PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE
A G E N D A

APRIL 14, 2014 - 3:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at CityClerk@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. **Proposed Ordinance #2014-08 - Amending Appendix B - Zoning - Article 3 - District Regulations - Section 10 - Institutional and Office Zone (IO); Section 11 - Neighborhood Commercial Zone (C-1); Section 12 - Limited Commercial Zone (C-1A); Section 13 - Central Commercial Zone (C-2); Section 14 - Limited Central Commercial Zone (C-2A); Section 15 - Service Commercial Zone (C-3); Section 16 - Highway Commercial Zone (C-4); Section 26 - Commercial/Professional Office Development District (C-PO); Article 4 - Zoning Bulk and Parking Regulations; Article 10 - Planning Commission; and Article 12 - Definitions**
   (Staff recommends adoption of Proposed Ordinance #2014-08)

2. **Update - Recreation Needs Assessment**
   (Committee action not required)

3. **Adjournment by 4:50 p.m.**

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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.

ACTION FORM

PROCEEDING: Parks, Recreation & Community Enhancement Committee
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: April 8, 2014
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning and Community Development
SUBJECT: Proposed Revisions to Commercial and Office Zones
REFERENCE: Appendix B – Zoning
RELATED PROJECT: N/A
APPROVALS:
EXHIBITS: Proposed Ordinance #2014-08
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Schedule for First Reading on April 28, 2014, Public Hearing before the Planning Commission on May 19, 2014, and Public Hearing and Final Reading before City Council on June 9, 2014.
RECOMMENDED ACTION: Staff recommends that the proposed ordinance be forwarded to City Council for action in accordance with the time frame above.

BACKGROUND AND ANALYSIS

The City Planner has been meeting with a group of representatives of the business and real estate community convened by the Central Delaware Chamber of Commerce since late 2012 to review the commercial, office and industrial zones in the City in an effort to simplify the zones, create more generalized use categories, provide more flexibility in site design by adjusting bulk standards, and make the zones more business friendly. The proposed ordinance reflects the proposed changes to *Zoning Ordinance* as a result of this effort. The changes include revisions to Article 3- District Regulations, Article 4- Zoning Bulk and Parking Regulations, Article 10- Planning Commission, and Article 12- Definitions. The proposed changes to Article 10 would increase the thresholds for projects that require Planning Commission review. For building additions, Planning Commission review would be required for additions of more than 15% of the floor area.

CITY OF DOVER
PROPOSED ORDINANCE #2014-08

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 10 – Institutional and Office Zone (IO) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 10. Institutional and office zone (IO).

10.1 *Uses permitted*. In an institutional and office zone (IO), 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:

(a) Business, professional, or governmental offices.
(b) Banks.
(c) Research, design, and development laboratories.
(d) Public and institutional uses including hospitals, medical clinics, libraries, police stations, courthouses, transit centers, schools, colleges, universities, places of public assembly, philanthropic and charitable institutions, parks, playgrounds, public indoor recreation centers, athletic fields.
(e) Public utility rights-of-way and structures necessary to serve areas within the city.
(f) Day care centers, provided they are established in accordance with all applicable state regulations pertaining to child care and provided that they are established and maintained in accordance with article 5, section 14 of this ordinance.
(g) Emergency shelters and transitional housing.

10.2 *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) Firearm ranges, prisons, and correctional facilities.
(b) Public incinerators.
(c) Hotels and restaurants.

10.3 *Accessory uses.* The following uses shall be permitted accessory to other permitted uses on a lot.

(a) Clinics, cafeterias, and recreational facilities.
(b) Motor vehicle storage and repair facilities accessory to a public or institutional use.
(c) Restaurants that are on a campus and intended to support users of the campus.

10.4 *Uses prohibited*. The following uses are prohibited:

(a) Landfills, dumps.

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10.5 *Enclosed buildings.* All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

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

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 11 – Neighborhood Commercial Zone (C-1) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 11. Neighborhood commercial zone (C-1).

11.1 *Uses permitted.* In a neighborhood commercial zone (C-1), 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:

(a) Retail stores.
(b) Personal service establishments.
(c) Service establishments.
(d) Restaurants.
(e) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
(f) Apartments and multi-family dwellings.

11.2 *Uses prohibited*. The following uses are prohibited:

(a) Fuel pumps; motor vehicle storage, sales, or repairs.
(b) Drive-throughs.
(c) Liquor stores.
(d) Fire arm sales
(e) Tobacco shops.

11.3 *Enclosed buildings.* All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

11.4 *Floor area.* The total floor area in any one establishment shall not exceed 2,500 square feet.

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

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 12 – Limited Commercial Zone (C-1A) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 12. Limited commercial zone (C-1A)

12.1 *Uses permitted*. In a limited commercial zone (C-1A), 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:

(a) Retail stores.
(b) Personal service establishments.
(c) Service establishments.
(d) Restaurants.
(e) Business, professional, and governmental offices.
(f) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
(g) Apartments and multi-family dwellings.

12.2 *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) Drive-throughs accessory to a permitted use.

12.3 *Uses prohibited*. The following uses are prohibited:

(a) Motor vehicle storage, sales, or repairs.

12.4 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

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

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

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BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 13 – Central Commercial Zone (C-2) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 13. Central commercial zone (C-2).

13.1 *Uses permitted*. In a central commercial zone (C-2), 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:

(a) Retail stores.
(b) Restaurants.
(c) Hotels, including bed and breakfast inns.
(d) Art galleries and studios.
(e) Service establishments.
(f) Personal service establishments.
(g) Business, professional, and government offices.
(h) Apartments and multi-family dwellings, provided that no dwelling units shall be permitted in the first floor on the street frontage of Loockerman Street.

13.2 *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) Parking lots and parking structures as a principal use.
(b) Places of public assembly.
(c) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that:
    (1) An area fully concealed from any street and equal to not more than 20 percent of the area devoted to retail sales shall be so used;
    (2) Electrical power not to exceed a total of five rated horsepower, and steam pressure not in excess of 60 pounds of pressure per square inch shall be used exclusively;
    (3) Not more than four (4) employees are engaged in such production or processing.

13.3 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

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

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

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BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 14 – Limited Central Commercial Zone (C-2A) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 14. Limited central commercial zone (C-2A).

14.1 *Uses permitted.* In a limited central commercial zone (C-2A), 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:

(a) Retail stores.
(b) Business, professional or governmental offices.
(c) Personal service establishments.
(d) Restaurants.
(e) Service establishments.
(f) Hotels.
(g) Places of public assembly.
(h) Drive-throughs.
(i) One (1) family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
(j) Apartments and multi-family dwellings.

14.2 *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) Parking lots and parking structures as a principal use on suitably landscaped lots.
(b) Fuel pumps accessory to a permitted use.

14.3 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

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

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

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BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 15 – Service Commercial Zone (C-3) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 15. Service commercial zone (C-3).

