REGULAR COUNCIL MEETING

The Regular Council Meeting was held on August 8, 2011 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mrs. Russell, Dr. McGlumphy, Mr. Lynn, Mr. Bonar, Mr. Hare, and Mr. Hutchison. Mrs. Williams was absent.

Council staff members present were Police Chief Hosfelt, Ms. Russell, Mrs. Mitchell, Mrs. Townshend, Fire Chief Fortney, Mr. Koenig, Deputy City Solicitor Pepper, and Mrs. McDowell. Mayor Carey was also present.

OPEN FORUM

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

There was no one present wishing to speak during the Open Forum.

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

AGENDA ADDITIONS/DELETIONS

Mr. Hutchison moved for approval of the agenda as presented, seconded by Mr. Bonar and unanimously carried.

Mr. Bonar moved for approval of the consent agenda, seconded by Mrs. Russell and carried by a unanimous roll call vote (Mrs. Williams absent).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JULY 25, 2011

The Minutes of the Regular Council Meeting of July 25, 2011 were unanimously approved by motion of Mr. Bonar, seconded by Mrs. Russell, and bore the written approval of Mayor Carey.

VIOLATION OF DANGEROUS BUILDING ORDINANCE - 70 MIFFLIN ROAD (ROBERT STONE)

In accordance with Article XI - Dangerous Buildings, Sec. 22-388 - Emergency cases, of the Dover Code, in cases where it reasonably appears that there is an immediate danger to the life or safety of any person unless a dangerous building is immediately repaired, vacated and closed, or demolished, the building inspector shall report such facts to the council, which may cause the immediate repair, vacation, or demolition of such dangerous building.

Mr. Scott Koenig, Interim City Manager, stated that the property located at 70 Mifflin Road is owned by Mr. Robert M. Stone and consists of a one (1) story, single-family, wood-framed dwelling that was damaged by fire in May 2011. An inspection indicated that at least 60% of the roof has burned away, leaving most of the interior fully exposed. There is an uncovered in-ground pool in the rear yard that has no water in it. Since the house is set back from the road, with limited visibility from the road and neighboring properties, Mr. Koenig stated that there are concerns that the inability to secure the building makes it conducive to entry and unsafe to the surrounding community. Based on these circumstances, the property was forwarded to City Council under the "emergency cases" provision. Mr.Koenig reviewed a presentation which included slides depicting the condition of the structure ***(Exhibit #1)***.

Mr. Koenig advised members that verbal contact was made with Mr. Stone on July 28, 2011,who indicated that he was unable to demolish the structure; however, he agreed that it cannot be salvaged. Mr. Koenig stated that notice of City Council's consideration of this matter was mailed to all lien holders.

Staff recommended that City Council: 1) declare this building, the pool, and the accessory building dangerous; 2) order the property repaired or demolished by August 18, 2011 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within ten (10) days of the date set by Council; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the buildings exists as a municipal lien, or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Responding to Mr. Lynn, Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that although homeowner's insurance was not discussed with Mr. Stone during their conversation on July 28, 2011, the Fire Marshal's Office indicated that Mr. Stone did not have homeowner's insurance on the property. She assured members that Mr. Stone was advised of the public hearing scheduled at this time.

Mr. Koenig stated that demolition notices were sent to lien holders including the Kent County Tax Office, the Division of Revenue, the Internal Revenue Service, Mrs. Helen Stone, First State Federal Credit Union, and Citizens Bank, as well as to Mr. Stone. He indicated that the City has not received responses regarding the notice from any of the lien holders. Mrs. Townshend confirmed that one (1) lien holder, Mrs. Stone, was not made aware of the public hearing scheduled at this time.

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

Mr. Hare moved to declare the property located at 70 Mifflin Road, owned by Robert M. Stone, a dangerous building and subject to demolition, as follows: 1) declare the building, the pool, and the accessory building dangerous; 2) order the property repaired or demolished by August 18, 2011 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within ten (10) days of the date set by Council; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the buildings exists as a municipal lien, or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. The motion was seconded by Mr. Hutchison.

In response to Mr. Bonar, Mr. Koenig stated that, to his knowledge, all investigations by the Police Department and Fire Marshal's Office were complete; however, he was not aware of the results. Expressing concerns with evidence preservation, Mr. Bonar suggested that the demolition be delayed until Council is assured that all investigations are complete. He also requested that Mrs. Stone be contacted prior to the demolition. Responding, Mrs. Townshend advised members that the Fire Marshal's Office and Code Enforcement Division have requested the emergency demolition due to safety concerns.

Regarding the completion of investigations, Police Chief Fortney stated that there were two (2) separate fires; the first was due to electrical problems and the second was due to rekindling.

Responding to concerns of Mr. Lynn regarding potential ramifications from a lien holder, Deputy City Solicitor Pepper stated that the Post Office has attempted delivery of the notice and that the City will probably receive notification that delivery is unclaimed. He explained that the concern would be regarding any potential harm Mrs. Stone would sustain, and he did not feel that she could sustain harm due to the condition of the building. Mr. Pepper stated that Mrs. Stone's position may be compromised to some extent by the amount of the City's lien.

In response to Mr. Lynn regarding the banks that are lien holders, Mr. Pepper stated that he believed that the liens involved are judgment liens rather than mortgage liens, which would typically require homeowner's insurance.

On a call for the question by Mr. Bonar, the motion to declare the property located at 70 Mifflin Road a dangerous building and subject to demolition, as recommended by staff, was carried by a roll call vote of seven (7) yes, one (1) no (Mr. Lynn), and one (1) absent (Mrs. Williams).

PUBLIC HEARING/FINAL READING - PROPOSED ZONING TEXT AMENDMENTS

A public hearing was duly advertised for this time and place to consider approval of Proposed Ordinance #2011-14, containing zoning text amendments that would amend the procedures for conditional use permits, site development plans, architectural review certificates, and amendments to the zoning ordinance. Included in the proposed amendments were measures to clarify and streamline certain review processes and expand public notification requirements. Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed a presentation and advised members that the Planning Commission recommended approval of the proposed Ordinance amendments with the addition of PC Amendment #1.

Mr. Hutchison moved that the Final Reading of Proposed Ordinance #2011-14 be acknowledged by title only, seconded by Mr. Hare and unanimously carried. *(The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of June 27, 2011.)*

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

Mr. Lynn and Mr. Anderson commended staff on their preparation of Ordinance #2011-14.

By motion of Mr. Anderson, seconded by Mr. Lynn, Council adopted Proposed Ordinance #2011-14 ***(Exhibit #2),*** **as recommended by the Planning Commission, by a unanimous roll call vote (Mrs. Williams absent).**

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - JULY 25, 2011

The Legislative, Finance, and Administration Committee met on July 25, 2011 with Chairman McGlumphy presiding.

