A G E N D A
CITY OF DOVER PLANNING COMMISSION
Monday, July 18, 2011 – 7:00 P.M. - City Hall: Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

APPROVAL OF AGENDA
ADOPTION OF MINUTES OF REGULAR MEETING of June 20, 2011

COMMUNICATIONS & REPORTS

1) The next Planning Commission Quarterly Workshop is scheduled for Tuesday, August 16, 2011 at 4:00pm in the City Hall Conference Room.

2) Report on City Council actions

3) Update on other Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:
   a) C-10-02 The Arbors at 1051 College Road – Request for extension of the conditional approval granted on August 16, 2010 by the Planning Commission to the Conditional Use Site Plan Review to permit the construction of a 55,350 S.F. multi-family building with 48 total units (condominium style units) and associated site improvements. The project is located on one parcel of land totaling 4.32 acres ± and is zoned RG-2 (General Residence Zone). The subject area is located on the north side of College Road, just west of McKee Road. The owner of record is JNK, LLC. Tax Parcel: ED-05-067.00-01-35.03-000. Council District 1.

NEW DEVELOPMENT APPLICATIONS

1) S-11-09 State Street Plaza at 1004 S. State Street – Public Hearing and Review of a Site Plan for the construction of a 9,942 SF office building and other associated site improvements at 1004 South State Street. The property is 0.7635 acres ± and is zoned C-2A (Limited Central Commercial Zone). The property is located on the west side of South State Street at the intersection with Wyoming Avenue. The owner of record is Gateway South Professional Center, LLC and the equitable owner is ADP Properties, Inc. Property Address: 1004 South State Street. Tax Parcel: ED05-077.17-07-21.00-000. Council District 2.

2) MI-11-06 Text Amendment: Revisions to Article 10 of the Zoning Ordinance (Appendix B) – Public Hearing and Review for Recommendation to City Council of a series of Amendments to the Article 10 of the *Zoning Ordinance* related to the procedures and requirements for applications to the Planning Commission and Historic District Commission. The proposed changes are aimed at improving consistency within the ordinance, clarifying

and streamlining review processes, removing antiquated language, and expanding public notification requirements. Ordinance #2011-14.

NEW BUSINESS

1) Review of Draft "Policy on Physical Posting Requirements"

2) Nomination and Election of Officers (Chairman and Vice-Chairman)

3) Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance,* Article 10 §2.28)

ADJOURN

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

CITY OF DOVER PLANNING COMMISSION
June 20, 2011

The Regular Meeting of the City of Dover Planning Commission was held on Monday June 20, 2011 at 7:00 PM with Chairman Hemmig presiding. Members present were Mr. Hemmig, Mr. Tolbert, Colonel Welsh, Mr. Baldwin, Mr. Nichols, Mr. Holt, Mr. Ambruso, and Mr. Shomo. Mr. Friedman was absent.

Staff members present were Mrs. Melson-Williams, Mrs. Duca, Ms. Cornwell, Mr. Albert and Ms. Metsch. Also present were Mr. Rick Gould, Mr. Mike Henry, Mr. Rich Vetter, Mr. Ryan Becraft, Mr. Michael Cassidy, and Mr. Constantine Malmberg. Also speaking from the public was Dr. Steven Schlesinger.

APPROVAL OF AGENDA

Mr. Tolbert moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Friedman absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF MAY 16, 2011

Colonel Welsh moved to approve the regular Planning Commission meeting minutes of May 16, 2011, seconded by Mr. Tolbert and the motion was unanimously carried 8-0 with Mr. Friedman absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Quarterly Workshop is scheduled for Tuesday, August 16, 2011 at 4:00 PM in the City Hall Conference room.

Mrs. Melson-Williams further stated that an APA Audio Web Conference regarding the 2011 Planning Law Review session will be held on June 29, 2011 at 4:00 PM. This audio web conference is hosted at the Kent County Administration Building in Room 220. The event would be co-sponsored by the Delaware Chapter of the APA and the Kent County Planning Office.

Mrs. Melson-Williams provided an update on the regular City Council meeting of May 23, 2011, and the regular City Council, Utility Committee, the Parks Recreation and Community Enhancement Committee, and the Legislative, Finance and Administration Committee meetings of June 13, 2011.