15.1 *Uses permitted*. In a service commercial zone (C-3), 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:

(a) Service establishments.
(b) Personal service establishments.
(c) Business, professional or governmental offices.
(d) Retail uses accessory to a permitted use.
(e) Drive-throughs accessory to a permitted use.
(f) Wholesale, storage, and warehousing establishments.
(g) Indoor recreation and amusement establishments.
(h) Motor vehicle, boat, or farm equipment sales or service, subject to the following regulations:
    (1) The minimum lot size for such establishments shall be 20,000 square feet, and the minimum street frontage shall be 150 feet.
    (2) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than ten feet from any property line and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.
    (3) Vehicle lifts or pits, dismantled and disabled automobiles and all parts or supplies shall be located within a building enclosed on all sides.
    (4) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
    (5) The storage of gasoline or flammable oils in bulk shall be located fully underground in accordance with applicable provisions of the National Fire Protection Association Code.
    (6) No fuel pumps shall be located nearer than 15 feet to any street line.
    (7) Fuel pumps shall not be permitted closer than 100 feet from a property line of any school, day care, church, hospital, nursing home, or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons.
(i) Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products for sale on or off the premises, provided that not more than 25 persons shall be engaged in such activity; and provided further, that any such use shall be subject to the performance standards procedure as set forth in article 5, section 8.
(j) Mini-storage facilities, subject to the following regulations:
    (1) No unit shall be placed within 30 feet of a residential property line.
    (2) No outside storage, except for recreational vehicles, boats, or personal

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automobiles when parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.

(3) No individual unit may be used for retail, garage sale or any other commercial activities.

(4) No storage of flammable, explosive, corrosive or other hazardous products may occur in the individual unit.

(5) Parking must be provided at a ratio of one (1) space for each 25 rental units, plus a minimum of three (3) spaces for an office outside of the enclosure.

15.2 *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) Crematory, subject to the following requirements:

(1) The building lot line upon which a crematory is to be established shall be located at least 100 feet from any residential zone.

(2) Where adjacent to residential zones, all landscape buffers shall be required. The buffer shall consist of a landscape screen no less than six and one half (6½) feet high. All landscaping shall be properly maintained throughout the life of the use on lot.

(3) Loading operations shall be conducted within a completely enclosed building. Location of loading doors shall be at the side or rear of the building.

(4) The crematory shall comply with the Delaware Incinerator Regulations. A copy of the approved air pollution permit issued by the State of Delaware Department of Natural Resources and Environmental Control shall accompany the application for a certificate of occupancy.

15.3 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

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

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 16 – Highway Commercial Zone (C-4) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 16. Highway commercial zone (C-4).

16.1 *Uses permitted.* In a highway commercial zone (C-4), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended,

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or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Business, professional or governmental offices.
(c) Restaurants.
(d) Personal service establishments.
(e) Service establishments.
(f) Hotels and motels.
(g) Places of public assembly.
(h) Bus terminal.
(i) Wholesale, storage, warehousing, and distribution establishments.
(j) Indoor or outdoor recreation and amusement establishments.
(k) Hospitals and medical centers.
(l) Drive-throughs.
(m) Motor vehicle, boat, or farm equipment sales or service:
    (1) The minimum lot size for such establishments shall be 20,000 square feet, and the minimum street frontage shall be 150 feet.
    (2) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than ten feet from any property line and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.
    (3) Vehicle lifts or pits, dismantled and disabled automobiles, and all parts or supplies shall be located within a building enclosed on all sides.
    (4) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
    (5) The storage of gasoline or flammable oils in bulk shall be located fully underground in accordance with applicable provisions of the National Fire Protection Association Code.
    (6) No fuel pumps shall be located nearer than 15 feet to any street line.
    (7) Fuel pumps shall not be permitted closer than 100 feet from a property line of any school, day care, church, hospital, nursing home, or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons.
(n) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products for sale on or off the premises, provided that not more than 25 persons shall be engaged in such activity; and provided further, that any such use shall be subject to the performance standards procedure as set forth in article 5, section 8.
(o) Mini-storage facilities, subject to the following regulations:
    (1) No unit shall be placed within 30 feet of a residential property line.
    (2) No outside storage, except for recreational vehicles, boats, or personal automobiles when completely parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.
    (3) No individual unit may be used for retail, garage sale, or any other commercial activities.
    (4) No storage of flammable, explosive, corrosive, or other hazardous products may occur in the individual unit.

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(5) Parking must be provided at a ratio of one (1) space for each 25 rental units, plus a minimum of three (3) spaces for an office

(p) Adult entertainment establishments, subject to the provisions stated in article 5, section 13.

16.2 *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) Apartments and multi-family dwellings.

(b) Crematory, subject to the following requirements:

(1) The building lot line upon which a crematory is to be established shall be located at least 100 feet from any residential zone.

(2) Where adjacent to residential zones, all landscape buffers shall be required. The buffer shall consist of a landscape screen no less than six and one half (6½) feet high. All landscaping shall be properly maintained throughout the life of the use on lot.

(3) Loading operations shall be conducted within a completely enclosed building. Location of loading doors shall be at the side or rear of the building.

(4) The crematory shall comply with the Delaware Incinerator Regulations. A copy of the approved air pollution permit issued by the State of Delaware Department of Natural Resources and Environmental Control shall accompany the application for a certificate of occupancy.

16.3 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

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

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 26 – Commercial/Professional Office Development District be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 26. Commercial and professional office zone (C-PO).

26.1 *Uses permitted.* In a commercial and professional office zone (C-PO), 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:

(a) Business, professional or governmental offices.

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(b) Banks.
(c) Medical laboratories.
(d) Drive-in facilities accessory to any permitted use.

26.2 *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) Conditional uses accessory to permitted uses on the same lot:
(1) Cafeteria.
(2) Restaurant.
(3) Barbershop/beauty shop.
(4) Copy center.
(5) Office supply.
(6) Retail store.
(7) Newsstand.
(8) Spa and health club.
(9) Associated laboratories (other than those affiliated with permitted medical uses).
(b) Residential uses as follows:
(1) Apartments and multifamily residences, provided at least two off-street parking spaces shall be provided in the area for each unit.
(2) One (1) family residences subject to the requirements of the RG-1 (General Residence) zone.

26.3 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

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

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 4 – Zoning Bulk and Parking Regulations, Sections 4.14 and 4.15 be amended by deleting the text shown in red bold strikethrough and inserting the text shown in blue bold italics as follows:

Section 4.14. [C-1, C-1A, C-2, C-2A zones.]

Bulk and parking regulations for neighborhood commercial (C-1), limited commercial (C-1A), central commercial (C-2), and limited commercial (C-2A) zones are as follows:

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	C-1	C-1A	C-2	C-2A
Minimum required:				
Lot area *(sq. ft.)*	*2,500*			
Lot width (ft.)	~~35~~	~~100~~ *25*	~~0~~	~~50~~
Lot depth (ft.)	~~100~~	~~75~~	70	100
Front yard (ft.)	25	25	0	15
Side yard (ft.)	None required, but ~~10~~ *5* feet min. if provided	~~15~~ *None required, but 5 feet min. if provided*	~~Same as C-1~~ *None required, but 5 feet min. if provided*	~~Same as C-1~~ *None required, but 5 feet min. if provided*
Rear yard (ft.)	~~20~~ *15*	15	20 above ground floor. At ground floor, 5 ft. required	Same as C-2
Side or rear yards which adjoin a residential zone (ft.)	~~25~~ *15*	~~25~~*15*	~~25~~ *15*	25
Off-street parking				
Per 300 sq. ft. floor area or	~~2~~	~~1½~~	~~½ for new construction~~	1
Per employee (whichever is greater)	~~0~~	~~1~~	~~0~~	1
Maximum permitted:				
Building height				
Stories	2	2	6	6
Feet	30	30	~~60~~ *75*	~~60~~ *75*
Floor area ratio	~~0.5~~ *1.0*	~~0.35~~ *1.5*	4.0	4.0

Section 4.15. [C-3, C-4, R-C, IO zones.]

