by the department director for this permit.**

**(3) *Fees*. A fee for the temporary activity permit shall be in accordance with Appendix F - Fees and Fines.**

**(4) *Parking*. The application for the temporary activity permit shall include a plan delineating the proposed parking area(s), number of parking spaces, ingress and egress to the parking area, and any other pertinent information deemed appropriate for the permit.**

**(5) *Noise*. The use of loud speakers and other amplification systems outdoors shall be prohibited between 12:00 a.m. and 7:00 a.m. on Monday through Friday and between 2:00 a.m. and 9:00 a.m. on Saturday and Sunday.**

**(6) *Documentation of approval*. The director of planning and inspections may require documentation of approval for outside agencies having jurisdiction over such activity including but not limited to the Delaware division of public health, department of transportation, and the Dover police department.**

**(7) *Discharge of substances*. No activity associated with a temporary outdoor activity shall be permitted to discharge any substance, including wash water, to any storm drain, storm water management area, drainage ditch, or other water conveyance system.**

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**(l)** ***Temporary Camping Areas.*** **Temporary camping areas shall be permitted within all zones subject to the following requirements:**

**(1)** ***Permit required.*** **Property owners wishing to provide more than five camping sites shall apply for a permit from the planning and inspections department. Such permit shall be valid for the calendar year in which it is issued. Any changes to the permit shall be approved by the department of planning and inspections.**

**(2)** ***Fees.*** **Fees for the permit and/or amendments to the permit will be charged in accordance with Appendix F - Fees and Fines.**

**(3)** ***Diagram required.*** **Prior to issuance of a permit, the property owner or his/her agent must submit a legible diagram of the camping area to the department of planning and inspections. The diagram shall include:**

**i.** **Identification of camping areas and indicate whether each area will be utilized for tent camping or recreational vehicle camping.**

**ii.** **Emergency access, drive aisles, entrance(s) and exit(s).**

**iii.** **Number of proposed recreational vehicles or tents to be permitted in each camping area.**

**iv.** **Location of power lines.**

**v.** **Location of restroom facilities.**

**vi.** **The period of time for which the permit is requested.**

**(4)** ***Distance from power lines.*** **No camping sites shall be permitted within 25 feet of power lines as measured from the center of the utility pole. Vertical extensions from camping sites shall not be closer than 25 feet to power lines as measured from any point on the vertical extension.**

**(5)** ***Tent placement in relation to vehicles.*** **Tent camping sites shall be laid out to avoid the location of tail pipes, generators, and other carbon monoxide sources near tent placement. The Fire Marshal or other city code official shall have the authority to require that vehicles and/or tents be relocated to avoid the danger of carbon monoxide entering tents.**

**(6)** ***Restrooms and shower facilities required.*** **Tent camping areas shall be required to include temporary or permanent restrooms and shower facilities.**

**(7)** ***Parking recreational vehicles.*** **Recreational vehicles shall not be parked closer than ten feet to other recreational vehicles, buildings, or other structures, as measured from the long side of the vehicle; nor closer than two feet from other recreational vehicles, buildings, or other structures, as measured from the front or rear of the vehicle. The required ten feet shall exclude any bump-outs or other protrusions from the side of the vehicle. Any exceptions to this shall be subject to review by the fire marshal upon the determination that the safety objectives of this subsection are achieved.**

**(8)** ***Drive aisles.*** **Camping areas shall have drive aisles constructed of drivable surfaces engineered to hold the weight of recreational vehicles, fire equipment, and other emergency response equipment in all types of weather. Crushed stone or gravel surfaces shall be permitted for such drive aisles.**

**(9)** ***Residential buffering.*** **Any camping area abutting a residential use shall be buffered by a landscape buffer of evergreen trees of a minimum height of six feet tall and an opaque fence of six feet tall.**

Draft

**(10)** ***Change approval.*** **Any changes to the approved layout of temporary camping areas shall be approved by the department of planning and inspections.**

**(11)** ***Discharge of substances.*** **No activity associated with any camping area shall be permitted to discharge any substance, including wash water, to any storm drain, storm water management area, drainage ditch, or other water conveyance system.**

~~**18.111 [18.21] In addition, the following may be permitted as conditional uses under article 10, section 1 of this ordinance:**~~

**18.2** ***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:**

(a) Outdoor and drive-in theaters, provided that adequate screening is installed to shield all adjacent properties and public streets and alleys from the glare of lights from the parking areas.

~~**(b) Auto, horse and motorcycle racetracks.**~~

(~~**c**~~ **b**) Airports and facilities incident to aviation.

(~~**d**~~ **c**) Livery stables and riding academies, provided that the corrals shall be at least 200 feet from any dwelling, school, church, eating place and intermittent or running, natural or artificial watercourses.

~~**18.112 [18.22] Accessory uses [as follows]:**~~

**18.3** ***Accessory uses*****. The following uses shall be permitted accessory to other permitted uses on a lot.**

(a) Accessory uses customarily incident to the principal ~~**permitted**~~ use and any other necessary to the operation of the principal permitted use located on the same premises therewith shall also be a permitted use.