Review and Recommendation - Filling of Critical Positions

During their meeting of February 23, 2009, members recommended approval of a Hiring Freeze for Fiscal Year 2008-2009, but to allow the hiring of critical positions through the review and approval of the Legislative, Finance, and Administration Committee and City Council. It was suggested that there be a "standing" agenda item to consider the filling of critical positions and, if there were no positions to consider, the item could be removed.

Communications Dispatcher - Police Department

Police Chief James Hosfelt reviewed a request to recruit two (2) Communications Dispatchers for the Police Department 911 Center to fill vacancies that will be created by the resignation of two (2) employees. He explained that he intends for these positions to first be posted in-house, city-wide to determine if there are dispatchers currently employed in other departments who may be interested. He indicated that if there are no interested in-house candidates, he would then refer to the list of one (1) or possibly two (2) candidates from the last testing cycle. If neither of these options result in filling the positions, Chief Hosfelt stated that he would then request to advertise the positions through the paper and local media.

Mr. Hare questioned if the positions would be posted in-house for 30 days. Responding, Chief Hosfelt stated that he would follow Human Resources' guidelines.

Mr. Hare stated that he did not believe that there were established guidelines regarding the length of time required for in-house postings and suggested that 30 days would provide enough time.

In addition to the hiring justification outline provided, he noted that last year the dispatch center handled over 115,000 calls, 35,000 of which were 911 emergency calls. Chief Hosfelt stated that in the last two (2) pay cycles, 65 hours of overtime pay was expended to cover these two (2) positions.

Chief Hosfelt provided members with Payroll Information for Hiring Replacements and indicated that the top two (2) tables reflect the cost breakdown for dispatchers (noting that the other tables address other positions). He explained that the pension fund payout consists of employee contributions which do not affect the City's Budget.

Dr. McGlumphy relayed appreciation for the Payroll Information for Hiring Replacements and suggested that this be considered a model for any department submitting a request for filling critical positions.

The Committee recommended approval of the request to recruit two (2) Communications Dispatchers for the Police Department 911 Center by posting in-house for a minimum of 30 days prior to publicly advertising the positions, as recommended by staff.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mrs. Russell and carried by a unanimous roll call vote (Mrs. Williams absent).

Review of Grant Application - FY11 Edward Byrne Justice Assistance Grant Program

Police Chief James Hosfelt advised members that the Dover Police Department recently received its annual allocation from the Office of Justice Programs (OJP) for the 2011 Justice Assistance Grant (JAG). Similar to previous years, the Dover Police Department was identified as a disparate funding agency, along with the Smyrna Police Department and Kent County, because there is no law enforcement function at the county level, unlike New Castle County in northern Delaware. Chief Hosfelt explained that this disparate condition requires the submission of a joint grant application for the three (3) agencies. Since the Dover Police Department will be receiving the largest share of the grant, it will serve as the fiscal and administrative agent and all funds for the grant will be disbursed through City of Dover accounts; however, Smyrna Police Department expenses will still be controlled and approved by the City of Smyrna.

Chief Hosfelt reminded members that this is a recurring grant and there are no costs to the City associated with the grant. He reviewed the breakdown of funds and the items that the Dover Police Department plans to purchase with the funds, as follows:

Department	Amount
Dover Police Department	
– two (2) police cruisers with computer and lighting equipment	$60,051.00
Smyrna Police Department	
– police motorcycle and other equipment	11,969.00
GRAND TOTAL	$72,020.00

Chief Hosfelt explained that the Department planned to use the funds to replace two (2) vehicles that were currently being utilized by supervisors and had accumulated many miles. He noted that these vehicles were previously planned for replacement; however, proposed funding was eliminated from the budget.

Staff recommended approval of the grant project as requested.

Responding to Mr. Shevock, Chief Hosfelt reiterated that the City of Smyrna will be responsible for their purchases and the payments for those purchases.

The Committee recommended approval of the FY11 Edward Byrne Justice Assistance Grant Program, as recommended by staff.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mrs. Russell and carried by a unanimous roll call vote (Mrs. Williams absent).

Review of Grant Application - FY10 Buffer Zone Protection Program Grant (DEMA)

Police Chief James Hosfelt reviewed a sub-grant award received from the Delaware Emergency Management Agency (DEMA) with funds provided by the Federal Emergency Management Agency

(FEMA). He noted that all funds for the grant will be accounted for through the City's financial system (HTE) and administered by the Dover Police Department. He outlined the agencies, items, and amounts approved on this grant, as follows:

Agency	Purpose	Cost
City of Dover	Physical security enhancements	$ 20,000.00
Dover Downs	Physical security enhancements	137,500.00
Dover Police Department	License Plate Reader	32,500.00
TOTAL		$190,000.00

Staff recommended approval of the project and purchase as requested. Police Chief Hosfelt noted that there are no costs to the City associated with this grant.

Responding to Mr. Hare, Police Chief Hosfelt stated this grant will allow for the purchase of one (1) license plate reader. Responding to Mr. Shevock, Police Chief Hosfelt confirmed that information is obtained through the license plate reader instantaneously; therefore officers will have immediate access to information, such as whether a vehicle is stolen, etc.

In response to Dr. Jones, Police Chief Hosfelt explained that the physical security enhancements for Dover Downs include items such as jersey barrier walls, new fencing around propane tanks, etc. He stated that Dover Downs was approved for the grant and will make such purchases and the City of Dover will administer the grant.

The Committee recommended approval of the FY10 Buffer Zone Protection Program Grant (DEMA), as recommended by staff.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mrs. Russell and carried by a unanimous roll call vote (Mrs. Williams absent).

Public Comment Period

There was no one present wishing to speak during the public comment period.

By consent agenda, Mr. Bonar moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mrs. Russell and carried by a unanimous roll call vote (Mrs. Williams absent).

MONTHLY REPORTS - JUNE 2011

By motion of Mr. Bonar, seconded by Mrs. Russell, the following monthly reports were accepted by consent agenda:

Chief of Police Report
City Assessor's Report
City Manager's Report
City Planner's Report
Dover Fire Department Report

APPOINTMENT RECOMMENDED BY MAYOR CAREY - PROPERTY MAINTENANCE CODE BOARD OF APPEALS - HEATHER D. ENNIS (ANNUAL APPOINTMENT DEFERRED DURING THE MEETING OF MAY 9, 2011)

Mayor Carey recommended the appointment of Ms. Heather D. Ennis to serve on the Property Maintenance Code Board of Appeals, which is an annual appointment through May 2012 (deferred during the Annual Council Meeting of May 9, 2011).