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

	C-3	C-4	RC	IO	*C-PO*
Minimum required:					
Lot area			5 acres	*10,000 sq. ft.*	*5,000 sq. ft.*
Lot width (ft.)	100	150 ~~per building~~	250	~~50~~ *100*	*50*
Lot depth (ft.)	100	150	400	100	*100*
Front yard (ft.)	~~25~~ *20*	~~30~~ *20*	30	~~20~~ *10*	*10*
Side yard (ft.)	~~20~~ *15*	~~25~~ *15*	50	10	*5*
Rear yard (ft.)	10	10 or equal to bldg. height	50	15 ~~or equal to bldg. height~~	*15*
Side or rear yards which adjoin a residence zone (ft.)	30	30	100	30	*25*
Off-street parking					
Per 300 sq. ft. floor area or	1	1~~½~~	1	1	*1*
Per employee (whichever is greater)	1	1		~~1~~	
Maximum permitted:					
Building height					
Stories	~~2~~ *6*	~~4~~ *6*	10	10	*3*
Feet	~~30~~ *75*	~~45~~ *75*	130	~~130~~ *150*	*45*
Floor area ratio	~~0.5~~ *4.0*	~~2.0~~ *4.0*	4.0	~~4.0~~ *6.0*	*2.0*
~~Lot coverage~~	~~0.5~~	~~2.0~~	~~4.0~~	~~4.0~~	
Lot coverage				85%	*75%*

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BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 10 – Planning Commission, Section 2 - Site Development Plan Approval, be amended by deleting the text shown in red bold strikethrough and inserting the text shown in blue bold italics as follows:

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) Site plans for new structures ***of 5,000 square feet or greater in floor area*** and building additions of ~~**3,000**~~ ***5,000*** square feet or greater in floor area ***or greater than 15 percent of existing floor area, whichever is greater***; or

(b) Site plans with a total of 5,000 square feet or greater of new or added impervious surface, including new structures or building additions; or

(c) Nonresidential site plans with site disturbance greater than ***2,500*** ~~**1,500**~~ 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 cover 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.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 12 – Definitions be amended by adding the following definitions in the appropriate alphabetical order:

Apartment: A dwelling unit, within a building with other uses and/or dwelling units, that is intended for use as a residence by an individual or a single family.

Dwelling, multi-family: (see "dwelling, multiple" **-** A building, or portion thereof, containing more than two dwelling units)

Draft

Emergency shelter: A facility providing temporary housing to homeless or transient persons in a dormitory style setting; such facility may also provide or facilitate other social services including counseling and vocational training.

Personal Service Establishment: Establishments primarily engaged in providing individual services generally related to personal needs, such as a hair salon.

Place of Public Assembly: Establishments where the principal use is for the gathering of persons for activities such as civic, social, or religious functions, including but not limited to night clubs, theaters, civic halls, and places of worship.

Retail: The selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license.

Restaurant: An establishment in which the principal use is preparation and sale of food and beverages.

Service Establishment: Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

Transitional housing: A residential facility developed in a one-family dwelling unit that is established to provide transition from homelessness to permanent housing, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through acquisition of stable income and permanent housing.

Vocational Training: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills. Incidental instructional services in conjunction with another primary use shall not be considered vocational training.

(SPONSORS: HARE, BONAR)

Actions History

April 14, 2014 - Scheduled for Consideration by the Parks, Recreation, and Community Enhancement Committee

Draft

Section 10. Institutional and office zone (IO).

10.1 *Uses permitted.* In an institutional and office 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:

10.11 Business, professional, or governmental offices, and research, design and development laboratories, located entirely within a building on the same lot therewith, including incidental clinics, cafeterias and recreational facilities for the exclusive use of company employees.

10.12 Public and institutional uses including hospitals, sanitariums for general medical care, medical clinics, libraries, police stations, courthouses, transit centers, motor vehicle storage and repair facilities accessory to a public or institutional use, schools, colleges and universities, places of worship, philanthropic and eleemosynary institutions, parks, playgrounds, public indoor recreation centers, civic centers, athletic fields and public utility rights-of-way and structures necessary to serve areas within the city.

10.13 Restaurants accessory to permitted uses located on the same lot.

10.14 Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

10.15 Day care centers, provided they are established in accordance with all applicable state regulations pertaining to child care and provided that they are established and maintained in accordance with article 5, section 14 of this ordinance.

10.16 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) Firearm ranges, prisons and correctional facilities.

(b) Public incinerators.

(c) Hotels and restaurants.

10.2 *Landscaping.* The entire lot, except for areas covered by buildings and surfaced as parking or service areas, shall be suitably landscaped.

10.3 *Ingress and egress.* Driveways shall be not less than 24 or more than 28 feet wide. There shall be no curb cuts or points of vehicular access to the lot, other than for such driveways.

10.31 *Off-street parking.* No parking lot shall be located within the minimum required front yard, nor between the street line and the principal building on the front side of the lot, except that parking lots shall be permitted between the street line and the principal building when all such parking lots are set back at least 100 feet from the street line. For properties which involve more than one street frontage, only that frontage which correlates to the property street address shall be considered the front side for purposes of this subsection. Off-street parking shall be provided in accordance with the provisions of article 4 and article 6 of this ordinance.

10.4 *Site illumination.* Exterior flood lighting or other illumination shall be shielded from the view of all surrounding properties and streets.

10.5 *Uses prohibited.* The following uses are prohibited:

10.51 Residences.

10.52 Manufacturing of any kind, other than that of laboratory prototypes.

10.53 Landfills, dumps, or bulk storage of manufactured or other products.

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

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

(Ord. of 10-24-1983; Ord. of 12-14-1992; Ord. of 7-12-1993, § 7; Ord. Of 4-25-1994; Ord. of 10-12-1998; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. of 4-23-2007(1); Ord. of 4-23-2007(2))

Section 11. Neighborhood commercial zone (C-1).

11.1 *Uses permitted.* In a neighborhood commercial zone (C-1), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or signed to be used, in whole or in part, for any purpose, except the following, which shall be permitted, conditional upon approval as to use by the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1 of this ordinance:

11.11 Convenience retail stores such as drug stores, grocery stores, luncheonettes, variety stores or combinations thereof.

11.12 Personal service stores such as, but not limited to, barbershops, beauty parlors, and tailors, provided that where steam pressure is used in clothes pressing, it shall not exceed 60 pounds per square inch.

11.13 Service establishments furnishings services other than of a personal nature, but excluding gasoline filling stations and motor vehicle storage, repair, or service.

11.14 Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

11.2 *[Enclosed buildings.]* All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides.

11.3 *[Floor space.]* The total floor space in any one retail or service store or establishment shall not exceed 2,000 square feet.

11.4 *Uses prohibited.* The following uses are prohibited:

Residences, other than living quarters for not more than one family, incidental to each permitted building on each lot, for the use of the owner or caretaker of such building or of the owner or caretaker of the permitted use or uses housed in such building.

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

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

(Ord. of 7-10-2000; Ord. of 2-12-2001)

Section 12. Limited commercial zone (C-1A).

12.1 *Uses permitted.* No building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

12.11 All uses permitted in the neighborhood commercial C-1 zone, with no limitation on size of establishments.

12.12 Residences conforming to the regulations set forth in article 3, section 2.

12.13 Banks or businesses, professional or governmental offices.

12.14 Other retail and service establishments, but excluding:

12.141 Gasoline filling stations and motor vehicle storage, repair, or service, except that gasoline pumps shall be permitted as an accessory use, subject to conditional use approval by the planning commission pursuant to article 10, section 1.