~~**(b) Accessory uses customarily incident to the principal conditional use located on the same premises therewith shall be a conditional use.**~~

~~**18.2 [Signs.] Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.**~~

~~**18.3**~~ **18.4** *Performance standards*. All uses are subject to performance standards as set forth in article 5, section 8.1.

~~**18.4**~~ **18.5** *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 **permanent** structures and prior to the issuance of certificates of occupancy for any change of use.

(Ord. of 7-10-2000; Ord. of 2-12-2001)

Draft

**BE IT FURTHER ORDAINED:**

That Appendix F - Fees and Fines of the Dover Code be amended by inserting the text indicated in bold, blue text, as follows:

| Appendix B - Zoning, Article 3 - District Regulations | | | |
|---|---|---|---|
| **Sec. 18** | **Recreational and commercial zone (RC)** | | |
| | **Subsec. 18.1** | **Uses permitted** | |
| | **(k)(3)** | **Temporary Activity Fee** | |
| | | **Less than 5 acres** | **$50.00** |
| | | **5-25 acres** | **$100.00** |
| | | **26-100 acres** | **$250.00** |
| | | **100+ acres** | **$500.00** |
| | **(l)(2)** | **Temporary Camping Permit Fee** | |
| | | **Less than 5 acres** | **$50.00** |
| | | **5-25 acres** | **$100.00** |
| | | **26-100 acres** | **$250.00** |
| | | **100+ acres** | **$500.00** |

ADOPTED: *

S:\ORDINANCES\2015\DRAFT\ORDINANCE #2015-17 - CH 14-AMUSEMENTS, APNDX B-ART III, SEC 18, AND APNDX F\Proposed Ordinance #2015-17 Amending CH 14-AMUSEMENTS, APNDX B-ART III, SEC 18, AND APNDX F-FIRST RDG.wpd

**SYNOPSIS**

The proposed ordinance would remove Chapter 14 of the Dover Code - Amusements and Entertainment, which addresses Outdoor Music Festivals. The proposed ordinance would also amend the RC (Recreation and Commercial) Zone to allow temporary special events and temporary camping areas within the zone and set minimum requirements for these events and camping areas.

(SPONSORS: HARE, HUTCHISON, AND TOWNSHEND)

Actions History

10/26/2015 - Scheduled for First Reading at City Council meeting

10/12/2015 - Introduced at the Legislative, Finance, and Administration Committee meeting

Draft

**FINAL READING**

**CITY OF DOVER PROPOSED ORDINANCE #2015-15**

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

That Chapter 70 - Offenses and Miscellaneous Provisions, Section 70-2 - Weapons Generally, be amended by deleting it in its entirety and inserting in lieu thereof the following:

Sec. 70-2. - Weapons generally.

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

*Municipal Building* shall mean any building where the city meets in its official capacity, including non-city owned or leased buildings during the time in which the city is meeting in or occupying the building, or any building containing the offices of city elected officials and of city employees actively engaged in performing governmental business. Parking facilities are excluded.

*Weapon* shall mean any firearm from which a shot, projectile or other object may be discharged, or any air gun, BB gun, or any instrument, toy or weapon commonly known as a "peashooter," "slingshot" or "beany," or any bow made for the purpose of throwing or projecting missiles of any kind, or any knife, brass or metal knuckles, or any club loaded with lead or other weight, or any blackjack or billyclub.

(b) *Unlawful discharge.* It shall be unlawful for any person to discharge any firearm within the city, except lawfully in self-defense, in defense of property, in defense of others or as permitted in paragraph (c).

(c) *Lawful discharge*.

(1) *Law enforcement officers*. The discharge of weapons by any law enforcement officer while on duty, or as necessary in the lawful discharge of his or her duties, is permitted.

(2) *Galleries and ranges*. The discharge of weapons at licensed shooting galleries or ranges when the instrument can be fired, discharged or operated in a manner that shall not endanger persons or property, and also in a manner that shall prevent the projectile from traversing any grounds or space outside the limits of the gallery or range is permitted.

(d) *Prohibited.*

(1) *Business display*. It shall be unlawful for any pawnbroker, secondhand dealer or other person who engages in business in the city to display, or to place on exhibition in any show window or other window facing upon any street, any pistol, revolver or other firearm with a barrel of less than 12 inches in length, or any switchblade knife, or any brass or metal knuckles, or any club loaded with lead or other weight, or any blackjack or billyclub.

Draft

(2) *Furnishing to certain persons*. It shall be unlawful for any person to purchase from, or sell, loan or furnish any weapon to any person under the influence of any alcoholic beverage or any narcotic drug, stimulant or depressant, any person in a condition of agitation and excitability or a minor under the age of 18 years.