By consent agenda, Mr. Bonar moved for approval of the appointment of Ms. Ennis, as recommended by Mayor Carey. The motion was seconded by Mrs. Russell and carried by a unanimous roll call vote (Mrs. Williams absent).

FINAL READING - PROPOSED ORDINANCES

The First Reading of the following Proposed Ordinances was accomplished during the Council Meeting of July 25, 2011.

Mr. Hutchison moved that the Final Reading of the Proposed Ordinances be acknowledged by title only, seconded by Mr. Bonar and unanimously carried.

Ordinance #2011-17 - Chapter 102 - Taxation, Article III - Realty Transfer Tax, Section 102-71 - Definitions and Article IV - Abatement of Real Estate Taxes, Section 102-13 - Qualifications

Mr. Hare moved for adoption of the Proposed Ordinance, seconded by Mr. Anderson and, by a unanimous roll call vote (Mrs. Williams absent), Council adopted Ordinance #2011-17, as follows:

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

That Chapter 102 - Taxation, Article III - Realty Transfer Tax, Section 102-71 - Definitions, Paragraph (a)(3) - First time homebuyer, be amended to read as follows:

(3) *First time homebuyer* means a natural person who has at no time held an interest in residential real estate, wherever located, and which has been occupied as their principal residence, and who intends to occupy the property being conveyed as his principal residence, within 90 days following recordation of the deed. The first time homebuyer must file an affidavit certifying to his qualifications before the exemption can be granted. In order to alleviate claims for rebate of the transfer tax paid, no rebate shall be made once the deed for the transaction has been recorded. First time homebuyers submitting a false affidavit in any respect, which would entitle them to the exemption, shall be subject to payment of the unpaid transfer tax, plus interest at the rate of 1½ percent per month and, upon direction by the council, referral to the attorney general of the state for criminal prosecution. This subsection shall apply to all real estate settlements held on or after January 2, 2000. First time homebuyers are exempt from the transfer tax as provided herein. The first time homebuyer exemption shall apply to the seller of property that qualifies for the first time buyer exemption but only for property situated in the area from Mary Street to Loockerman Street

and Governors Avenue to West Street. Council shall have the right to deny this exemption to any property owner where the sale and purchase appears to be done fraudulently to take advantage of the realty transfer tax exemption ordinance.

BE IT FURTHER ORDAINED THAT:

Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, Section 102-113 - Qualifications, Paragraph (d), be amended to read as follows:

(d) Any persons purchasing residential real property in which they will reside within the area defined as Mary Street to Loockerman Street and Governors Avenue to West Street shall be given tax relief from the payment of real estate taxes in the following manner: first year of ownership, total tax abatement; second year of ownership, 75 percent tax abatement; third year of ownership, 50 percent tax abatement; fourth year of ownership, 25 percent tax abatement; fifth year of ownership, no tax abatement. Provided however that the homeowner is required to occupy the home as their principal place of residence during the entire time that the taxes are abated and if the property ceases to be their principal place of residence at any time during the four-year period of abatement, then they shall lose their right of abatement and shall be required to pay immediately all taxes abated up to the time that the home ceases to be their principal residence. In order to obtain the tax abatement, the homeowner must make application by affidavit submitted to the city clerk showing qualification for the abatement and each year thereafter, submit a similar affidavit showing their continued right to the abatement. If qualification for the abatement ceases within the four-year period of abatement the homeowner is required to notify the city clerk of the lack of qualification for the abatement and within 90 days from the date the qualification ceases, pay all taxes abated in the past.

ADOPTED: AUGUST 8, 2011

Ordinance #2011-19 - Chapter 102 - Taxation, Article I - In General, Section 102-5 - Income and Expense Reports and Appendix F - Fees and Fines

Mr. Hare moved for adoption of the Proposed Ordinance, seconded by Mr. Hutchison, and by a unanimous roll call vote (Mrs. Williams absent), Council adopted Ordinance #2011-19, as follows:

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

That Chapter 102 - Taxation, Article I - In General, Section 102-5 - Income and expense reports, be amended to read as follows:

Sec. 102-5. - Income and expense reports.

The assessor shall request that an annual report of income and expenses be completed and filed for all commercial/industrial income-producing property within the city limits of Dover. The income

and expense report forms shall be developed and provided by the assessor. This information will become mandatory if the owner of the commercial/industrial income-producing property petitions for appeal.

BE IT FURTHER ORDAINED THAT:

Appendix F - Fees and Fines, Chapter 102 - Taxation, Article I - In General, Sec. 102-5 - Failure to provide the assessor with an income and expense report - $100.00 fee, be deleted in its entirety.

ADOPTED: AUGUST 8, 2011

COUNCIL MEMBERS ANNOUNCEMENTS

Mrs. Russell thanked everyone for their participation and support during "Dover Fun Day" on July 30, 2011 and commended the Youth Advisory Committee for the successful event.

Mrs. Russell announced that on August 20, 2011, the New Street Civic Association - New Beginning will sponsor a "Back to School Bash" on the corner of Cecil and North New Streets.

By unanimous consent, the meeting adjourned into executive session to discuss legal matters at 8:00 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of August 8, 2011, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 70 Mifflin Road
Exhibit #2 - Ordinance #2011-14 Amending Appendix B, Article 10

Violation of Dangerous Building Ordinance 70 Mifflin Road

Public Services Department

Dover, Delaware

August 8, 2011

EXHIBIT #1
Regular Council Meeting of 08/08/2011

70 Mifflin Road
Case History

- Seriously damaged by fire in May 2011
- Most of the interior is fully exposed
- Pool in rear yard in poor repair
- Outstanding Payments
  - Taxes

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

- (4) *Fire damage, etc.*
- (5) *Unfit for habitation.*
- (9) *General welfare.*
- (10) *Code violations.*
- (12) *Unoccupied buildings.*

Code Citation
Chapter 22, Article XI

Sec. 22-388. Emergency cases.

In cases where it reasonably appears that there is an immediate danger to the life or safety of any person, unless a dangerous building is immediately repaired, vacated and closed, or demolished, the building inspector shall report such facts to the council, which may cause the immediate repair, vacation, or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in section 22-385(5).


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Recommended Council Action

- Declare this building and all accessory buildings on the property dangerous.
- Order the property **immediately** repaired or demolished.
- Order the Building Inspector to cause the repair or demolition of the structure if not completed by the owner **by August 18, 2011**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

CITY OF DOVER
ORDINANCE #2011-14

with PC AMENDMENT #1

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

That Appendix B - Zoning, Article 10 – Planning Commission be amended by deleting it in its entirety and replacing it with the following:

ARTICLE 10. PLANNING COMMISSION

Section 1. Approval of conditional uses.