12.142 Wholesaling, warehousing or storage.

12.143 The manufacturing, printing, assembling, converting, altering, finishing, cleaning or any other processing of goods on the premises, except as permitted in the C-1 zone.

12.144 Excessive traffic generating uses, such as theaters, drive-ins, bowling alleys and other commercial, recreation, restaurants, etc.

12.15 Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

12.2 *[Enclosed buildings.]* All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides.

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

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

(Ord. of 6-25-1984; Ord. of 3-24-1986; Ord. of 7-10-2000; Ord. of 2-12-2001)

Section 13. Central commercial zone (C-2).

13.1 *Uses permitted.* In a central commercial zone (C-2), 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 uses and their accessory structures and uses normally accessory thereto:

13.11 Retail stores.

13.12 Financial institutions.

13.13 Theaters and restaurants.

13.14 Hotels, including bed and breakfast inns.

13.15 Art galleries and studios, including dance studios, photography studios and interior decorating studios.

13.16 Photocopy and film processing shops.

13.17 Formal wear rental.

13.18 Travel agency.

13.19 Optometrist.

13.100 [13.20] Personal service stores, including, but not limited to, barbershops, beauty shops, tailors, day spas and other establishments in which the primary business is the sale of a service, rather than a product, except that such stores located on the first floor on Loockerman Street between State Street and New Street and located within 250 feet of another personal service store shall require a conditional use permit.

13.101 [13.21] Business, professional, and government offices, except that such offices located on the first floor on Loockerman Street between State Street and New Street shall require a conditional use permit.

13.102 [13.22] Apartments, provided that no dwelling units shall be permitted in the first floor and at least one off-street parking space shall be provided in the area for each apartment.

13.2 *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 10.1 [1] of this ordinance and to any specified requirements set forth below. Any of the following uses in existence at the time this ordinance [section] is adopted are considered permitted uses, and shall not lose their status as permitted uses in their existing locations unless the use is changed to one of the uses listed above in [sub]section 13.1 of this ordinance [section]. Changes from one conditional use to another will require conditional use approval.

13.21 Personal service stores, including, but not limited to, barbershops, beauty shops, tailors, day spas, and other establishments in which the primary business is the sale of a service, rather than a product, located on the first floor on Loockerman Street between State Street and New Street and located within 250 feet of another personal service store.

13.22 Business, professional, or government offices located on the first floor on Loockerman Street between State Street and New Street.

13.23 Outlets and pick-up stations for laundries and cleaning establishments.

13.24 Laundromats, limited to not more than 30 washing machines per establishment.

13.25 Newspaper printing, including incidental job printing.

13.26 Parking lots and parking structures as a principal use.

13.27 Places of worship.

13.28 Youth clubs, fraternal clubs, charitable organizations, and similar institutions, regardless of whether the club or organization is for private membership or open to the general public.

13.29 Social service agencies.

13.200 [13.30] Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that:

(a) An area fully concealed from any street and equal to not more than 20 percent of the area devoted to retail sales shall be so used;

(b) Electrical power not to exceed a total of five rated horsepower, and steam pressure not in excess of 60 pounds of pressure per square inch shall be used exclusively;

(c) Not more than four employees are engaged in such production or processing.

13.3 *Submission requirements for conditional uses in the C-2 zone.* The following submission requirements shall be used in lieu of the requirements of article 10, section 1.6, in the event that the business, office, or establishment seeking conditional use approval will be occupying an existing structure:

(a) The applicant shall cause a site map to be prepared. The applicant shall submit 21 copies of the site map at the time of application. The site map shall conform to the following specifications and the following elements shall be included on the site map:

1. The map shall be at least 11 [inches] by 17 inches, but not more than 24 [inches] by 36 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. 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 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/her ability. However, the nature and extent of such revisions must be approved by the city planner at the required preapplication meeting.
3. A conceptual floor plan of the building is required. This floor plan must depict the location and percent of total floor area devoted to the proposed uses. Any uses on separate floors which are not the subject of the application must be referenced by a note on the plan. The city planner may request more detailed information, including architectural floor plans, on a case-by-case basis at his/her discretion.
4. Legal data:
   (a) Lot, block, and section 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.

13.4 *[Enclosed buildings.]* All permitted and conditional uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides.

13.5 *Multiple establishments permitted.* Due to the mixed use nature of the downtown area, multiple establishments are permitted in individual structures in the C-2 zone. All establishments must conform to the minimum bulk standards of the C-2 zone. This [sub] section does not relieve establishments from complying with any and all applicable building and fire codes.

13.6 *[Signs.]* Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

13.7 *Uses prohibited.* Residences, other than living quarters, for not more than one family, incidental to each permitted building on each lot for the use of the owner or caretaker of such

building or of the owner or caretaker of the permitted use or uses housed in such building, provided that apartments shall be permitted in accordance with [sub]section 13.102 [13.22 of this section].

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

13.9 *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.

13.10 *Parking location.* Parking required within this zone shall not be subject to the requirements of Article 6, Section 3.3 Location and Ownership; however, must be deemed by the planning commission to be proximate to the proposed use.

(Ord. of 1-14-1980; Ord. of 6-24-1985; Ord. of 4-25-1994; Ord. of 12-8-1997; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. No. 2008-33, 8-25-2008)

Section 14. Limited central commercial zone (C-2A).

14.1 *Uses permitted.* In a limited central commercial zone (C-2A), 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:

14.11 All uses permitted in the neighborhood commercial zone (C-1A).

14.12 Business, professional or governmental offices.

14.13 Banks, theaters and restaurants.

14.14 Apartments, provided that no dwelling units shall be permitted in the first floor and at least one off-street parking space shall be provided in the area for each apartment.

14.15 Hotels, clubs and places of worship.

14.16 Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

14.17 All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides.

14.18 Civic institutions.

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

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

14.4 *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 10.1 [1] of this ordinance and to any specified requirements set forth below:

(a) Social service agencies.

(b) Parking lots and parking structures as a principal use on suitably landscaped lots.

14.5 *Multiple establishments permitted.* Due to the mixed use nature of the zoning district, multiple establishments are permitted in individual structures in the C-2A zone. All establishments must conform to the minimum bulk standards of the C-2A zone. This

subsection does not relive establishments from complying with any and all applicable building and fire codes.

(Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. No. 2008-33, 8-25-2008; Ord. No. 2010-28, 1-10-11)

Section 15. Service commercial zone (C-3).

15.1 *Uses permitted.* No building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

15.11 Service establishments including dry cleaning and laundry plants.

15.12 Wholesale, storage, and warehousing establishments.

15.13 Bowling alleys, and animal hospitals.

15.14 Motor vehicle, boat or farm equipment sales or service.

15.15 Motor vehicle service stations, subject to the following regulations:

(a) The minimum lot size for such service stations shall be 20,000 square feet, and the minimum street frontage shall be 150 feet.

(b) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than ten feet from any property line and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.

(c) Vehicle lifts or pits, dismantled and disabled automobiles and all parts or supplies shall be located within a building enclosed on all sides.

(d) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.

(e) The storage of gasoline or flammable oils in bulk shall be located fully underground in accordance with applicable provisions of the National Fire Protection Association Code.

(f) No gasoline pumps shall be located nearer than 15 feet to any street line.

(g) No building permit for a motor vehicle service station shall be issued [for a station] with a fuel dispenser system located closer than 100 feet from a property line of any school, day care, church, hospital, nursing home, or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons.

15.16 Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products for sale on or off the premises, provided that not more than 25 persons shall be engaged in such activity; and provided further, that any such use shall be subject to the performance standards procedure as set forth in article 5, section 8.