(3) *Possession of firearms, ammunition, components of firearms, or explosives in municipal buildings.* Except as set forth in section (c) below, possession of firearms, ammunition, components of firearms, or explosives is prohibited in all municipal buildings.

a. *Required Signs*. In all municipal buildings, a conspicuous sign shall be posted at each entrance stating that the possession of firearms, ammunition, components of firearms, or explosives are prohibited. Such sign may also state that persons in violation may be denied entrance to the building or be ordered to leave the building.

b. *Immediate Departure*. Any person who immediately foregoes entry or immediately exits any municipal building or police station due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating this section.

c. *Exceptions*. The following shall constitute valid exceptions to this section:

1. Possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;

2. Law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition, or explosives;

3. Law enforcement agencies conducting firearm or ammunition safety and training programs, donation, amnesty, or any other similar programs in police stations or municipal buildings;

4. Compliance by persons subject to protection from abuse court orders;

5. Carrying firearms and ammunition by persons who hold a valid license pursuant to either §1441 or §1441A of Title 11 of the Delaware Code so long as the firearm remains concealed except for inadvertent display or for self defense or defense of others;

6. Carrying firearms and ammunition by officers or employees of the United States duly authorized to carry a concealed firearm; or

7. Carrying firearms and ammunition by agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.

Draft

(e) *Penalties*.

(1) *Fines*. Except as otherwise provided, any violation of this section shall be subject to a fine as provided for in Appendix F - Fees and Fines.

(2) *Forfeiture*. Every person convicted of a violation of this section, section 70-3, or any state law relating to weapons shall forfeit the weapon to the city. Upon a finding of guilt, it shall then be the duty of the court, after the expiration of a reasonable time, to declare by written order that the chief of police shall either dispose of the weapon or retain the weapon for official police department use.

(f) *Severability*. The provisions of this ordinance shall be severable. If any provisions of this ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this ordinance shall remain valid, unless the court finds that the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

(g) *No repeal of existing firearms related ordinances*. Adoption of this ordinance shall in no way repeal or alter any law, ordinance or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or ammunition enacted before July 4, 1985. To the extent that this ordinance conflicts with any similar ordinance prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or ammunition enacted before July 4, 1985, the more stringent of the two ordinances shall govern.

(Code 1968, §§ 20-29, 20-33—20-36; Code 1981, § 14-5)

**BE IT FURTHER ORDAINED:**

That Appendix F, Fees and Fines, be amended by inserting the blue text and deleting the red, struck text, as follows:

| Chapter 70—Offenses and Miscellaneous Provisions | | | |
|---|---|---|---|
| Sec. 70-1 | Combative fighting | | |
| | Subsec. (d)(1) | Violations; penalties, Fines ..... | Not to exceed $1,000.00. Separate fines may be issued to the promoter of such an event, participants in such an event, and the owner of the premises of such an event |
| **Sec. 70-2** | **Weapons generally** | | |
| | **Subsec. (e)(1)** | **Penalties; Fines** | **Not less than $500, nor more than $1,000** |
| Sec. 70-7 | Registered Sexual Offenders | | |
| | Subsec. (~~d~~ **f**) | Penalties ..... | $500.00 for any offense; each day shall constitute a separate offense |

Draft

ADOPTED: *

S:\ORDINANCES\2015\DRAFT\ORDINANCE #2015-15 - CHAPTER 70 OFFENSES AND MISCELLANEOUS PROVISIONS\Ordinance #2015-15 Amending Ch 70 - Offenses and Miscellaneous Provisions, Sec 70-2 Weapons Generally-FINAL RDG.wpd

**SYNOPSIS**

This ordinance amendment harmonizes the Dover Code with the provisions of Article I, Section 20 of the Delaware Constitution.

(SPONSORS: HOSFELT AND HUTCHISON)

Actions History

10/26/2015 - Scheduled for Final Reading at City Council meeting
10/12/2015 - First Reading at City Council meeting
09/28/2015 - Introduced at Safety Advisory and Transportation Committee meeting

Draft

Sec. 70-2. - Weapons generally.

~~(a) Prohibited. It shall be unlawful for any person to have in his possession, carry or use a revolver or pistol of any description, a shotgun or rifle which may be used for the explosion of bullets and cartridges~~

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

***Municipal Building* shall mean any building where the city meets in its official capacity, including non-city owned or leased buildings during the time in which the city is meeting in or occupying the building, or any building containing the offices of city elected officials and of city employees actively engaged in performing governmental business. Parking facilities are excluded.**

***Weapon* shall mean any firearm from which a shot, projectile or other object may be discharged**, or any air gun, BB ~~gun, gas-operated gun or spring-operated~~ gun, or any instrument, toy or weapon commonly known as a "peashooter," "slingshot" or "beany," or any bow made for the purpose of throwing or projecting missiles of any kind ~~by any means whatsoever~~, or any knife, ~~whether that instrument is called by any name set forth above or by any other name.~~

~~(b) License. The weapons prohibited in subsection (a) of this section shall be permitted upon the grant of a license therefor, if required, in the following situations:~~
~~(1) On owner's property. Possession within the possessor's own domicile or business.~~
~~(2) Other license or permit. Possession, carrying or use in conformity with a license issued by the state for that weapon or a permit issued by the chief of police.~~
~~(3) Shooting ranges. Possession or use~~**brass or metal knuckles, or any club loaded with lead or other weight, or any blackjack or billyclub.**

**(b) *Unlawful discharge.* It shall be unlawful for any person to discharge any firearm within the city, except lawfully in self-defense, in defense of property, in defense of others or as permitted in paragraph (c).**

**(c) *Lawful discharge*.**

**(1) *Law enforcement officers*. The discharge of weapons by any law enforcement officer while on duty, or as necessary in the lawful discharge of his or her duties, is permitted.**

**(2) *Galleries and ranges*. The discharge of weapons** at licensed shooting galleries or ranges when the instrument can be fired, discharged or operated in a manner that shall not endanger persons or property, and also in a manner that shall prevent the

projectile from traversing any grounds or space outside the limits of the gallery or range.