On application and after public notice and hearing, the commission may authorize the issuance by the city planner of permits for any of the conditional uses for which this ordinance requires, in the district in which such use is proposed to be located. In approving any such use, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular:

1.1 Accessibility for emergency response. That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;

1.2 Harmony of location, size and character. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

1.3 Residential zones. That, in addition to the above, in the case of any use located in, or adjacent to, a residential zone:

1.31 The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and

1.32 The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of landscaping, and other improvements on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

1.4 Conditional use permits.

1.41 Conditional use approval. Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

(A) The provision in this ordinance under which such permit was issued is still in effect;
(B) Such permit was issued in conformity with the provisions of this ordinance; and
(C) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

1.42 Periodic renewal of conditional use permit. The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following public notice and hearing in accordance with subsection 1.53. The commission may withhold approval of the renewal upon a determination by the city planner to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with.

1.43 Revocation of conditional use permit. If the city planner determines that the conditions prescribed by the commission in conjunction with the issuance of the conditional use permit have not been, or are no longer complied with, he shall initiate the process for revocation of the permit according to the following procedure:

(A) The city planner shall notify the permit-holder in writing of the noncompliance with the permit conditions and allow the permit-holder 30 days to comply with the permit conditions.
(B) If, after 30 days, the city planner determines that the permit-holder has not come into compliance with permit conditions, he shall notify the permit-holder that the planning commission will hold a public hearing on revocation of the conditional use permit.
(C) The planning commission shall hold a public hearing for which notice shall be completed by the planning office in accordance with the provisions of subsection 1.53 of this article.
(D) Following the public hearing, the planning commission shall take action in the following regard:
    (1) Revoke the conditional use permit.
    (2) Issue a probationary period after which the commission shall review the permit in accordance with the provisions regarding periodic renewal of conditional use permit.
    (3) Determine that the conditional use may continue as initially authorized.

(E) The planning commission shall document findings of fact that support the action taken with regards to the conditional use permit.

1.5 Application procedure.

1.51 Preapplication Meeting. Prior to the submission of a conditional use application, the applicant or his representative shall meet in person with the city planner or his

designee with a sketch plan. The purpose of this meeting shall be to discuss proposed uses or developments and to review the process and submission requirements.

1.52 Application. Application for a conditional use permit shall be submitted to the city planner, on forms approved by the planning commission, at least 30 days prior to the planning commission meeting at which approval of the permit is to be requested. Each application for a conditional use permit shall be accompanied by a fee as provided for in Appendix F--Fees and Fines.

1.53 Public hearing. Prior to the review and action on the conditional use permit application, the commission shall hold a public hearing subject to the following public notification procedures:

(A) The applicant shall advertise the public hearing in a newspaper of general circulation at least 15 days prior thereto.
(B) The applicant shall notify by mail all property owners within 200 feet of the extreme limits of the subject property as their names appear on the municipal tax record at least 15 days prior thereto.
(C) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property at least 15 days prior to the planning commission hearing. Such notice shall be designed in accordance with standards set forth by the planning commission.
(D) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating the date of mailing for all letters on or before the meeting date.
(E) Said notices shall state the date, time and place of the hearing, the site location, a brief description of the conditional use and shall state that a copy of the conditional use application and plan is filed with the planning office for public review.

1.54 City planner report. For each application for a conditional use permit, the city planner shall issue a report to the planning commission including comments from other agencies and detailing how the application conforms to the requirements of the zoning ordinance and other provisions of city and state codes. This report shall not be deemed to represent a comprehensive list of all city and state code requirements.

(A) The city planner shall transmit copies of the report and summary of the application to the planning commission at least seven days prior to the date of the meeting at which approval of the permit is to be requested.

1.55 Planning commission action. The planning commission shall act to approve or disapprove any such request for a conditional use permit within 45 days after the meeting at which approval is requested or within such additional time as may be consented to by the applicant. Planning commission disapproval shall include written findings upon any element found contrary to the provisions or intent of the zoning ordinance.

1.56 Notice of decision. The planning office shall send the applicant a letter notifying the applicant of the planning commission’s decision on the conditional use permit application. Such letter shall document any conditions and waivers approved as part

of the application approval. Whenever the planning commission denies an application for conditional use, such application for conditional use, or an application on the same property which is substantially similar, shall not be accepted for consideration by the planning commission sooner than one year from the date of denial.

1.57 Amendments. Substantial amendments to conditional use permits shall be acted upon in the same manner as the original request for a conditional use permit. The city planner shall review proposed amendments to determine if they are substantial in nature. Amendments that are not deemed substantial may be referred to the planning commission for consideration at the discretion of the city planner.

1.58 Transfer of property. If the property is sold by the applicant or by any affiliated member of a single corporate family of which the applicant or its parent company is a member, after approval of the conditional use but before the proposed use or construction of the proposed use is started, or if, within 24 months of the approval, the proposed use or construction of the proposed use is not undertaken by or for the applicant or any affiliated member of a single corporate family of which the applicant or its parent company is a member, the conditional use approval shall be null and void, unless an extension of time is granted by the planning commission.

1.59 Final plans and working drawings. Following approval by the planning commission, the applicant shall develop final conditional use permit plans for approval by the planning office. The planning office shall determine that all necessary approvals have been issued by city departments, and outside regulatory agencies, prior to issuing final plan approval. No building permit shall be issued until such time that the planning office has issued final conditional use permit plan approval.

1.6 Expiration of planning commission approval.

1.61 Conditional use approval shall expire on the last day of the 24th month after the date of final or conditional approval of the planning commission, if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the planning commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year, unless an extension of time is applied for and granted by the planning commission.

1.62 Requests for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such requests, the matter shall be considered at the next regularly scheduled meeting of the planning commission.

1.63 In considering a request for an extension of approval, the planning commission shall consider, but not be limited to, the following:

(A) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.

(B) Whether the applicant has made substantial progress toward obtaining final approvals.

(C) Whether there have been any significant changes in the surrounding neighborhood.
(D) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.

1.64 Requests for extensions shall be submitted in writing to the planning office.

1.65 Under no circumstances shall the planning commission grant extensions beyond 36 months from the date of first approval.