15.17 Newspaper and job printing.

15.18 Ministorage facilities, subject to the following regulations:

(a) No unit shall be placed within 30 feet of any other structure on the lot or a residential property line.

(b) No outside storage, except for recreational vehicles, boats or personal automobiles, when completely screened from view and parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.

(c) No individual unit may be used for retail, garage sale or any other commercial activities.

(d) No storage of flammable, explosive, corrosive or other hazardous products may occur in the individual unit.

(e) Parking must be provided at a ratio of one space for each 25 rental units, plus a minimum of three spaces for an office outside of the enclosure. One row of parallel parking is permitted between buildings at a ratio of one space per 25 feet.

(f) All other bulk requirements of this ordinance are [to be] met.

15.2 *Uses prohibited.* The following uses are prohibited:

Residences, other than living quarters for not more than one family incidental to each permitted building on each lot for the use of the owner or caretaker of such building or of the owner or caretaker of the permitted use or uses housed in such building.

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

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

15.5 *Landscaping.* A landscaped strip of open space no less than ten feet wide shall be maintained along all street lines, except where crossed by necessary access drives.

(Ord. of 3-22-1993; Ord. of 5-22-2000; Ord. Of 5-22-2000; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. of 7-23-2001)

Section 16. Highway commercial zone (C-4).

16.1 *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 purposes except the following:

16.11 Uses permitted in the service commercial zone (see section 15).

16.12 In addition, the following may be permitted:

(a) Drive-in facilities designed primarily to provide goods and services to persons while they are in automobiles, including drive-in eating establishments.

(b) Motels and eating establishments.

(c) Outdoor recreational facilities.

(d) Auction establishments, and roadside vegetable markets.

(e) Theaters, clubhouses and places of worship.

(f) Establishments selling trailers, and memorial stones.

(g) Household moving firms and related storage facilities.

(h) Trucking terminals, including service, storage and repair.

(i) Building contractors, construction materials and related equipment storage, provided that storage areas shall be screened from public view.

(j) Offices and retail establishments.

(k) Bus terminals.

(l) Adult entertainment establishments, subject to the provisions stated in article 5, section 13.

16.13 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) Crematory, subject to the following requirements:

(i) The building lot line upon which a crematory is to be established shall be located at least 100 feet from any residential zone.

(ii) Where adjacent to residential zones. All landscape buffers shall be required. The buffer shall consist of a landscape screen no less than six and one half (6½) feet high. All landscaping shall be properly maintained throughout the life of the use on lot.

(iii) Loading operations shall be conducted within a completely enclosed building. Location of loading doors shall be at the side or rear of the building.

(iv) The crematory shall comply with the Delaware Incinerator Regulations. A copy of the approved air pollution permit issued by the State of Delaware Department of Natural Resources and Environmental Control shall accompany the application for a certificate of occupancy.

16.2 *[Signs.]* Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

16.3 *Parking areas and landscaping.* Parking areas shall be designed, surfaced, and maintained for convenience, safety and attractiveness. A landscaped strip of open space no less than ten feet wide shall be maintained along all street lines except where crossed by necessary access drives.

16.4 *Reserved.*

16.5 *Bulk and parking regulations.* See article 4, section 4.15.

16.6 *Supplementary regulations.* See article 6, section 3 and article 6, section 4.

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

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

(Ord. of 7-23-1979; Ord. of 1-14-1980; Ord. of 4-25-1988; Ord. of 2-10-1992; Ord. of 9-13-1999; Ord. of 7-10-2000; Ord. of 2-12-2001)

Section 26. Commercial/professional office development district (C-PO).

26.1 *Generally.* In order to encourage, promote and protect superior professional office development and, in particular, to encourage the establishment and grouping of office complexes for safer access, greater convenience and to prevent the development of professional offices in healthy, mature residential neighborhoods, office development shall be permitted in the C-PO district. Such district shall be located in order to serve as a transition area between low, medium and high intensity development.

26.2 *Eligibility.* No area shall be zoned for professional office development unless the following conditions are met:

(a) The development consists of a minimum lot area of 10,000 square feet for a single office building development. Minimum lot width of 100 feet and minimum lot depth of 100 feet shall be required for the establishment of a single office structure.

(b) The development shall be served by public water and public sewerage, which shall be in place at the time construction begins.

(c) The frontage of the development shall be of sufficient width that safe and efficient access to the commercial professional office development can be adequately spaced from accesses to adjacent properties according to standards set forth by the department of transportation, division of highways.

26.3 *Uses permitted.* In a commercial/professional office development district, no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, or designed to be used, in whole or in part, for any purpose except the following:

26.31 Business, professional or governmental offices.

26.32 Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.

26.33 Service agencies, such as real estate agencies, insurance agencies, computer services, [and] travel agencies.

26.34 Medical and dental offices including clinics and laboratories incidental to these uses.

26.35 Offices for philanthropic and eleemosynary institutions and organizations.

26.4 *Conditional uses.* The following uses are permitted, conditioned upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 10.1 [1] (approval of conditional uses):

26.41 After a building complex in this zone has reached a gross floor area of 100,000 square feet, then the following uses shall be permitted as conditional uses:

(a) Cafeteria.

(b) Restaurant.

(c) Barbershop/beauty shop.

(d) Copy center.

(e) Office supply.

(f) Retail store.

(g) Newsstand.

(h) Spa and health club.

(i) Associated laboratories (other than those affiliated with permitted medical uses).

26.42 Drive-in facilities for any permitted use, designed primarily to provide services to persons while they are in automobiles.

26.43 Residential. Apartments, provided that no dwelling units shall be permitted on the first floor and at least two off-street parking spaces shall be provided in the area for each apartment.

26.44 Building height dimensions in excess of the maximum three stories and 35 feet as set forth in [sub]section 26.8 may be permitted within the Dover Central Area;

[however,] under no circumstance shall a building be permitted to exceed seven stories and 85 feet in height above grade in this district.

26.5 *Reserved.*

26.6 *Parking spaces.* All commercial/professional office development shall provide one off-street parking space for every 200 square feet of gross floor area. The parking area shall include 300 square feet for each parking space to allow for lanes, access drives and landscape islands. No parking lot shall be located in the front yard or between the street line and the major use on the lot.

26.7 *Building setbacks, buffers and landscaping.* The following building setbacks shall be required:

Individual commercial/professional development sites minimum required:

Yard from street right-of-way .....25′*

Side yard .....15′

Rear yard .....15′

Side or rear yard which adjoins a residence zone .....30′

Commercial professional complexes for two or more buildings:

Front yard from street right-of-way .....25′*

Side yard .....20′

Rear yard .....20′

Side or rear yard which adjoins a residence zone .....30′

* Front and side yard setback dimensions of less than the minimum stated above may be approved by the planning commission in those areas where the Dover Central Area Land Use Plan supports an urban, pedestrian environment.

There shall be a grassed landscape buffer area of no less than ten feet along all lot lines. Where adjacent to residential zones, the buffer shall consist of a landscape screen no less than 6½ feet high. All landscaping shall be properly maintained throughout the life of any use on the lot.

No less than 30 percent of the site area shall consist of landscaping. Parking areas shall be landscaped.

26.8 *Building height.*

Stories, three.

Feet, 35.

26.9 *Floor area ratio.* The floor area ratio for C-PO (commercial/professional office) zones shall not be greater than 2.0.

26.100 [26.10] *Lot coverage.* Not more than 70 percent of the lot may be covered by buildings or impervious surfaces. Lot coverage shall include off-street parking areas and access drives.