Mrs. Melson-Williams further stated that included in the Planning Commission packets were some sheets that need to be inserted into your *2008 Comprehensive Plan*. These are 2011 Comprehensive Plan Amendments that were approved by City Council in March and April of this year. There were some text pages that were updated as well as the Land Development Plan Map 12-1.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Melson-Williams presented the audience information on policies and procedures for the meeting.

OLD BUSINESS

S-10-13 YMCA at 1137 South State Street – Request for extension of the conditional approval granted on June 21, 2010 by the Planning Commission to the Site Development Master Plan for the construction of three separate building additions to the existing YMCA building located 1137 South State Street and associated site improvements. The three building additions are proposed in phases with Phase 1: Gymnasium at 9,250 S.F., Phase 2: Fitness Addition at 3,030 S.F., and Phase 3: Program Space at 6,500 S.F. in size. The project is located on three parcels of land totaling 4.4196 acres ± proposed for consolidation into one parcel as part of this application. The properties are currently zoned IO (Institutional/Office Zone) and RGO (General Residence and Office Zone. The owners of record are YMCA of Dover, Inc. and Young Men's Christian Association of Delaware, Inc. Property Addresses: 1137, 1145, and 1169 South State Street. Tax Parcels: ED05-077.17-05-01.00-000, ED05-077.17-05-57.00-000, and ED05-077.17-05-58.00-000. Council District 2.

Representatives: Mr. Rick Gould, YMCA; and Mr. Mike Henry, Becker Morgan Group, Inc. were present in the audience.

Mrs. Melson-Williams provided an overview for the request of extension for this application.

There were no questions raised from any Planning Commission members at this time.

Mr. Hemmig questioned if there would be any items that would affect the extension with regards to changes in the *Zoning Ordinance*? Responding to Mr. Hemmig, Mrs. Melson-Williams stated that no not with regards to the I/O (Institutional/Office) zoning district that this project is currently located in.

Colonel Welsh moved to approve a one year extension for S-10-13 YMCA located at 1137 South State Street, seconded by Mr. Nichols and the motion was unanimously carried 8-0 with Mr. Friedman absent.

NEW DEVELOPMENT APPLICATIONS

C-11-04 M & L Ventures, LLC at Lafferty Lane – Public Hearing and Review of a Minor Subdivision and Conditional Use Site Plan to create two parcels of 5.46 ± acres and 4.13 ± acres for the construction of a total of ten 9,950 SF manufacturing/warehousing buildings on two parcels (after subdivision) and other associated site improvements at Lafferty Lane. The property is currently 9.99 acres ± and is zoned M (Manufacturing Zone) and is subject to the AEOZ (Airport Environs Overlay Zone) APZ 1 and Noise Zones C and D. The property is located on the south side of Lafferty Lane west of Horsepond Road. The owner of record is M & L Ventures, LLC. Property Address: Lafferty Lane. Tax Parcel: ED05-077.00-01-28.04-000. Council District 2. *Waivers Requested: Reduction of Bicycle Parking, Partial elimination of curbing, and Partial Elimination of Sidewalk. Previously, application C-09-03 was reviewed by the Planning Commission in March 2009 and January 2010; however, that plan has expired.*

Representatives: Mr. Rich Vetter, RK&K Engineers; Mr. Ryan Becraft, RK&K Engineers; and Mr. Michael Cassidy, M&L Ventures.

Ms. Cornwell provided an overview of the application.

There were no questions raised from any Planning Commission members at this time.

Mr. Hemmig opened a public hearing and after seeing no on wishing to speak closed the public hearing.

Mr. Hemmig questioned if there was a recommendation for an increase in bicycle parking? Responding to Mr. Hemmig, Mrs. Melson-Williams stated that yes; the Planning Staff recommended that at least two (2) bicycle parking spaces be provided. The applicant was requesting a full elimination of the requirement.

Colonel Welsh moved to approve C-11-04 M & L Ventures, LLC located at Lafferty Lane with the waiver requests granted for the sidewalk, elimination of curbing, and to amend the requirement of two (2) bicycle parking areas, seconded by Mr. Nichols and the motion was unanimously carried 8-0 with Mr. Friedman absent.

C-11-03 Governors Club Professional Center at 144 Kings Highway – Public Hearing and Review of a Conditional Use Site Development Plan to permit the establishment of a café/sandwich shop in a portion of the first floor of an existing building. The property is zoned RGO (General Residence and Office Zone) and H (Historic District Zone). The property is located at the southernmost intersection of American Avenue and Kings Highway. The owner of record is Governors Club Professional Center, LLC and the lessee is Coffee Shop, LLC. Property Address: 144 Kings Highway SW. Tax Parcel: ED05-077.05-04-40.00-000. Council District 2.