1.7 Submission requirements for conditional use permits requiring site development plan approval by the planning commission. The following submission requirements shall accompany applications for conditional use permits where site development plan approval by the planning commission is required by subsection 2.1. The applicant shall cause a site map to be prepared by a civil engineer, surveyor, land planner, or architect. The applicant shall submit copies of the site map to the city planner, who shall transmit copies to the planning commission at least seven days prior to the meeting at which approval of the permit is to be requested. Elements to be included on the site map are listed below:

1.71 Scale and dimensions. The map shall be at least 11 inches by 17 inches and at a scale of ten, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

1.72 Legal data:

(A) Tax parcel identification number.
(B) Name and address of the owner of record.
(C) Name and address of the equitable owner, if any.
(D) Name and address of the person, firm or organization preparing the map.
(E) Date, north point and written and graphic scale.
(F) Sufficient description of information to define precisely the boundaries of the property and that portion of the property for which a conditional use permit is requested, and the approximate total acreage of that portion of the property for which a conditional use permit is requested. All distances shall be given in feet and tenths of a foot. All angles shall be given to the nearest ten seconds or closer. The error of closure shall not exceed one in 10,000.
(G) The locations, names and existing widths of adjacent street rights-of-way and curblines.
(H) The locations and owners of record of all adjoining lands.
(I) Location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property.
(J) A complete outline of existing or proposed deed restrictions or covenants applying to the property and recital of the deed references if they are of record.
(K) Existing zoning, including two location maps, one at a scale of 1,200 feet to the inch, and one at a scale of 400 feet to the inch, showing the distance along all adjacent roads to the nearest intersection.

1.73 Existing structures.

(A) Location of uses and outlines of structures, drawn to scale on or within 100 feet of the property.
(B) Paved areas, sidewalks and vehicular access between the site and public streets.
(C) Other existing development, including fences and landscape screening.

1.74 Proposed use:

(A) A written description of the proposed use.
(B) A designation of that portion of the existing structures to be devoted to the proposed use and for which a conditional use permit has been requested.
(C) A designation of that portion of the property to be devoted to the proposed use, not requiring structures and for which a conditional use permit has been requested.
(D) A designation of the parking area and indication of the number of off-street parking spaces.
(E) Indication of on-site circulation pattern and access to the property from adjacent roads.

1.75 Proposed development:

(A) Conditional use applications involving construction of new buildings and structures shall include a site plan which reflects compliance with the minimum requirements of subsection 2.5.

1.76 Natural features:

(A) Topography of the site.
(B) Location of different soil types, as indicated by the Soil Survey of Kent County prepared by the Natural Resources Conservation Service. The soils information shall be supplemented by soil boring and percolation test data if requested by the city.
(C) Location of flood hazard areas as identified on the FEMA flood insurance maps.
(D) Location of significant natural features, including, bodies of water, wetlands and forest areas.

1.77 Requested information: Full and complete information requested by the city planner in accordance with the development information requirements set forth in section 4.

1.78 Miscellaneous information: Other information deemed by the planning commission to be necessary to determine conformity with the intent of this ordinance.

1.8 Submission requirements for conditional use permits where site development plan approval by the planning commission is not required. The following submission requirements shall accompany applications for conditional use permits where site development plan approval by the planning commission is not required by subsection 2.1, where the applicant is seeking conditional use approval to occupy an existing structure. The applicant shall submit copies of the site map conforming to the specifications listed below to the city planner, who shall transmit copies to the planning

commission at least seven days prior to the meeting at which approval of the permit is to be requested. Elements to be included on the site map are listed below:

1.81 Scale and Dimensions. The map shall be at least 8.5 inches by 11 inches and at a scale of ten, 20, 30 or 40 feet to the inch, except that, if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

1.82 Existing Conditions. The existing building and conditions on the lot must be depicted. It is permissible to utilize the most recent mortgage survey of the property for this purpose. If conditions, such as buildings and building additions, paved areas, landscaping and accessory structures, on the lot have changed since the survey was completed, the applicant shall depict these changes on the plan to the best of his ability. However, the nature and extent of such revisions must be approved by the city planner at the required preapplication meeting.

1.83 Proposed use:

(A) A written description of the proposed use.
(B) A designation of that portion of the existing structures to be devoted to the proposed use and for which a conditional use permit has been requested.
(C) A designation of that portion of the property to be devoted to the proposed use, not requiring structures and for which a conditional use permit has been requested.
(D) A designation of the parking area and indication of the number of off-street parking spaces.
(E) Indication of on-site circulation pattern and access to the property from adjacent roads.

1.84 Additional Information. The city planner and/or planning commission may request more detailed information, including but not limited to architectural floor plans, on a case-by-case basis at their discretion.

1.85 Legal data:

(A) Tax parcel identification number.
(B) Name and address of the owner of record.
(C) Name and address of the equitable owner, if any.
(D) Name and address of the person, firm, or organization preparing the map.
(E) Date, north point, and written and graphical scale.
(F) The location and names of adjacent streets.
(G) The location, zoning, and owners of record of all adjacent properties.

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 semi-detached dwelling; an accessory structure; or a non-residential 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 thirty (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 subsection 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.

Section 3. Historic district commission and architectural review.

3.1 Historic district commission established.

3.11 Creation and purpose. There shall be a historic district commission for the purpose of assisting the planning commission and city planner in reviewing applications for architectural review certifications as specified in subsection 3.2; and for making recommendations for designation of historic district zones; and for establishing guidelines for the preservation and conservation of historic district zones; and for advising other officials and departments in the City of Dover in matters concerning historic preservation; and for reviewing all proposed National Register nominations in the City of Dover; and for acting as a liaison on behalf of the City of Dover to individuals and organizations concerned with historic preservation; and for carrying out programs of historic preservation education in the City of Dover.

3.12 Appointment. The commission shall consist of five members nominated by the mayor and approved by the city council, who are residents of the City of Dover and who have demonstrated special interest, experience, or knowledge in history, architecture, or historic preservation. Two of the members, to the extent available, shall be professional members representing the professions of architecture, history, archaeology, planning, historic preservation or related disciplines. At least two members shall be residents of the district, and at least one shall represent the business within the district.

3.13 Term. The members of the commission shall serve for three-year staggered terms. Vacancies shall be filled within 60 days in accordance with subsection 3.12 of this section.

3.14 Organization. The commission shall meet at least four times per year in a place that is advertised in advance and open to the public and shall keep minutes of its meetings that are available to the public. All review decisions shall be made in public. The commission shall establish bylaws for its general procedure, which shall include a section addressing conflicts of interest. The commission shall produce an annual report of its activity that is kept on file for public review with the city planning office.

3.2 Architectural review certification.

3.21 Effect of architectural review certificate. No building permit or certificate of occupancy may be issued for any structure in the historic district until an architectural review certificate is issued as required under article 3, section 21, subsection 21.3 for the historic district.