26.110 [26.11] *Stormwater drainage.* Permanent facilities shall be provided by the developer to handle increased stormwater runoff which will result from the increased impervious surface area of the site.

26.120 [26.12] *Procedure application for rezoning.* The application for rezoning to a C-PO (commercial/professional office) zone shall include, in addition to the requirements of article 10, section 5 amendments, the following:

1. Preliminary site plan showing approximate locations of buildings, parking areas, landscaping, and utility and drainage easement areas;
2.

The approximate use, height, and floor area of all buildings and other structures;

3. Proposed preliminary drainage plan.

26.130 [26.13] *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

26.140 [26.14] *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

26.150 [26.15] *[Signs.]* Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

(Ord. of 6-12-1989; Ord. of 2-10-1992; Ord. of 2-12-2001)

Section 4.14. [C-1, C-1A, C-2, C-2A zones.]

Bulk and parking regulations for neighborhood commercial (C-1), limited commercial (C-1A), central commercial (C-2), and limited commercial (C-2A) zones [are as follows]:

		C-1	C-1A	C-2	C-2A
Minimum required:					
	Lot area				
	Lot width (ft.)	35	100	0	50
	Lot depth (ft.)	100	75	70	100
	Front yard (ft.)	25	25	0	15
	Side yard (ft.)	None required, but 10 feet min. if provided	15	Same as C-1	Same as C-1
	Rear yard (ft.)	20	15	20 above ground floor. At ground floor, 5 ft. required	Same as C-2
	Side or rear yards which adjoin a residential zone (ft.)	25	25	25	25
	Off-street parking				
	Per 300 sq. ft. floor area or	2	1½	½ for new construction	1
	Per employee (whichever is greater)	0	1	0	1
Maximum permitted:					
	Building height				
	Stories	2	2	6	6
	Feet	30	30	60	60
	Floor area ratio	0.5	0.35	4.0	4.0

(Ord. of 4-25-1994; Ord. No. 2008-33, 8-25-2008)

Section 4.15. [C-3, C-4, R-C, IO zones.]

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

		C-3	C-4	RC	IO
Minimum required:					
	Lot area			5 acres	
	Lot width (ft.)	100	150 per building	250	50
	Lot depth (ft.)	100	150	400	100
	Front yard (ft.)	25	30	30	20
	Side yard (ft.)	20	25	50	10
	Rear yard (ft.)	10	10 or equal to bldg. height	50	15 or equal to bldg. height
	Side or rear yards which adjoin a residence zone (ft.)	30	30	100	30
	Off-street parking				
	Per 300 sq. ft. floor area or	1	1½	1	1
	Per employee (whichever is greater)	1	1		1
Maximum permitted:					
	Building height				
	Stories	2	4	10	10
	Feet	30	45	130	130
	Floor area ratio	0.5	2.0	4.0	4.0
	Lot coverage	0.5	2.0	4.0	4.0
	Lot coverage				85%

(Ord. of 9-13-1999)

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) Site plans for new structures and building additions of 3,000 square feet or greater in floor area; or

(B) Site plans with a total of 5,000 square feet or greater of new or added impervious surface, including new structures or building additions; or

(C) Nonresidential site plans with site disturbance greater than 1,500 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 cover 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)

ARTICLE 12. DEFINITIONS

Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the following meanings. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "person" includes a corporation, association or partnership, as well as an individual. The word "lot" includes the word "plot." The term "occupied" or "used," as applied to any building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used":

Accessory building: A building or use clearly incidental or subordinate to, and customar[il]y in connection with, the principal building or use on the same lot.

Adult entertainment establishment: Any establishment or portions thereof which offers sexually-oriented material, devices, paraphernalia, services, performances, or any combination thereof, or in any other form, whether printed, filmed, recorded or live. The term "sexually-oriented" shall be interpreted in the context of the following specified sexual activities and anatomical areas:

1. Genitals in a state of sexual stimulation or arousal;
2.

Acts of human masturbation, sexual intercourse, sodomy, sadism, masochism or bestiality;

3. Fondling or other erotic touching of the human genitals, pubic region, buttocks, or female breasts;
4. Less than completely and opaquely covered:
   a. Human genitals, [or] pubic region;
   b. Buttocks; and
   c. Female breasts below a point immediately above the top of the areola;
5. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

The term "adult entertainment establishment" shall encompass, but shall not be limited to, what is commonly known as "massage parlors," "adult bookstores" and "adult entertainment centers."

Alluvial solids: Areas subject to periodic flooding as defined by the Natural Resources Conservation Service and mapped in the Kent County soil survey.

Applicant: A landowner or developer, as hereinafter defined, who has filed application for development, including his heirs, successors and assigns.

Architectural review certificate: A signed and dated document indicating the approval of the City of Dover Planning Commission, or the historic district commission, or city planner upon the authority of the historic district commission, for alteration, construction, relocation, or demolition within the historic district.

Basement: A story in a building having a floor below the finished grade at any point on the periphery of the building and having a structural ceiling level at least four feet above the average finished grade along each side of the building facing a street (see *Cellar* and *Story*).

Bed and breakfast inn: A principal residential structure containing eating and sleeping accommodations for the purpose of lodging for overnight guests and which is offered for compensation and which has been approved by the City of Dover Planning Commission in accordance with article 3, section 1.14, item [subsection] (d) of the City of Dover zoning ordinance [this appendix].

Buffer: An open space, landscaped area, or natural woodlands used to separate different uses or to separate cluster or planned residential development, or shopping centers from adjacent properties.

Building: Any combination of materials forming a construction. The term "building" is not intended to include underground construction which permits the use of the ground above as if no construction existed. The term "building" shall include the term "structure," as well as the following:

(a) Signs;
(b) Fences;
(c) Walls, except retaining walls projecting above the ground not more than three feet at the higher ground level and not more than 6½ feet at the lower ground level;
(d) Radio and television antennae, except for such antennae installed on the roof of a building and extending not more than 15 feet above the highest level of the roof of such building; and
(e) Porches, carports, bins and other similar structures;

(f) All areas used for outdoor display and storage of products for sale on the site for more than 14 consecutive days or 21 days in a calendar year. Excluded from this definition are approved motor vehicle, boat and trailer sales establishments; contractors' yards; nurseries and landscaping material sales (where the sale of these materials is the primary use on the lot); wholesale building supply stores and lumber yards; or similar uses.

Cellar: A space in a building with a structural ceiling level less than four feet above the average finished grade along any side of the building facing a street.

Common open space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site, and designed and available for the use or enjoyment of residents of the development, not including streets, off-street parking areas, and areas set aside for public facilities. "Common open space" shall not include private yards or lots, and shall be permanently protected, by legal means, from development.

Court, inner: An open space enclosed on all sides by exterior walls of a building.

Court, outer: An open space enclosed on three sides by exterior walls of a building.

Court, outer, depth of: The average dimension from the open side of the court to the opposite wall.

Court, outer, width of: The average dimension between the opposing sides of the court.

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:

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:

(a) *Day care center:*

i. Any place, other than an occupied residence, which receives children for day care or large family day care home; and

ii. Any place, including an occupied residence, which receives 13 or more children for day care.

(b) *Family day care home:* An occupied residence in which a person provides day care for children other than his/her own family and the children of close relatives. 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.

(c) *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.

Demolition by neglect: Improper maintenance or lack of maintenance of a building, structure or object which results in substantial and widespread deterioration of the building, structure or object which threatens the likelihood of preservation and which presents a threat to the public safety, health and welfare of the immediate community.