Representative: Mr. Constantine Malmberg, Attorney representing the Applicant.

Ms. Cornwell provided an overview of the application.

Mr. Malmberg stated that the owner of this coffee shop has been a manager of McGlynn's Pub and was the one who got the operation up and running here in Dover. He has been in the restaurant business for twenty (20) years and is an operator that should know what he is doing. The intended use as indicated by Staff is a coffee shop where sandwiches for lunch or coffee in the early morning to serve DNREC, Wesley College students, and that type of clientele. It is not anticipated that there would be much in the way of evening hours other than in connection with events held at the Schwartz Center where it might be appropriate for Friday and Saturday night ice cream with the kids after dinner.

Mr. Malmberg further stated that as Staff indicated, this is a preferred Conditional Use in this district. The idea as set forth in the Code is to try and encourage tourism uses in Downtown with more vitality by interjecting some commercial uses into the office district that represents the Historic District.

Mr. Holt questioned regarding the business, is the owner contemplating staying with those hours or having it open for certain events Downtown? Responding to Mr. Holt, Mr. Malmberg stated that the concept is 7:00 AM through lunch most weekdays that would cater to the business in Downtown Dover. On Friday and Saturday nights, they will try to pick up some theater traffic

for dessert as they will be serving gelato along with coffee and a sandwich shop.

Mr. Holt further stated that he feels that this is going to be a good fit and would even suggest that they have some outdoor seating. Responding to Mr. Holt, Mr. Malmberg stated that there is a plan for some seating out on the deck porch. This will be an old style coffee house because the ceilings in this building are fourteen (14) to sixteen (16) feet in height and should make a very nice shop.

Mr. Nichols questioned with regards to the floor plan, will it have to be revamped or remodeled to accommodate this sandwich shop? Responding to Mr. Nichols, Mr. Malmberg stated that they submitted a floor plan for the proposed use. There will be no changes in any of the walls and no significant improvements at all to the facility other than those associated with the restaurant use which would be sinks and running water. There are no hoods required and not contemplated at this time. This is a fairly low intrusive use into the historic structure. They would need to set up the tables, counters, and wash sinks.

Mr. Nichols questioned that one bathroom is shown on the plan. Will this be a co-ed bathroom? Responding to Mr. Nichols, Mr. Malmberg stated that this is an existing bathroom that is handicap accessible and yes, it is a co-ed bathroom.

Mr. Nichols further questioned if there would be a handicap ramp? Responding to Mr. Nichols, Mr. Malmberg stated that they are going through an analysis with the Building Code Department on accessibility for the property and whether or not it is feasible. The Building Code requires that a handicap ramp be put in unless it is not feasible to put one in. Currently, unless the architect comes up with some better plans, it would destroy the front porch because of the requirements of ramping and the like. Staff, the applicant, and I will all meet on site next week to review possibilities and see how feasible it would be. This is a fairly small user and depending upon how extravagant it is to get up this high on a historic structure, a lot of things could happen such as architectural review through the Historic District Commission if there is extensive ramping or extensive cost for what is a third of the building with the remaining uses staying the same.

Mr. Hemmig opened a public hearing.

Dr. Steven Schlesinger – Stated that he owns the building that is adjacent across the alleyway from the Governors Club. The building is currently zoned RGO and the buildings that surround the property are mostly RGO. Residences line Kings Highway across the street from the property and offices line American Avenue across from this property. His property which shares the alley with the Governors Club, is both office and residential. The question that needs to be asked in order for the Conditional Use permit to be granted in the Historic District is "Does a coffee/sandwich shop make this a greater attraction to tourists and residents?" He does not think that it does. There is already ample opportunity for this type of business in the Downtown area with the zoning already in place on Loockerman Street west of State Street where there are at least five (5) or six (6) empty stores. On the second block, the empty stores outnumber the occupied stores. A coffee shop or sandwich shop could do quite well there on New Street, Governors Avenue, or on State Street. Remember the business Mort's Deli use to have. The proposed Governors Club would seat approximately fifty (50) people and have shifts of Staff to