3.22 Architectural review certification by the city planner.

(A) An architectural review certificate for specific classes of building permits, including fences, signs, siding, window and door replacement, roofing, the addition or replacement of decorative features, minor demolition, residential additions, and other construction of a minor nature, may be issued by the city planner, after a review and determination that the proposed construction is in general accordance with the standards set forth in subsection 3.25.

(B) The city planner may refer any permit application for demolition or construction in the historic district for consultation with commission.

(C) All decisions of the city planner pursuant to this subsection shall be documented on the building permit. When the city planner grants a conditional approval under this section, all conditions of approval shall be set forth in writing on the building permit. In the event of a denial, the reasons for such denial shall be documented in a written notice of decision which shall identify all elements of the application found to be contrary to the provisions or intent of this section.

(D) An applicant may appeal the decision of the city planner to the historic district commission and such appeal shall be considered as an architectural review certification application to the historic district commission and shall meet all of the requirements set forth in subsection 3.23.

3.23 Architectural review certification by the historic district commission

(A) The historic district commission shall issue architectural review certificates for the construction or demolition of single-family and two-family homes, and nonresidential structures or additions involving a gross floor area of 3,000 square feet or less, after review of the proposed construction and after a determination that the construction is in general accordance with the standards set forth in subsection 3.25 below.

(B) All applications to the historic district commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.

(C) All decisions of the historic district commission pursuant to this subsection shall be formalized in a written notice of decision. When the commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.

(D) An applicant may appeal the decision of the historic district commission to the planning commission, and such appeal shall be considered as an architectural review certification application to the planning commission and shall meet all of the requirements set forth in subsection 3.24 and subsection 3.26.

3.24 Architectural review certification by the planning commission.

(A) The planning commission shall issue architectural review certificates referred or appealed to it, upon review of the recommendations of the historic district commission and upon a determination that the proposed construction is in accordance with the standards set forth in subsection 3.25.

(B) All applications to the planning commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.

(C) All decisions of the planning commission pursuant to this subsection shall be formalized in a written notice of decision. When the planning commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.

3.25 Architectural review standards.

(A) An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and as set forth in the United States Secretary of the Interior's Standards for Rehabilitation.

(B) The city planner, historic district commission or planning commission shall not consider normal maintenance and repair (see definitions, article 12), interior arrangement, or building features not subject to public view.

3.26 Procedures for an architectural review by the historic district commission and/or planning commission.

(A) Architectural preapplication meeting. Prior to action on any application for an architectural review certificate, the applicant shall meet in person with the city planner or his delegated representative. The purpose of such conference shall be to discuss the proposed construction or other action requiring the certificate in order to determine what information is useful in the determination of conformity with the provisions and intent of the historic district regulation as expressed in this ordinance.

(B) Application and fee. The application to the historic district commission for an architectural review certificate and related information shall be submitted to the city planner at least 30 days prior to the historic district commission meeting at which review is requested and shall be accompanied by a fee as provided for in Appendix F--Fees and Fines.

(C) Public hearing. Prior to the review and action on an architectural review certification, the historic district commission shall hold a public hearing subject to the following public notification procedures:

(1) The applicant shall advertise the public hearing newspaper of general circulation at least 15 days prior thereto.

(2) The applicant shall notify, by mail, all property owners within 200 feet of the extreme limits of the subject property as their names appear on the municipal tax record at least 15 days prior thereto.

(3) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission.

(4) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating date of mailing for all letters on or before the meeting date.

(5) Said notices shall state the date, time, and place of the hearings before the historic district commission, a brief description of the project and shall state that a copy of the application and plan is on file with the planning office for public review.

(6) If the planning commission is reviewing a project in accordance with other sections of this article, then the public hearing notice on those applications must also give notice of architectural review certification.

(D) Application information. The applicant shall provide such information and documents listed below which will satisfactorily illustrate the proposed action as indicated in the architectural preapplication meeting required in subsection 3.26(A):

(1) All plan elements required in subsection 2.5.

(2) Plans and specifications indicating existing and proposed development, including structures, architectural elevation drawings, trees and any other landscaping, existing and proposed, including the general design, location and orientation of structures in relation to curb line, right-of-way line and neighboring buildings, colors, and materials to be used on exterior surfaces, detailed plans for any signs, photographs of the existing site and neighboring buildings, and such other information as will enable the historic district commission or planning commission to determine conformity with the ordinance.

(E) City planner report. For each application to the planning commission the city planner shall issue a report to the planning commission including comments from other agencies detailing how the application conforms to the requirements of the zoning ordinance and other provision of city and state codes. This report shall not be deemed to represent a comprehensive list of all city and state code requirements. The city planner shall transmit copies of the proposed site development plan and the city planner’s report at least seven days prior to the date of the meeting at which approval of the site development plan is to be requested.

(F) Historic district commission action. The historic district commission shall act to review and render a recommendation to approve any such application within 45 days of transmittal to the commission or within such additional time as may be consented to by the applicant. The recommendation of the historic district commission shall be forwarded to the planning commission and acted

upon by the planning commission in conjunction with action on the associated site development plan. If a site development plan application is not filed in accordance with the provisions of subsection 2.4 of this article within one year of recommendation, the recommendation shall expire. The historic district commission may grant a one-year extension of its recommendation upon written request by the applicant. Such request shall be made in writing to the planning office at least thirty days prior to the expiration of the historic district commission's recommendation.

(G) Substantial Amendments. Substantial amendments to an application or an architectural review certificate shall be acted upon in the same manner as the original plan.

(H) Expiration of architectural review certification issued by the historic district commission.

(1) Architectural review certification approval shall expire on the last day of the 12th month after the date of approval if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the historic district commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the historic district commission.

(2) Request for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such request, the matter shall be considered at the next regularly scheduled meeting of the historic district commission.

(3) In considering a request for an extension of approval, the historic district commission shall consider, but not be limited to, the following:

(a) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.

(b) Whether the applicant has made substantial progress toward obtaining final approvals.

(c) Whether there have been any significant changes in the surrounding neighborhood.

(d) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.

(4) Requests for extensions shall be submitted in writing to the planning office.

(5) Under no circumstances shall the historic district commission grant extensions beyond 24 months from the date of first approval.

3.3 Historic district amendments.

3.31 Historic district commission review required. Any motion or petition to amend, supplement, or repeal a historic district by the city council in accordance with section 5, amendments, shall require a report by the historic district commission as set forth in article 3, subsection 21.4.

3.32 Review criteria for placing individual structures in a historic district. The historic district commission may recommend that an individual structure or property be placed in an existing contiguous historic district or be placed in a historic district specifically created for the property or structure upon considering the following criteria and factors:

(A) Significant value as part of the historical, cultural, artistic, social, ethnic or other heritage of the nation, state or community;
(B) Association with an important person or event in national, state, or local history.
(C) Representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craftsmanship, method of construction or use of indigenous material;
(D) Notable work of a master builder, designer, architect, or artist whose individual genius has influenced an era;
(E) The desire of the owner to have the property designated;
(F) Increased potential of economic or community development.