Developer: Any landowner, agent or such landowner or tenant with the permission from a landowner, who makes or causes to be made an application for approval of a site development plan.

Development: The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, or the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water supply, storm drainage or other public facilities.

Development coverage: The percent of a site which is covered, or planned to be covered, with impervious surfaces. [The term] "development coverage" shall include off-street parking, driveways and any public streets proposed in a site development plan.

Duplex: A one-family, semi-detached dwelling unit having only one dwelling unit from ground to roof and only one wall in common with another dwelling unit.

Dwelling, attached: A dwelling having one or more walls in common with another dwelling.

Dwelling, detached: A dwelling having no walls in common with other dwellings or with nonresidential uses.

Dwelling, multiple: A building, or portion thereof, containing more than two dwelling units.

Dwelling, one-family: A dwelling unit designed and intended for use by only one family.

Dwelling, semi-detached: A dwelling with one wall in common with only one adjacent dwelling.

Dwelling, two-family: A detached building containing two dwelling units only.

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

Family: One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. More than five persons, exclusive of domestic servants, or not more than one boarder or roomer, not related by blood, marriage or adoption, shall not be considered to constitute one family.

Farm: An area of land and its buildings, owned or rented by one management, used for raising crops or livestock, containing at least five acres.

Flood hazard area: Land areas delineated on the Federal Emergency Management Agency's (FEMA's) Community Flood Insurance Rate Map as being within the limits of the 100-year floodplain, and any lands subsequently identified by FEMA as being within the limits of the 100-year floodplain as a result of any revision to the community flood insurance rate map approved by FEMA, or by issuance of a conditional letter of map revision issued by FEMA.

Floor area: The sum of the gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior faces of exterior walls, or from the center line of party walls separating two buildings. For purposes of calculating minimum parking and loading space requirements and calculation of floor area ratio, the "floor area" tabulation shall exclude cellar and basement areas used only for storage or for maintenance and operation of the building; shall exclude exterior stair towers; and shall exclude enclosed or partially enclosed garage parking and loading space areas, but shall include all outdoor storage and sales areas in use for more than 21 days in a calendar year.

Floor area, livable: All spaces within the exterior walls of a dwelling unit, exclusive of garages, cellars, heater rooms and basements having a window area of less than 20 percent of the square foot area of the room and of unheated porches and breezeways, but shall include all spaces not otherwise excluded, such as principal rooms, utility rooms, bathrooms, and all closets and hallways opening directly into, and appurtenant to, any rooms within the dwelling unit, and all attic space having a clear height of six feet from [the] finished floor level to [the] pitch of [the] roof rafter and a clear height of seven feet, six inches from [the] finished floor level to [the] ceiling level over 50 percent of the area of such attic space.

Floor area ratio: The floor area in square feet of all buildings on a lot divided by the area of such lot in square feet.

Forest: Areas, groves, or stands of mature or largely mature trees (i.e., greater than six-inch caliper) covering an area greater than one-quarter acre; or groves of mature trees (greater than 12-inch caliper) consisting of more than ten individuals.

Garden apartments: Multiple dwellings designed to provide maximum accessibility of the dwelling units to the private open space. The dwelling units share a common lot area which is the sum of the required lot areas of all dwelling units within the building.

Gross leasable area: The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Gross residential density: The number of dwelling units per acre in a proposed development, computed by dividing the number of dwelling units which the applicant proposes to construct by the total number of acres in the site proposed for development.

Hazard areas: Areas subject to flood hazard, including alluvial soils, as defined and mapped by the Federal Emergency Management Agency. Where mapping from this source is not available, the Kent County soil survey shall be used to determine the extent of flood hazard areas.

Height: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat and mansard roofs and to the mean height between [the] eave and ridge for other types of roofs.

High-rise apartment: Multiple dwellings where individual dwelling units share a common outside access, and elevators serve each floor. The dwelling units share a common lot area, which is the sum of the required lot areas of all dwelling units within the building.

Historic district: The geographic areas of Dover that have been designated by the City of Dover, and graphically illustrated on the official zone map of the City of Dover, as possessing a significant concentration of properties, buildings, structures or objects associated with and

representative of the historical development of Dover and which meet at least one of the following criteria:

(a) Exemplifies or reflects the broad cultural, political, economic, or social history of Dover, Kent County, the State of Delaware, or the United States of America; or

(b) Is associated with the lives of persons of historic importance or with events of historic significance to Dover, Kent County, the State of Delaware, or the United States of America; or

(c) Embodies distinguishing architectural characteristics which are invaluable resources for the study, understanding and appreciation of periods, styles, society, methods of construction, craftsmanship and the use of indigenous materials; or

(d) Represents the notable work of master builders, designers or architects whose designs, construction and craftsmanship have been recognized as distinctive and whose work has influenced the period of time in which they lived.

Historic district design guidelines and standards: The document adopted by the City of Dover Planning Commission as being the source reference document for construction and maintenance of buildings, structures and additions within the Dover Historic District and which is the guiding document for the historic district commission and city planner in their review of applications for architectural review certification.

Hotel or *motel:* A building having six or more rental rooms, without individual cooking facilities, for transient guests. An office for the renting and management of accommodations and a restaurant designed primarily for the use of overnight guests may be included.

Impervious surfaces: "Impervious surfaces" are those that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered "impervious surfaces" within this definition. In addition, other areas determined by the engineer to be impervious within the meaning of this definition will also be classed as "impervious surfaces."

Lakes and ponds: Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams, or may result from excavation. The shoreline of such waterbodies shall be measured from the maximum condition, rather than permanent pool, if there is any difference.

Landowner: The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having proprietary interest in the land.

Lot: Any parcel of land, not necessarily coincident with a lot or lots shown on a map of record, which is occupied or which is to be occupied by a building and its accessory buildings, if any, or by a group of buildings having any land in common and the buildings accessory thereto, if any, together with the required open spaces appurtenant to such building or group of buildings.

Lot corner: A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect on an interior angle of less than 135 degrees.

Lot coverage: The percent of a lot which is covered, or planned to be covered, with impervious surfaces. [The term] "lot coverage" shall include off-street parking areas and driveways, but not public streets.

Lot depth: The minimum distance from the street line of a lot to the rear lot line of each lot.

Lot line: Any boundary of a lot, other than a street line.

Lot line houses: A one-family dwelling on an individual lot, with the building being set on one of the side property lines. An easement for maintenance on the adjoining lot is one of the requirements for this type of construction. Windows and doors on the lot line side of a dwelling are prohibited.

Lot line, rear: The lot line generally opposite to the street line.

Lot width: The distance between the side lot lines of a lot or between the side lot line and the street line most nearly parallel to the side lot line for a corner lot, measured at the street line and setback line. For odd-shaped or triangular-shaped lots or lots fronting on cul-de-sac streets, the lot width measured at the street line may be reduced to not less than one-half of the minimum lot width required for the zoning district. If the street line is a curved line, the lot width measurement shall be measured along the arch of the curved line.

Main floor: The largest area found by the projection of a horizontal plane through the livable floor area which is enclosed by the exterior walls of the building.

Manufacturing: Any process whereby the nature, size or shape, or articles or raw materials are changed, or where articles are assembled or packaged, in quantity.

Mid-rise apartment: Multiple dwellings where individual dwelling units share a common outside access, and elevators serve each floor. The dwelling units share a common lot area, which is the sum of the required lot areas of all dwelling units within the building.