run the facility. Parking is already pressured in this area especially with the loss of City Hall parking and construction of the new library. The idea that most patrons would be on foot he believes is hellatious and thus if only half of the seats were filled with drivers, then twenty-six (26) parking spaces would be necessary. You have heard that there are nine (9) spaces on the circle and there are eight (8) out back with two (2) of those in an enclosed garage that would have a parked car behind them. The garage spaces are inadequate to hold the two (2) cars that people would be using. Staff would park in the alley near the kitchen where the blueprints state that there are eight (8) parking spaces that includes two cars in the garage. First of all, the garage does not accommodate the two cars and any cars parked in the garage would be blocked in and could not get out with the three to four cars parked in the area. If there was a Staff of six per shift, there is insufficient parking even for that shift never mind the overlap in Staff during a shift change. Add to that, this is a three story building where most tenants park in the back of the building and you can see the quandary we face about parking. Also bear in mind that this is an alley and not a City street. In years past, without a retail establishment in the building, vehicles have blocked in the driveway, parked, and left their cars blocking the alley. They also park in the adjacent City Park which is an open space across from the Governor's Mansion. This adjacent park in the past has had grass destroyed by various construction company trucks that park there that was not relative to them doing construction; he believes that they had offices in this building. In additional to all of that, the plan is to have them taken out. Are customers expected to find a parking spot, go into the building and order? If this is the case why not eat in there or go up the alley and leave the car and just run in.

Dr. Schlesinger further stated that he believes that there are issues with regards to health which is associated with odor generated by the restaurant's open garbage receptacle which would be a focus of odors and certainly animals, flies, and maggots. This garbage receptacle is less than twenty-five (25) feet from another apartment. Parties of this facility in the past have resulted in garbage bagged and placed in this three sided brick space which is fully open on one side for pickup. Full receptacles with sloppily placed garbage bags not in the proper cans would certainly be a health hazard. Besides the issues of parking and garbage removal, the operating hours would pose an additional nuisance. The place would be staffed every day as proposed 7:00 AM to 7:00 PM with customers leaving later and the Staff arriving earlier causing significant noise, traffic, and lighting disturbance. The traffic and noise in this alley is not compatible with the current neighborhood's residential and business schedule and traffic patterns. Certainly, having this facility less than fifty (50) feet from an apartment will limit anyone's interest in living in the apartment and will adversely affect his property's value as well as upset the current neighborhood's quiet Victorian appeal. Why disturb a successful neighborhood when there is an area that would welcome this new business? Why should historical Downtown businesses such as himself pay taxes to downtown development for many years and now be blessed by planning to be met with nuisance of traffic, garbage disposal issues, increased parking as a reward for accepting additional taxation as we are in the historical Downtown Dover district. As the extent of this plan proceeds and as renovation has already begun, without the acceptance of this Plan, he believes that the entire neighborhood will look differently with this proposed Plan when you see the overall ambitious projected plans. This coffee shop bares no benefit where it is planned versus a better location of being on Loockerman Street where the shop would be welcome and could draw additional traffic.

Dr. Schlesinger further stated that he is also concerned regarding the handicap ramp. There was a space and a half out back that was made for handicap vehicles. If a ramp were to be placed there is would cause that space there to be one and a half spaces lost out back to the existing which is still way too few for what is needed. He would welcome anyone to drive up the alleyway to see if you think that nine (9) cars could get into this space and if nine (9) spaces would even be adequate. Thank you for your patience in listening to his opinion on this poorly fit plan into the existing Historic District. It is a squeeze in the neighborhood with all the nuisance, hygiene issues, odor, and increase in traffic which could potentially be dangerous as cars come out of the alleyway much more frequently onto Division Street and find themselves with ongoing traffic from west to east which is always a hard block to get out onto. There is also an increase in trespassing which he would not look forward to. We have four (4) spaces towards the back and we would have to block it off because we know what would happen if we did not, those spaces would not be available. Personally, it is his feeling that this is not a benefit to the area as it does not fit the area. We already have an existing area that is not being developed and this would be a disturbance to the existing neighborhood with unwelcome noise disturbing markably increased hours.

Mr. Hemmig closed the public hearing after seeing no one else wishing to speak.

Mr. Hemmig stated that Dr. Schlesinger addressed the possibility of garbage. If there is a problem with garbage, this would be addressed through Code Enforcement with the City of Dover. As far as the business aspect, he personally feels that it is a good fit for this area and the uniqueness of the building lends a lot of ambiance to the potential of the café.