3.33 Review criteria for amendments or creation of new historic districts. The historic district commission may recommend amendments to an existing historic district, recommend repeal of an existing historic district or recommend the creation of a new historic district upon considering the following criteria:

(A) Any criteria listed in subsection 3.32.
(B) Distinctive character or homogeneity of architectural design or dates of construction throughout the area.
(C) Identifiable by clear and distinctive boundaries.
(D) Repetition of distinguishing architectural or land use characteristics throughout the area.

3.34 Public hearing required. For all proposed amendments to the boundary of the historic district, the historic district commission shall hold a public hearing subject to the following public notification procedures:

(A) The planning office shall advertise the public hearing in a newspaper of general circulation at least 15 days prior thereto.
(B) The planning office shall notify, by mail, all directly affected property owners and all property owners within 200 feet of the extreme limits of the properties proposed for addition to or removal from the district as their names appear on the municipal tax record at least 15 days prior thereto.

3.4 Demolition by neglect.

3.41 Responsibility of property owners. Property owners of properties within the historic districts shall not allow their buildings to be demolished by neglect (see definitions, article 12) by failing to provide ordinary maintenance or repair.

3.42 Responsibility of the historic district commission. The historic district commission shall monitor the condition of historic properties and existing buildings in the historic district to determine if they are being demolished by neglect by failing to provide ordinary maintenance and repair (see definitions, article 12). In the event

that the commission determines a demolition by neglect is occurring, it shall carry out the following:

(A) Determine and set forth steps required to remedy the situations or defects.
(B) Direct the city planner to inform the property owners of its findings, determination, and recommended remedies.
(C) In the event that the property owners fail to commence work within the reasonable time allotted by the commission, the commission may direct the building inspector to begin proceedings under chapter 22, buildings, and building regulations, article XI, dangerous buildings, of the Code of Ordinances for the City of Dover to bring about the repair or demolition of the building.

3.43 Responsibility of the city planner. The city planner shall notify the historic district commission of buildings within the historic district that have been referred to him by the building inspector that meet the definition of dangerous buildings under the provisions of chapter 22 buildings and building regulations, article XI dangerous buildings, of the Code of Ordinances for the City of Dover. In such cases the commission shall determine if the building is being demolished by neglect. Before referring a property to the commission for consideration as demolition by neglect, the city planner shall give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before historic district commission at the time, date and location specified.

Section 4. Development information requirements.

4.1 In order to more effectively evaluate the probable impact of proposed development and thereby to carry out the purposes of this ordinance when making decisions and recommendations regarding development proposals, the planning commission, historic district commission, or city planner may adopt a standard set of information requirements, which may be updated from time to time as necessary.

4.2 The information requirements shall be administered by the city planner and shall be a part of submission requirements for all applications to the planning commission.

Section 5. Amendments.

This ordinance or any part thereof may be amended, supplemented or repealed, from time to time, by the city council on its own motion or upon application, as provided in chapter 3 of title 22, Municipalities of the Delaware Code Annotated (22 Del. C. § 301 et seq.). Every such proposed amendment shall be referred by the city council to the planning commission for a report before the public hearing. The city council shall not take action on any such amendment without a report from the planning commission unless the planning commission fails to render such a report within 75 days after its regularly scheduled meeting following such referral.

5.1 Types of amendments to the ordinance. The following are the types of amendments that may be made to the ordinance:

5.11 Zoning text amendments. Amendments to ordinance text may be made upon initiation of the city planner or under sponsorship of three members of city council.

5.12 Map amendment by application. A property owner may make application to the city for amendment of the zoning map as it relates to his property. Amendments to the zoning map may also be initiated by sponsorship of three members of city council and shall be considered under the procedures of subsection 5.3 as it relates to applications for map amendments.

5.13 Comprehensive zoning map amendment. Amendment to the zoning map as a result of a new, revised, or amended comprehensive plan, or other formal plan or study shall be considered as a comprehensive zoning map amendment and shall be initiated by the planning office.

5.2 Procedure for zoning text amendments in accordance with subsection 5.11.

5.21 Public hearing and notice. An amendment to the ordinance text shall be subject to public hearing before the planning commission and city council prior to adoption. Such hearing shall be advertised in a newspaper of general circulation at least fifteen (15) days prior to the planning commission hearing. Such notices shall state the date, time and place of the planning commission and city council hearings and a brief description of the proposed zoning text amendment, and specify that documents are available in the planning office for review.

5.22 City planner report. For each proposed zoning text amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that evaluates the following factors:

A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and
B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.

5.23 Report of the planning commission. Regarding each proposed amendment to the ordinance text, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission’s evaluation of the following factors:

A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and
B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.

5.3 Application procedure for zoning map amendments in accordance with subsection 5.12.

5.31 Preapplication Meeting. Prior to the submission of a zoning map amendment application, the applicant or his representative shall meet in person with the city planner or his designee to discuss the rezoning request. The purpose of this meeting shall be to discuss proposed uses or developments and to review the process and submission requirements.

5.32 Application. Application for a zoning map amendment shall be submitted to the city planner, on forms approved by the planning commission, along with a fee as provided for in Appendix F--Fees and Fines, and copies of a site map as described below.

(A) Submission requirements accompanying applications for amendments to the zoning map. The applicant shall cause a site map to be prepared by a civil engineer, surveyor, land planner, or architect. The applicant shall submit copies of the site map to the city planner. The elements to be included on the site map are listed below:

(1) Scale and dimensions. The map shall be at least 8.5 by 11 inches and at a scale of ten, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

(2) Legal data.

(a) Tax parcel identification number.

(b) Name and address of the owner of record.

(c) Name and address of the equitable owner, if any.

(d) Name and address of the person, firm or organization preparing the map.

(e) Date, north point and written and graphic scale.

(f) Sufficient description of information to precisely define the boundaries of the property and that portion of the property for which a rezoning is requested; and total acreage for which a rezoning is requested. All distances shall be in feet and hundredths of a foot. All angles shall be given to the nearest second or closer. The error of closure shall not exceed one in 10,000.

(g) The locations, names and existing widths of adjacent street rights-of-way and curblines.

(h) Location, width and purpose of all existing and proposed easements, reservations and areas dedicated to public use within or adjoining the property.

(i) Existing and proposed zoning.

(j) Any existing development on the property, including buildings, fences and landscape screening.