~~(4) Unloaded and cased. Carrying of any type of gun whatsoever, when unloaded and properly cased, to or from any licensed gallery or range or to or from an area where hunting is allowed by law. This subsection shall not limit the permitted carrying of guns allowed by subsection (b)(5) of this section.~~

~~(5) Officers. Carrying, wearing, possessing and using, by United States marshals, sheriffs, constables and their deputies, and any regular, special or ex officio police officer, or any other law enforcement officer while on duty, or as shall be necessary in the proper discharge of their duties.~~

~~(6) State license. Possession, carrying or use in conformity with a license issued by the state for that purpose in areas approved by the chief of police, and only then when used in such a manner that shall not endanger persons or property.~~

~~(7) Defense. Persons exercising their legal right of self-defense or defense of property or others.~~

~~(c) Discharge. It shall be unlawful for any person to discharge any gun, pistol, revolver or other firearm within the city, except lawfully pursuant to subsections (b)(2), (3) and (5)—(7) of this section, and those persons excepted by law.~~

~~(d)~~ **is permitted.**

**(d)** ***Prohibited.***

**(1)** *Business display*. It shall be unlawful for any pawnbroker, secondhand dealer or other person who engages in business in the city to display, or to place on exhibition in any show window or other window facing upon any street, any pistol, revolver or other firearm with a barrel of less than 12 inches in length, or any switchblade knife, or any brass or metal knuckles, or any club loaded with lead or other weight, or any blackjack or billyclub.

(~~e~~**2**) *Furnishing to certain persons*. It shall be unlawful for any person to purchase from, or sell, loan or furnish any weapon to~~,~~ any person under the influence of any alcoholic beverage or any narcotic drug, stimulant or depressant, ~~to~~ any person in a condition of agitation and excitability or ~~to~~ a minor under the age of 18 years.

~~(f) Forfeiture.~~

**(3)** ***Possession of firearms, ammunition, components of firearms, or explosives in municipal buildings.*** **Except as set forth in section (c) below, possession of firearms, ammunition, components of firearms, or explosives is prohibited in all municipal buildings.**

**a.** ***Required Signs*****. In all municipal buildings, a conspicuous sign shall be posted at each entrance stating that the possession of firearms, ammunition, components of firearms, or explosives are prohibited. Such sign may also state that persons in violation may be denied entrance to the building or be ordered to leave the building.**

**b.** ***Immediate Departure*****. Any person who immediately foregoes entry or immediately exits any municipal building or police station due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating this section.**

**c.** ***Exceptions*****. The following shall constitute valid exceptions to this section:**

**1. Possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;**

**2. Law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition, or explosives;**

**3. Law enforcement agencies conducting firearm or ammunition safety and training programs, donation, amnesty, or any other similar programs in police stations or municipal buildings;**

**4. Compliance by persons subject to protection from abuse court orders;**

**5. Carrying firearms and ammunition by persons who hold a valid license pursuant to either §1441 or §1441A of Title 11 of the Delaware Code so long as the firearm remains concealed except for inadvertent display or for self defense or defense of others;**

**6. Carrying firearms and ammunition by officers or employees of the United States duly authorized to carry a concealed firearm; or**

**7. Carrying firearms and ammunition by agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.**

**(e)** ***Penalties*****.**

**(1)** ***Fines*****. Except as otherwise provided, any violation of this section shall be subject to a fine as provided for in Appendix F - Fees and Fines (of at least**

**_____ and not to exceed _____, or by imprisonment for not more than _____, or by both fine and imprisonment.)**

**(2)** ***Forfeiture.*** Every person convicted of a violation of this section ~~**or**~~**,** section 70-3, or any state law relating to weapons shall forfeit **the weapon** to the city ~~**the dangerous or deadly weapon concealed or displayed**~~. Upon a finding of guilt, it shall then be the duty of the court, after the expiration of a reasonable time, to declare by written order that the chief of police shall either dispose of the weapon or retain the weapon for official police department use.

~~**(g) Definition. As used in subsection (c) and (f) of this section, the term "weapon" shall mean any revolver or pistol, shotgun or rifle which may be used for the explosion of bullets and cartridges, or any air gun, BB gun, or any instrument, toy or weapon commonly known as a "peashooter," "slingshot" or "beany," or any bow made for the purpose of throwing or projecting missiles of any kind, or any knife.**~~

**(f)** ***Severability*****. The provisions of this ordinance shall be severable. If any provisions of this ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this ordinance shall remain valid, unless the court finds that the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.**

**(g)** ***No repeal of existing firearms related ordinances*****. Adoption of this ordinance shall in no way repeal or alter any law, ordinance or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or ammunition enacted before July 4, 1985. To the extent that this ordinance conflicts with any similar ordinance prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or ammunition enacted before July 4, 1985, the more stringent of the two ordinances shall govern.**

(Code 1968, §§ 20-29, 20-33—20-36; Code 1981, § 14-5)

**FINAL READING**

# CITY OF DOVER PROPOSED ORDINANCE #2015-16

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

That Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing, and Parking, Division 2 - Metered Parking, Section 106-164 - Violations; Penalties of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the blue text, as follows:

Sec. 106-164. - Violations; penalties.