Mobile home: A single-family dwelling designed for transportation, after fabrication, on streets, and highways on its own wheels or on flatbed or other trailers, and arriving at a site in a mobile home park where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connections to utilities, and the like; excluding, however, the single-family dwelling which is designed to be readily moveable after the original occupancy as a single-family dwelling, and conforms to the building code, plumbing code, electrical code and housing code of the City of Dover. Single-wide mobile homes are those units built as a complete home measuring up to 14 feet in width and finished on all exterior sides prior to transportation to a site for installation. Double-wide mobile homes are those units built in two halves intended to be assembled together on the site at the time of installation, each half measuring up to 14 feet in width and each finished on three exterior sides.

Motel: See *Hotel.*

Multiplex: A detached structure containing three to five attached dwelling units, with each unit having independent outside access and at least two exposures.

National Register of Historic Places: A federal list of cultural resources worthy of preservation, authorized under the National Historic Preservation Act of 1966 as part of a national

program to coordinate and support public efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The national register program is administered by the state historic preservation office and by the National Park Service under the department of the interior.

Nonconforming building or use: A building or use that does not conform to the regulations prescribed for the district in which it is situated.

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

One-family detached dwelling: A one-family dwelling on an individual lot with private yards on all four sides of the house.

Open space: Land which is not covered with impervious surface, other than shuffleboard, tennis and basketball courts, which is devoted to such uses as agriculture, parks, playgrounds, playing fields, courses, and other outdoor recreational uses, as well as all land covered by woods, lakes, ponds, rivers or streams and open lands devoted to public or community uses.

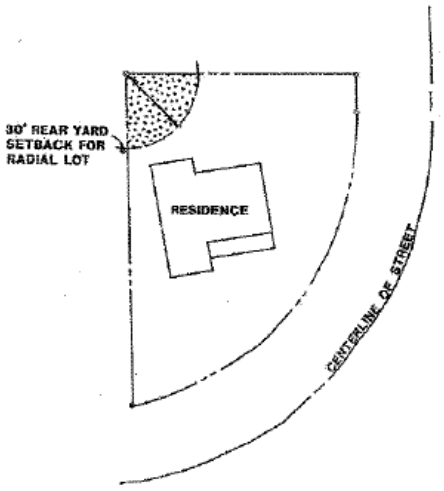
Ordinary maintenance and repair: Work performed to prevent deterioration of a building, structure or object, or any part thereof, by restoring the building, structure or object as nearly as practical to its original condition prior to such deterioration or damage by using replacement materials and applications, wherever possible, of the kind used in original construction.

Parking lot. Parking area provided for ten or more vehicles in the open.

Patio-house: One-family detached or semi-detached dwelling, with one dwelling unit from [the] ground to roof, having individual outside access. The lot shall be fully enclosed by a wall of at least six feet in height. All living space (i.e., living room, den, bedrooms) shall open into a major open area or patio.

Permanent open space: A parcel or parcels of land or an area of water, or a combination of land and water, which is permanently protected, by legal means, from development. "Permanent open space" may be public or common open space, or may be part of a private yard or lot.

Public view: That which can be seen readily from a public street, public building or public property, excluding views from alley rights-of-way.



Rear Yard Setback for Radial Lot

Radial lot: A lot which fronts on an interior arch of a curve which results in the lot having only three sides and which does not have a clearly identifiable rear lot line. The minimum rear yard setback area shall be defined by the arch of a circle whose radius is equal to the minimum required rear yard setback and which is measured from the point at which the two side lot lines intersect and which is further illustrated as follows:

Residence zones: R-20, R-15, R-10, R-8, R-7, RM-1, RM-2, RG-1, RG-2, RG-3, RG-4, RG-5, RGO, or MHP zone.

Setback: The distance between the street line and the setback line.

Setback line: A line extending between the two side lot lines of a lot or a parcel of land, which is parallel to, and a stated distance from, a street line.

Shopping center: A retail commercial complex of three or more establishments, which is designed, developed, operated and controlled by a single ownership, with accessory off-street parking located on the site to serve jointly all establishments in the complex.

Site development master plan: A site development plan which depicts a comprehensive development plan for a property which is intended to be developed in distinct phases of construction over an extended period of time. Individual construction phases may include but are not limited to the construction of new buildings and structures or portions thereof, parking lots, utility construction and stormwater management improvements and related site improvements so as to achieve completion in accordance with the site development master plan. Each construction phase shall be planned and constructed to function as a complete and habitable site development, while being designed and implemented so as to permit the continuation of future phases of construction.

Small wind energy system. A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which is intended to primarily reduce on-site consumption of utility-supplied energy.

Solar energy system. Any solar collector or other solar energy device or any structural design feature mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating, or for electricity.

Story: That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one finished floor and the level of the next higher finished floor, or if there be no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams.

Story, half: Any space partially within the roof framing, where the clear height of not more than 50 percent of such space between the top of the floor beams and the structural ceiling level is seven feet, six inches or more.

Street: A street shown on the official map of the City of Dover and improved to the satisfaction of the planning commission.

Street level: The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line.

Street line: The dividing line between a lot and a street.

Structural alteration: Any change in the supporting members of a building.

Student home: The term "student home" shall mean a building, structure, dwelling or other form of construction that provides [a] domicile and living arrangements for three or more students, unrelated by blood, marriage, or legal adoption, that are matriculated students at a college or university, or that are in the process of attending a college or university, or who are on a semester or summer break from studies at a college or university, or any combination of such persons. The term "student home" shall not be construed to include or be synonymous with the terms "fraternity house, sorority house, dormitory, community residential treatment center, homeless shelter," or "halfway house." A "student home" is subject to the provisions of appendix B, zoning ordinance, article 3, district regulations, section 2, general residence zones (RG-1 and RG-2), subsection 2.4 (b).

Townhouse: A one-family, attached dwelling unit, with one dwelling unit from [the] ground to roof, having individual outside access.

Trailer, house: Any vehicle mounted on wheels, movable either by its own power or by being drawn by another vehicle, and equipped to be used for living or sleeping quarters or so as to permit cooking. The term "house trailer" shall include vehicles if mounted on temporary or permanent foundations with the wheels removed.

Usable open space: An unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind, of which not more than 25 percent is roofed for shelter purposes only, the minimum dimension of which is 40 feet, and which is available and accessible to all occupants of the building or buildings on the said lot for purposes of active or passive outdoor recreation. Accessory building roof space may be substituted for ground space, provided such space is available and accessible to all the said occupants by means of access other than stairs.

Use: The specific purpose for which land or a building is designed, arranged, [or] intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Vegetative ground cover: Grass and a combination of shrubs and/or trees planted or naturally occurring that occupies a portion of a property for the purpose of maintaining or improving water quality or natural conditions of the land.

Wetlands: Lands that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils conditions.

Yard, front: An unoccupied ground area fully open to the sky between the street line and the setback line. The minimum width of the front yard is equal to the setback.

Yard, rear: An unoccupied ground area fully open to the sky between the rear lot line and a line parallel thereto.

Yard, side: An unoccupied ground area fully open to the sky between any property line other than a street or rear lot line, and a line drawn parallel thereto, and between the front and rear yards.

(Ord. of 7-23-1979; Ord. of 3-24-1986; Ord. of 6-12-1989; Ord. of 5-14-1990; Ord. of 12-14-1992(2); Ord. of 7-12-1993, §§ 5, 12—14; Ord. of 7-26-1993; Ord. of 4-25-1994; Ord. of 9-13-1999; Ord. of 5-22-2000; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. of 1-13-2003; Ord. of 4-23-2007(5); Ord. No. 2010-25, 11-8-2010; Ord. No. 2011-01, 4-11-11)