(k) Full and complete information requested by the city planner in accordance with the development information requirements set forth in section 4.

5.33 Setting of hearings and referral to planning commission. For any application to amend the zoning map, city council shall refer the proposed amendment to the planning commission and set dates for the public hearings to be held before the planning commission and city council.

5.34 Advertisement of public hearing. Following referral of a zoning map amendment application to planning commission by city council, the applicant shall advertise the public hearing as follows:

(A) The applicant shall notify by mail all property owners within a distance of 200 feet of the extreme limits of the subject property of the public hearing dates, times and locations.

(B) The applicant shall advertise the public hearings in a newspaper of general circulation at least fifteen (15) days prior to the planning commission hearing. Such notices shall state the date, time and place of the planning commission

and city council hearings and a brief description of the proposed zoning map amendment, and specify that documents are available in the planning office for review.

(C) The applicant shall also post a notice outlining the date, time, place, and nature of the hearings in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission and city council.

(D) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating the date of mailing for all letters on or before the planning commission meeting date.

5.35 City planner report. For each application for a zoning map amendment, the city planner shall transmit a report to the planning commission and city council, including comments from other reviewing agencies that evaluate the following factors:

(A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;

(B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and

(C) Whether the proposed change is in accordance with the city's current comprehensive plan.

5.36 Report of the planning commission. Regarding each application for a zoning map amendment, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

(A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;

(B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and

(C) Whether the proposed change is in accordance with the city's current comprehensive plan.

5.37 Amendment of zoning map. Following action by city council with regards to an application to amend the zoning map, the planning office shall update the zoning map to reflect the action of city council.

5.38 Notice of decision. The city clerk shall send the applicant a letter notifying the applicant of the city council's action regarding the application for a zoning map amendment.

5.4 Procedure for comprehensive zoning map amendment in accordance with subsection 5.13.

5.41 Public hearing and notice. A comprehensive zoning map amendment shall be subject to public hearing before the planning commission and city council prior to adoption. The planning office shall advertise the public hearings as follows:

(A) The planning office shall advertise the public hearing in two newspapers of general circulation at least fifteen (15) days prior to the planning commission hearing.
(B) The planning office shall notify all affected property owners by mail at least 15 days prior to the planning commission hearing, informing them of the proposed zoning map amendment as it relates to their property.
(C) Such notices shall state the date, time and place of the planning commission and city council hearings and a brief description of the proposed zoning map amendment, and specify that documents are available in the planning office for review.

5.42 City planner report. For any comprehensive zoning map amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that identifies:

A) The reasons for the comprehensive zoning map amendment;
B) All properties where a change in zone is proposed; and
C) How the proposed changes to the zoning map support the city's current comprehensive plan.

5.43 Report of the planning commission. Regarding each application for a comprehensive zoning map amendment, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

(A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;
(B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and
(C) Whether the proposed change is in accordance with the city's current comprehensive plan.

5.44 Adoption of comprehensive zoning map amendment. Upon adoption of the comprehensive zoning map amendment by city council, the zoning of properties shall be as reflected in the adopted map.

5.45 Notice of decision. The city shall notify all affected property owners in writing with regards to any amendments to the zoning map that affect their properties.

5.5 Amendment protests. In the case of a protest against any amendment, such amendment shall not become effective, except in accordance with the provisions of section 305 of chapter 3 of title 22, Municipalities, of the Delaware Code Annotated (22 Del. C. § 305).

5.6 Zoning map amendment approvals. In all cases where the city council shall approve an amendment to the zoning map, the said council shall find that, for reasons fully set forth in the said findings, such amendment is in conformity with the comprehensive plan for the city.

5.61 Reconsideration, one-year limitation.

(A) Whenever an amendment has been denied by the city council, such amendment, or one substantially similar, shall not be reconsidered sooner than one year from the date of the prior denial, except as provided in subsection (B) hereof.

(B) Notwithstanding the provisions of subsection (A) hereof, the planning commission may request the council to reconsider an application within the one-year period from the denial of the same if the land use in the area has changed to such a degree that failure to do so would prevent proper planning and development of the area in question.

5.7 Closed zones. Where the city finds that new development in a certain zone would be inconsistent with the purposes of this ordinance, but that elimination of or substantial changes to the zone would create a hardship for many owners of existing buildings and land in that zone, the city may declare the zone closed. The city council shall not accept or approve amendments to the zoning map which would place land in a closed zone. Closed zones include:

(A) R-7;
(B) RG-4;
(C) RG-O, except in the downtown redevelopment target area as described in appendix C of the City of Dover Code of Ordinances.

BE IT FURTHER ORDAINED:

That Appendix F – Fees and Fines be amended to read as follows:

Appendix B—Zoning—Article 10—Planning Commission				
Sec. 1	Approval of conditional uses			
	Subsec. 1.52	Application procedure; Conditional use permit; each application		$325.00, plus $15.00 per acre of the area or multiple thereof involved in the application
Sec. 2	Site development plan approval			
Subsec. 2.42	Fees			Application for administrative site plans—$125.00
Subsec. 2.43	Fees….			Application for site development plan approval—$325.00
Sec. 3	Historic district commission and architectural review			
	Subsec. 3.26	Procedures for an architectural review by the historic district commission or planning commission		
		Subsec. (b)	Application and fee for an architectural review certificate	$250.00
Sec. 5	Amendments			

	Subsec. 5.32	Fees		
			Each application for a rezoning amendment	Minimum fee of $325.00, in addition to required district supplemental fee
			Residential and single-family (R-7, R-8, R-10, R-15, and R-20); supplemental fee	$10.00 per acre
			Multifamily (RG-0, RG-1, RG-2, RG-3, RG-4, RG-5, RM-1, and RM-2), cluster and MHP; supplemental fee	$30.00 per acre
			Commercial and institutional (C-1, C-1A, C-2, C-2A, C-3, CPO, RC and IO); supplemental fee	$50.00 per acre
			Shopping center development (SC-1, SC-2 and SC-3); supplemental fee	$60.00 per acre
			Manufacturing and industrial development (M and IPM); supplemental fee	$60.00 per acre

BE IT FURTHER ORDAINED:

That the amendments shall be affective upon adoption of this ordinance and that any unexpired conditional use permit, site development plan, or architectural review certificate approval shall be eligible for extension of approval by the approving body for a period of time not to exceed 36 months from the last day of the month during which initial approval was granted by that body.

SYNOPSIS

The ordinance amends the procedures for conditional use permits, site development plans, architectural review certificates and amendments to the zoning ordinance. Included in the proposed amendments are measures to clarify and streamline certain review processes and expand public notification requirements.

ADOPTED: AUGUST 8, 2011