(a) *Generally*. Any person convicted of violating the provisions of this article or of aiding, abetting or assisting in the violation of said provisions shall be sentenced to pay a fine as provided for in Appendix F-Fees and Fines.

(b) *Enhanced civil enforcement authority*. If five or more violations of this article have been issued to a vehicle and those violations are more than 30 days past due, or if accumulated unpaid violations of this article exceed more than $100.00, the vehicle shall be subject to enhanced civil enforcement, as follows:

(1) Such vehicle found parked on any street in the city shall be immobilized by any police officer or parking enforcement employee of this city in such manner as to prevent its operation. Any vehicle so immobilized or impounded shall not be released to its lawful owner until all unpaid violations and applicable administrative fees issued to such owner have been discharged by payment in full, together with payment for the costs of immobilizing, releasing, and storing such vehicle. The owner shall sign a receipt for such vehicle. Payment for any such towing shall be in accordance with the towing costs outlined in the current agreement between the police department and the towing operator. If the vehicle is a tractor-trailer combination, the trailer may be released to an authorized agent if the tractor-trailer is immobilized pursuant to this section.

(2) In any case involving immobilization of a vehicle pursuant to this section, the police officer or parking enforcement employee shall place on such vehicle, in a conspicuous manner, notice sufficient to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.

(3) Any vehicle remaining immobilized and not released for ~~120~~ 24 hours may be towed and impounded at the direction of a police officer or parking enforcement employee.

(4) Any person who unlawfully removes a device for immobilization of a vehicle shall be fined as provided for in Appendix F-Fees and Fines.

(5) Any person who tows or otherwise moves an immobilized vehicle without authorization by the chief of police or his designee shall be fined as provided for in Appendix F-Fees and Fines.

Draft

(c) *Cost*. No cost will be assessed if payment of the penalty as hereinbefore imposed is voluntarily paid without the necessity of a hearing before the proper official.

(Code 1968, § 31-77; Ord. of 8-25-1971, § 1; Code 1981, § 13-49; Ord. No. 2009-09, 6-22-2009; Ord. No. 2011-22, 9-26-2011; Ord. No. 2015-09, 6-8-2015)

ADOPTED: *

S:\ORDINANCES\2015\DRAFT\ORDINANCE #2015-16 CHAPTER 106 TRAFFIC AND VEHICLES\Ordinance #2015-16 Chapter 106 Traffic and Vehicles-FINAL RDG.wpd

**SYNOPSIS**

The amendment reduces the time from immobilization to towing and impounding of vehicles from 120 hours to 24 hours.

(SPONSORS: SLAVIN AND HOSFELT)

Actions History

10/26/2015 - Scheduled for Final Reading at City Council meeting
10/12/2015 - First Reading at City Council meeting
09/28/2015 - Introduced at Safety Advisory and Transportation Committee meeting

Draft

# CITY OF DOVER ORDINANCE # 2015-18

## 2015-2016 BUDGET ORDINANCES - FIRST AMENDMENT

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

The amount hereinafter named aggregating Five Million Three Hundred Eighty Three Thousand dollars ($5,383,000) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2015 and ending June 30, 2016:

### GOVERNMENTAL CAPITAL PROJECTS FUND
### REVENUES AND BUDGET FOR 2015-2016

REVENUES

| | 2015/16 BUDGET | 2015/16 REVISED |
|---|---|---|
| **BEGINNING BALANCE - PROJECTS** | **$ 154,800** | **$ 2,732,300** |
| **REVENUES** | | |
| INCOME FROM SALE OF ASSETS | 20,300 | 20,300 |
| INTEREST EARNINGS | 5,000 | 5,000 |
| TRANSFER FROM GENERAL FUND | 2,625,400 | 2,625,400 |
| **SUBTOTAL PROJECT RECEIPTS** | 2,650,700 | 2,650,700 |
| **TOTAL FUNDING SOURCES** | 2,650,700 | 2,650,700 |
| **TOTAL BEGINNING BALANCE AND REVENUES** | **$ 2,805,500** | **$ 5,383,000** |

EXPENSE SUMMARY

| **EXPENDITURES** | 2015/16 BUDGET | 2015/16 REVISED |
|---|---|---|
| FIRE | $ 145,600 | $ 445,800 |
| GROUNDS MAINTENANCE | 201,100 | 201,100 |
| LIBRARY | - | - |
| LIFE SAFETY | 55,700 | 55,700 |
| CODE ENFORCEMENT | - | - |
| POLICE | 262,100 | 284,100 |
| RECREATION | - | 66,000 |
| STREETS | 1,428,500 | 3,617,800 |
| SANITATION | 449,000 | 449,000 |
| CITY MANAGER | 24,700 | 24,700 |
| FACILITIES MANAGEMENT | - | - |
| FLEET MAINTENANCE | 84,000 | 84,000 |
| **DEPARTMENT SUBTOTAL** | **2,650,700** | **5,228,200** |
| **TOTAL EXPENDITURES** | **2,650,700** | **5,228,200** |
| BUDGET BALANCE | 154,800 | 154,800 |
| **TOTAL BUDGET BALANCE & EXPENDITURES** | **$ 2,805,500** | **$ 5,383,000** |