Colonel Welsh stated that he agreed with Mr. Hemmig's comments and while he empathizes with Dr. Schlesinger and listened to his concerns, he is also aware through Code Enforcement there are a lot of his concerns that could be resolved if in fact they do become concerns.

Colonel Welsh moved to approve C-11-03 Governors Club Professional Center located at 144 Kings Highway as requested, seconded by Mr. Nichols and the motion unanimously carried 8-0 with Mr. Friedman absent.

Meeting Adjourned at 7:32 PM

Sincerely,

Diane Metsch
Secretary

Pennoni

PENNONI ASSOCIATES INC.
CONSULTING ENGINEERS

TASB 0902

June 10, 2011

Ms. Dawn Melson-Williams, AICP, Principal Planner
The City of Dover Department of Planning and Inspections
15 East Loockerman Street
Dover, Delaware 19901
Submitted via e-mail dmelson@dover.de.us

RE: The Arbors Condominiums Project
Conditional Use Site Plan Application #C-10-02
1051 College Road – City of Dover, Delaware

Dear Ms. Melson-Williams:

At its meeting of August 16, 2010, the City of Dover Planning Commission moved to approve the Conditional Use Site Plan Application for The Arbors Condominiums Project at 1051 College Road in the City of Dover, Delaware. Conditions of said approval are outlined in a July 08, 2010 Development Advisory Committee ("DAC") Report and an August 20, 2010 letter from your office.

We have revised our plans to incorporate comments provided in both of these letters; however, have yet to procure approvals and/or Letters of No Objection from the various DAC agencies. The developer (and applicant) has instructed us to delay these applications due to poor economic conditions and is hoping that additional time will allow the economy to improve and, thus, allow them to be in a better position to construct and market the proposed condominium complex.

We are aware that City of Dover Planning Commission approval for this project will expire on August 16, 2011. ***Therefore, this letter shall serve as a formal and respectful request to the City of Dover Planning Commission for a one (1)-year extension of the approval granted for this project.*** The one (1)-year extension will provide ample time to procure DAC approvals and then submit Final Plans and Architectural Plans to The City of Dover Department of Planning and Inspections for approval.

If you have any questions/comments or require additional information, please contact me at this office. We appreciate your continued involvement with this project.

Respectfully submitted,

PENNONI ASSOCIATES INC.

Douglas D. Barry

Douglas D. Barry, PE, Project Manager

cc: Ashburn Homes Incorporated *(submitted via e-mail tony@ashburnhomes.net)*
City Clerk's Office *(submitted via e-mail cityclerk@dover.de.us)*

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City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF July 7, 2011

PLANNING COMMISSION MEETING OF July 18, 2011

Plan Title:	State Street Plaza S-11-09
Plan Type:	Site Plan
Property Location:	Southwest corner of South State Street and Wyoming Avenue.
Property Address:	1004 South State Street
Tax Parcel:	ED-05-077.17-07-21.00-000
Owner:	Gateway South Professional Center, LLC
Project Engineer:	Larson Engineering
Site Area:	0.7635 +/- ac.
Proposed Use:	Medical Office Building
Building Area:	Proposed Building – 9,945 S.F.
Impervious Area:	Proposed – 82.5%
Off Street Parking:	Required – 34 (1 per 300 S.F. of floor space) Proposed – 36 spaces
Sewer & Water:	City of Dover
Zoning Classification:	C-2A (Limited Central Commercial Zone)
Waiver Requested:	Partial Elimination of Curbing

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 7, 2011

CITY OF DOVER PLANNING

APPLICATION: State Street Plaza at 1004 South State Street

FILE #: S-11-09 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Janelle M. Cornwell, AICP PHONE #: (302) 736-7196

PLAN SUMMARY:
This Site Plan Review is to permit the construction of a 9,945 S.F. medical office building. The project area consists of one (1) parcel of land totaling 0.7635 acres ±. The property for the proposed development is zoned C-2A (Limited Central Commercial Zone). The property is located on the southwest corner of South State Street and Wyoming Avenue. The owner of record is Gateway South Professional Center, LLC. The property address is 1004 South State Street. Tax Parcel: ED-05-077.17-07-21.00-000.

The site was previously reviewed and approved for retail use by the Planning Commission in 2008 (S-07-61). The Site Plan expired prior to construction commencing on February 28, 2010.