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

## 2015-2016 BUDGET ORDINANCES - FIRST AMENDMENT (CONTINUED)

### WATER/WASTEWATER IMPROVEMENT & EXTENSION FUND
### CASH RECEIPTS/REVENUES AND BUDGET FOR 2015-2016

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

The amount hereinafter named aggregating Twelve Million Seven Hundred Sixty Two Thousand Three Hundred dollars ($12,762,300) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2015 and ending June 30, 2016:

CASH RECEIPTS

| | 2015/16 BUDGET | 2015/16 REVISED |
|---|---|---|
| BEGINNING BALANCE - WATER | $ 833,500 | $ 4,747,500 |
| BEGINNING BALANCE - WASTEWATER | 1,027,600 | 4,504,600 |
| **TOTAL BEGINNING BALANCES** | **1,861,100** | **9,252,100** |
| **REVENUES** | | |
| BOND PROCEEDS - WATER | - | - |
| BOND PROCEEDS - WASTEWATER | - | - |
| STATE LOAN FUND - WATER | - | - |
| TRANS FR OPERATING FUND - WATER | 1,800,000 | 1,800,000 |
| TRANS FR OPERATING FUND - WASTEWATER | 1,500,000 | 1,500,000 |
| TRANSFER FR WASTEWATER IMPACT FEE | 165,000 | 165,000 |
| PROCEEDS FROM SALE OF ASSETS | - | - |
| INTEREST INCOME | 25,000 | 25,000 |
| MISCELLANEOUS RECEIPTS | - | 20,200 |
| **TOTAL REVENUES** | 3,490,000 | 3,510,200 |
| **TOTAL BEGINNING BALANCES & REVENUES** | **$ 5,351,100** | **$ 12,762,300** |

EXPENSE SUMMARY

| **EXPENSES** | 2015/16 BUDGET | 2015/16 REVISED |
|---|---|---|
| WATER | $ 2,028,600 | $ 5,442,600 |
| WASTEWATER | 1,822,100 | 5,299,100 |
| WATER TREATMENT PLANT | - | 284,400 |
| **TOTAL EXPENSES** | 3,850,700 | 11,026,100 |
| BUDGET BALANCE - WATER | 617,400 | 773,400 |
| BUDGET BALANCE - WASTEWATER | 883,000 | 962,800 |
| **CURRENT YEAR BALANCE SUBTOTALS** | 1,500,400 | 1,736,200 |
| **TOTAL BUDGET BALANCES & EXPENSES** | **$ 5,351,100** | **$ 12,762,300** |

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

## 2015-2016 BUDGET ORDINANCES - FIRST AMENDMENT (CONTINUED)

### ELECTRIC UTILITY IMPROVEMENT AND EXTENSION FUND
### CASH RECEIPTS/REVENUES AND BUDGET FOR 2015-2016

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

The amount hereinafter named aggregating Twelve Million One Hundred Ten Thousand Eight Hundred dollars ($12,110,800) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2015 and ending June 30, 2016:

REVENUES

| | 2015/16 BUDGET | 2015/16 REVISED |
|---|---|---|
| **BEGINNING BALANCE** | **$ 3,623,600** | **$ 6,684,100** |
| **REVENUES** | | |
| TRANSFER FROM ELECTRIC | 3,500,000 | 3,500,000 |
| GENERAL SERVICE BILLING | 1,900,000 | 1,900,000 |
| INTEREST EARNINGS | 26,700 | 26,700 |
| **TOTAL REVENUES** | **5,426,700** | **5,426,700** |
| **TOTALS** | **$ 9,050,300** | **$ 12,110,800** |

EXPENSE SUMMARY

| **EXPENSES** | 2015/16 BUDGET | 2015/16 REVISED |
|---|---|---|
| ELECTRIC GENERATION | $ 1,655,000 | $ 2,299,800 |
| TRANSMISSION AND DISTRIBUTION | 2,887,600 | 3,625,900 |
| ELECTRICAL ENGINEERING | 1,724,300 | 3,401,700 |
| **TOTAL EXPENSES** | **6,266,900** | **9,327,400** |
| **BUDGET BALANCE** | **2,783,400** | **2,783,400** |
| **TOTAL BUDGET BALANCE & EXPENSES** | **$ 9,050,300** | **$ 12,110,800** |

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

## 2015-2016 BUDGET ORDINANCES - FIRST AMENDMENT (CONTINUED)

### COMMUNITY TRANSPORTATION IMPROVEMENT FUND
### CASH RECEIPTS/REVENUES AND BUDGET FOR 2015-2016

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

The amount hereinafter named aggregating One Million Thirteen Thousand Four Hundred dollars ($1,013,400) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2015 and ending June 30, 2016:

OPERATING REVENUES

| | 2015/16 BUDGET | 2015/16 REVISED |
|---|---|---|
| **PRIOR YEAR BALANCE** | **$ 144,000** | **$ 512,900** |
| GRANTS REVENUE | 500,000 | 500,000 |
| INTEREST INCOME | 500 | 500 |
| **TOTALS** | **$ 644,500** | **$ 1,013,400** |

OPERATING EXPENSES

| | 2015/16 BUDGET | 2015/16 REVISED |
|---|---|---|
| PROGRAM EXP. GRANT RELATED | $ 644,000 | $ 1,012,900 |
| CURRENT YEAR BALANCE | 500 | 500 |
| **TOTALS** | **$ 644,500** | **$ 1,013,400** |

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

**City of Dover**
**Fiscal Year 2015/2016 Budget**
**First Amendment**
**Capital Investment Plan Amendments**

| Project # | Title | Fiscal Year 2015 Original CIP Budget | Fiscal Year 2015 Revised CIP Budget | Fiscal Year 2015 Prior Fiscal Year(s) Expenses | Fiscal Year 2015 Carry Forward Balance | FY 2016 Year Budget | Revised FY 16 CIP Budget |
|---|---|---|---|---|---|---|---|
| FR1501 | Fire - SCBA Equipment | $ 300,200 | $ 300,200 | $ - | $ 300,200 | $ - | $ 300,200 |
| PR1501 | Park & Playground Improvement Equipment | $ 66,000 | $ 66,000 | $ - | $ 66,000 | $ - | $ 66,000 |
| N/A | Police Department Vehicle | $ 169,600 | $ 171,100 | $ 148,978 | $ 22,000 | $ 242,200 | $ 264,200 |
| ST1304 | Garrison Farm Streets & Stormwater | $ 2,600,000 | $ 4,226,700 | $ 2,480,657 | **$ 1,496,500** | $ - | $ 1,496,500 |
| ST1501 | Salt Storage Barn | 50,000 | 75,000 | - | 75,000 | - | 75,000 |
| ST1502 | Streets, Alleys & Concrete Program | 900,000 | 624,400 | 182,988 | **441,500** | 1,000,000 | 1,441,500 |
| ST1503 | Misc Emerg. Street/Storm Repairs | 75,000 | 75,000 | 40,090 | 35,000 | - | 35,000 |
| ST1504 | Old PW2 Site Improvements | 150,000 | 150,000 | 106,195 | 43,900 | 385,000 | 428,900 |
| ST1506 | Stormwater Ditch Maintenance | 15,000 | 15,000 | - | 15,000 | - | 15,000 |
| ST1508 | Stormwater Utility Planning | 90,000 | 90,000 | 7,650 | 82,400 | - | 82,400 |
| | Street Division | $ 3,880,000 | $ 5,256,100 | $ 2,817,580 | $ 2,189,300 | $ 1,385,000 | $ 3,574,300 |
| | **Total General Capital Project Fund** | **$ 4,415,800** | **$ 5,793,400** | **$ 2,966,558** | **$ 2,577,500** | **$ 1,627,200** | **$ 4,204,700** |
| | **Total Increase in General Cap Proj Fund** | | | | **$ 2,577,500** | | |
| CT1405 | Lakeview Drainage Study | $ - | $ 24,400 | $ 18,187 | $ 6,300 | $ - | $ 6,300 |
| CT1562 | Village of Cannon Mill Repavement | 315,000 | 386,900 | 25,997 | **361,000** | - | 361,000 |
| CT1599 | Signage for the Hamlet & Bicentennial Village | 2,700 | 2,700 | 1,170 | 1,600 | - | 1,600 |
| | **Total Community Transportation Fund** | **$ 317,700** | **$ 414,000** | **$ 45,354** | **$ 368,900** | **$ -** | **$ 368,900** |
| | **Total Increase in Comm Transportation Fund** | | | | **$ 368,900** | | |
| N/A | Sterling Dump Truck | $ 66,900 | $ 66,900 | $ - | $ 59,900 | $ - | $ 59,900 |
| WD0804 | 1.0 MG Storage Tank - Denney's Road | - | 2,470,700 | 2,500 | 2,468,200 | - | 2,468,200 |
| WD1302 | Garrison Farm Storage Tank | 400,000 | 4,221,600 | 2,100,291 | **1,297,300** | - | 1,297,300 |
| WD1506 | Shallow Well #7 Abandonment | 15,000 | 15,000 | - | 15,000 | - | 15,000 |
| WQ1503 | West Dover Connector Project | - | 336,000 | 184,561 | **73,600** | - | 73,600 |
| | Water Division | $ 481,900 | $ 7,110,200 | $ 2,287,352 | $ 3,914,000 | $ - | $ 3,914,000 |
| | Total Increase in Water Division | | | | $ 3,914,000 | | |
| N/A | Sterling Dump Truck | $ 66,900 | $ 66,900 | $ - | $ 59,900 | $ - | $ 59,900 |
| N/A | Sterling Jet Truck | 210,400 | 173,900 | - | 186,000 | - | 186,000 |
| WW1206 | Brandywine Pump Station Replcmnt | - | 339,100 | 237,906 | 101,200 | - | 101,200 |
| WW1303 | Westover Pump Station | 718,000 | 1,299,600 | 7,254 | 1,292,400 | - | 1,292,400 |
| WW1304 | Garrison Farm Wastewater Projects | - | 3,199,700 | 2,571,260 | 628,500 | - | 628,500 |
| WW1503 | Hazzlettville Rd Interceptor | 755,000 | 201,700 | - | 462,100 | - | 462,100 |
| WW1504 | Lakeview Drive Pump Station Replacement | 450,000 | 408,400 | 48,817 | 359,600 | - | 359,600 |
| WW1509 | West Dover Connector Road Utility Relocation | - | 922,300 | 10,859 | **387,300** | - | 387,300 |
| | Wastewater Division | $ 2,200,300 | $ 6,611,600 | $ 2,876,096 | $ 3,477,000 | $ - | $ 3,477,000 |
| | Total Increase in Wastewater Division | | | | $ 3,477,000 | | |
| | **Total Water/Wastewater I & E Fund** | **$ 2,682,200** | **$ 13,721,800** | **$ 5,163,448** | **$ 7,391,000** | **$ -** | **$ 7,391,000** |
| | **Total Increase in Water/Wastewater I & E Fund** | | | | **$ 7,391,000** | | |