PARKING SUMMARY
The minimum parking requirements for the C-2A (Limited Central Commercial Zone) is one (1) parking space for every 300 S.F. of floor area. The calculation for a medical office building is also one (1) parking space for every 300 SF of floor area. Based on the size of the building (9,945 S.F.) the site requires thirty-four (34) parking spaces. The plan indicates thirty-six (36) new parking spaces for the proposed building of which two (2) are handicap parking spaces. The Plan exceeds the parking requirements of the *Zoning Ordinance* based on the floor area of the proposed building and is under 25% of the maximum amount of parking allowed.

BUILDING ARCHITECTURE
The building appears to be predominately brown brick with window storefronts. The exact materials need to be identified on the elevations. The building will have a flat roof with three pitched entrance features around the building. There are columns dividing the storefronts. The back of the building is a blank block building with a brick water table feature. Large expanses of blank wall are to be avoided per *Zoning Ordinance* Article 5

Section 19. If significant changes are proposed to the architecture the architecture will be reviewed by the Planning Commission at a future meeting.

SITE CONSIDERATIONS

Dumpster

The building is required to have two (2) dumpster pads based on the size of the building. Article 5 Section 6.12 requires one dumpster pad is for the first 8,000 S.F. of gross floor area and a second dumpster pad is required for each additional 16,000 S.F. of gross floor area or fraction thereof. The Site Plan identifies one dumpster pad location. The dumpster pad is located along the west side of the site across from the entrance off of Wyoming Avenue. The second dumpster location shall be reserved on site and will be required to be constructed if determined to be necessary by the Planning Director. The dumpster enclosure material shall match the proposed building.

Loading Space

Based on the size of the building (9,945 S.F.) a loading space is not required; however, a loading space is provided on the plan.

Sidewalks

Article 5 §18 requires sidewalks to be installed along the public street frontages of a property. The plan shows an existing sidewalk along Wyoming Avenue and South State Street. The plan indicates an entrance into the site along both street frontages.

Waiver Requested - Curbing

Article 6 § 3.6(b) requires curbing for all parking areas. Upright curbing is provided on the site. The plan indicates two small depressed areas along the north edge of the parking lot to allow for drainage into the stormwater management area. A waiver may be granted by the Planning Commission to allow for drainage into the stormwater management area. A written waiver request for the depressed curbing to allow for drainage into the stormwater management area has been submitted for consideration by the Planning Commission**.**

Opaque Barrier

An opaque barrier is required when a non-residential use abuts a residential use (Article 5 §7.2). For this project, this occurs on a portion of the west property line as the site abuts a residence (Lands of James Norton). An opaque barrier consists of an opaque component at least six (6) feet in height (a wooden fence, masonry wall or earthen berm). The Planning Commission has the ability to waive the requirement for the opaque barrier component consisting of the wooden fence, masonry wall or earthen berm. A landscape barrier consisting of either a continuous evergreen planted screen at least six (6) feet in height when planted or a hedge that will grow to be at least six feet is required as a part of the buffering for the parcel abutting a residential use. The landscape portion of the buffer is required to be planted on the residential side of the opaque barrier. The plan proposes both the fence and landscaping.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan does include the requisite Landscaping Plan elements. Based on the total project site area of 33,258 S.F., twelve (12) trees would be required. The plan shows the required number of trees. The trees are a mixture of deciduous trees. The trees are located around the perimeter of the site with two trees located within the parking island.

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

CITY AND STATE CODE REQUIREMENTS:

1) Curbing shall be constructed in accordance with the Zoning Ordinance unless a waiver is granted by the Planning Commission. A written waiver request for the elimination of curbing has been submitted for consideration by the Planning Commission.

2) Revise the projected water uses to reflect the proposed office use on the Utility Plan Sheet.

3) Update the Data Column on the Title Sheet and Site Plan Sheet with the following information:
    a) Any changes recommended or other approval by the Planning Commission.
    b) Any waiver granted by the Planning Commission.
    c) Revise the existing use to vacant.
    d) Remove the existing building area.
    e) Provide the equitable owner information on the Title Sheet.
    f) Provide a note stating that trash pickup will be private.

4) Provide a construction detail for the following items but not limited to: the proposed pole mounted lights, etc.