**Exhibit A**

**City of Dover**
**Fiscal Year 2015/2016 Budget**
**First Amendment**
**Capital Investment Plan Amendments**

| Project # | Title | Fiscal Year 2015 Original CIP Budget | Fiscal Year 2015 Revised CIP Budget | Fiscal Year 2015 Prior Fiscal Year(s) Expenses | Fiscal Year 2015 Carry Forward Balance | FY 2016 Year Budget | Revised FY 16 CIP Budget |
|---|---|---|---|---|---|---|---|
| EG1212 | MR Unit 3 Turbine Inspection | $ - | $ 151,800 | $ 98,392 | $ 53,500 | $ - | $ 53,500 |
| EG1416 | VanSant Capacity Increase | 750,000 | 901,900 | 409,784 | 492,200 | - | 492,200 |
| EG1504 | McKee Unit 3 Boiler System | 295,000 | 138,000 | 57,287 | 80,800 | 42,000 | 122,800 |
| EG1506 | McKee & VanSant Safety Improvement | 52,000 | 52,000 | 33,776 | 18,300 | - | 18,300 |
| | Electric Generation | $ 1,097,000 | $ 1,243,700 | $ 599,239 | $ 644,800 | $ 42,000 | $ 686,800 |
| | Total Increase in Electric Generation | | | | $ 644,800 | | |
| N/A | Metering Infrastructure | $ - | $ 150,000 | $ - | $ 150,000 | $ - | $ 150,000 |
| N/A | Vehicle/Truck | - | 33,000 | - | 33,000 | 387,600 | 420,600 |
| EE1509 | West Dover Connector | 250,000 | 250,000 | 94,209 | 155,800 | - | 155,800 |
| EE1516 | Chestnut Grove (new developments) | 299,000 | 255,000 | 118,999 | 136,000 | - | 136,000 |
| EE1522 | Garrison Oak Park (new developments) | 184,000 | 184,000 | 166,523 | 17,500 | - | 17,500 |
| EE1525 | Leander Lakes Apt Phase I (new developments) | 73,000 | 73,000 | 3,608 | 69,400 | - | 69,400 |
| EE1526 | Playtex Addition (new developments) | 200,000 | 354,100 | 204,136 | 150,000 | - | 150,000 |
| EE1544 | Nottingham Meadows (new developments) | 28,600 | 28,600 | 2,011 | 26,600 | - | 26,600 |
| | Transmission & Distribution | $ 1,034,600 | $ 1,327,700 | $ 589,486 | $ 738,300 | $ 387,600 | $ 1,125,900 |
| | Total Increase in Transmission & Distribution | | | | $ 738,300 | | |
| N/A | Battery Bank Replacement | $ 24,500 | $ 24,500 | $ 10,875 | **$ 13,700** | $ - | $ 13,700 |
| EE1312 | General Scott Switchgear | 1,100,000 | 1,137,600 | 30,421 | 1,107,200 | - | 1,107,200 |
| EE1443 | GOTP Transmission Line Relocation | - | 550,000 | 141,526 | 408,500 | - | 408,500 |
| EE1500 | 69 KV Rebuild | 75,000 | 75,000 | 12,029 | 63,000 | - | 63,000 |
| EE1520 | 69 kV Cable Replacement North Street | 85,000 | 85,000 | - | 85,000 | 50,000 | 135,000 |
| | Engineering Division | $ 1,284,500 | $ 1,872,100 | $ 194,851 | $ 1,677,400 | $ 50,000 | $ 1,727,400 |
| | Total Increase in Engineering | | | | $ 1,677,400 | | |
| | **Total Electric I & E Fund** | **$ 3,416,100** | **$ 4,443,500** | **$ 1,383,576** | **$ 3,060,500** | **$ 479,600** | **$ 3,540,100** |
| | **Total Increase in Electric I & E Fund** | | | | **$ 3,060,500** | | |
| | **Total Carryforward balances from FY 2015** | | | | **$ 13,397,900** | | |