5) Revise the Landscape Plan with the following:
    a) Ensure the base map for the Landscape Plan matches the remainder of the Plan Sheets. The placement of the building is located differently.
    b) Clarify the number of Dwarf Garden Juniper plants on the site. The Plant List indicates 57 plants; however, there are only 35 plants shown on the plan.
    c) Clarify the label and symbol 7 IC located on the west property line. The plan indicates seven trees or plants; however, there they are not listed in the Plant List.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Recommendation on waiver:

a. Partial Elimination of Curbing: Staff recommends approval of the request to eliminate curbing in several places in the parking lot on the north side to allow for drainage into the stormwater management area.

ADVISORY COMMENTS TO THE APPLICANT:

1) Approval for the Stormwater Management Area was granted approval in December of 2008 by the Kent Conservation District. Their approval is valid for three (3) years and would expire in December of 2011. The applicant shall contact the Kent Conservation District to ensure the validity of the Stormwater Management Plan and discuss its relevance to the current application.

2) In the event, that major changes and revisions to the Site Plan occur in the finalization of the Site Plan contact the Department of Planning and Inspections. Examples include reorientation of building, relocation of site components like stormwater management areas, and increases in floor area. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

3) Staff recommends the applicant consult with DNREC regarding the previous removal of underground storage tanks.

4) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.

5) Following Planning Commission approval of the Site Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff also submit to other DAC member agencies. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement and DAC member agencies with comments.

6) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections and permits are required.

7) Construction may have an effect on the adjacent property owners and nearby travel lanes. Any work requiring the closing or rerouting of potential customers or visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience to the adjacent property owners.

8) A City of Dover Pre-Construction meeting will be required prior to a Notice to Proceed letter being issued for construction to commence.

9) The applicant shall be aware that Site Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign shall require a Sign Permit from the City of Dover prior to placement of any such sign.

10) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

APPLICANT D.A.C. MEETING DATE: JULY 7, 2011

CITY OF DOVER
PUBLIC UTILITIES
DEPARTMENT

APPLICATION: **State Street Plaza at 1004 S. State Street**

FILE #: **S-11-09**

REVIEWING AGENCY: **City of Dover Public Utilities Department**

CONTACT PERSON: **Steve Enss - Electric**
Sharon Duca, P.E. - Water, Wastewater, Stormwater

CONTACT PHONE #: **302-736-7070**

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. The roadway and curbing must be in.
2. The right-of-way must be within 6" of final grade.
3. The property corners must be staked.
4. Owner is responsible for locating all water, sewer, and storm sewer lines.
5. Owner is responsible for installing all conduits and equipment pads per the City of Dover Engineering Department specifications.
6. Owner is responsible for site and/or street lighting.
7. Meter locations will be determined by City of Dover Engineering Department.
8. Load sheets and AutoCAD compatible DXF or DWG diskettes of site plans, including driveways, are required prior to receiving approved electrical construction drawings.
9. **Any relocation of existing electrical equipment will be engineered by the City of Dover Electric Department. Developer may be required to perform a quantity of the relocation. Any work performed by the City of Dover will be at the owner's expense.**
10. Prior to construction, owner is responsible for granting an easement to the City of Dover Electric Department. Easement forms will be furnished and prepared by the City of Dover Electric Engineering Department.
11. Fees will be assessed upon final site plans. The owner will be responsible for fees assessed prior to construction. Owner is required to sign off plans prepared by the Electric Department.
12. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
13. Prior to the completion of any/all designs and estimates, the owner is responsible for providing the Electric Engineering Department with a physical address of the property.
14. All Engineering and design for Dover Electric will be engineered upon final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

WATER

1. The following notes must be added to the plans:

    a. All water utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010.

    b. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.

    c. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Public Utilities Department specifications and requirements.

    d. The site contractor shall contact the City of Dover Public Utilities Construction Manager at (302) 736-7070 prior to the start of construction. A representative from the City of Dover Department of Public Utilities must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.

2. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.

3. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit outside the building in a non-traffic bearing area (which includes vehicular, bicycle and pedestrian traffic) per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.

4. The plan for the site references a one-inch (1") domestic service for the site. Based upon the usage currently projected for this site, it is unlikely that the size(s) shown will be adequate. Calculations determining the service line size must be submitted to our office for review.

5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.

6. Provide a construction detail, meeting City of Dover requirements, for the proposed restraining system for the fire main located within the buildings. The Public Utilities Department will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.

WASTEWATER

1. The following notes must be added to the plans:

    a. All wastewater utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

    b. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Public Utilities Department specifications and requirements.

c. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.

2. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures.

3. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District submitted to our office.

2. The size, length, slope, type and flow directions must be shown on all existing and proposed storm sewer lines. Rim and invert elevations must be labeled on all stormwater structures.

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.

2. The final site plan must be submitted in a digital format compatible with AutoCAD 2010 (.dwg format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. Owner must give the City of Dover Electric Department three (3) months notice prior to construction. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is now available on the website at the following link: http://www.cityofdover.com/departments/electric/documents/.

WATER / WASTEWATER / STORMWATER / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. While reviewing the plan, the Electric Division has noticed that the plan has very little real estate for the electrical equipment required to feed the proposed building.

WATER

1. Hydrant flow testing is currently only performed during the spring and fall. The applicant must call the Public Utilities Department directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.

WASTEWATER / STORMWATER

1. None.

GENERAL

1. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.

2. All standard notes and details provided on the plan shall be in accordance with the Water / Wastewater Handbook.

3. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 7, 2011

CITY OF DOVER FIRE MARSHAL

APPLICATION: State Street Plaza 1004 S. State Street

FILE #: S-11-09 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: David Truax, Fire Marshal PHONE #: (302) 736-7011

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESS BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is single story. Primary fire lanes are required to be 24 feet wide and cover the side of the building that has the primary entrance and exit. Secondary fire lanes can be reduced to 16 feet wide. Both can be no closer than 10 feet to the building and no farther than 50 feet from the building. Submitted fire lane coverage is fine; the plan needs to show the markings of the fire lane.

2. Any gas fired HVAC equipment must be equipped with emergency cut off switches remotely located.

3. Address numbers of at least 12 inches in height must be placed on the street side of the building visible from the street.

4. Any natural or LP gas bottles, meters, values, regulators, etc., must have impact protection.

5. Full building and fire plan review is required.

6. Building cannot be occupied or construction or renovations started until completion of building and fire plan review.

7. All required means of egress shall have an exit discharge consisting of a non slip surface and leading to and terminating at a public way.

8. Understanding is that this is to be a dental practice. If more than 3 persons are incapable of self-preservation the occupancy would have to be reviewed as ambulatory health care and would require review by the State FMO for Center for Medicaid and Medicare Services.

9. Knox Box required. If fire protection is installed.

10. Project to be completed per approved Site Plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:
NONE

ADVISORY COMMENTS TO THE APPLICANT:

1. After any application has been approved by the Planning Commission, the applicant has a maximum of thirty (30) days to appeal to the Code Board of Appeals Committee.

2. All comments from this office, approved by the Planning Commission are at the expense of the owner/applicant.

3. The proposed building will be reviewed under Business Occupancy.

4. The City of Dover uses the 2009 NFPA Life Safety Code, 2009 IBC, latest editions of all other NFPA Codes and the 2009 Delaware State Fire Prevention Regulations.

5. The Dover Fire Department request that a 8 ½ X 11 copy of the floor plan and site plan be submitted to Station 1, attention Fire Chief, prior to the Certificate of Occupancy being issued.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 30, 2011

DELDOT

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APPLICATION: State Street Plaza at 1004 S. State Street
FILE#:S-11-09 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Julio F. Seneus PHONE#: 760-2145

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THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:

1. In order to be issued an entrance permit, the department will require the applicant to provide the proper forms, fees, and plans.

2. Per Section 3.6.5 of the Standards and Regulations for Subdivision Streets and State Highway Access Adopted February 15, 2010, an 80-foot wide right-of-way (40-feet from the centerline) is required for a minor arterial. According to the Kent County Classification Maps, KCR 025 (South State Street) is classified as a minor arterial road. If the existing right-of-way does not have the proper width along the frontage of the site, the department will require 40-feet of right-of-way dedication from the innermost edge of the through lane for public use.

3. The developer shall perform all of the off-site improvements and the signal modification as noted in the approved entrance plans dated April 23, 2009.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

If you have any questions or need to discuss any of the above comments, please call the above contact person and the planning department as soon as possible.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 7/7/2011

Dover/Kent County Metropolitan Planning Organization

APPLICATION: State Street Plaza at 1004 South State Street

FILE #: S-11-09 REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Jim Galvin, AICP PHONE #: (302) 387-6030

The Dover/Kent County MPO has participated in the State's Preliminary Land Use Services (PLUS) process. The MPO requested the opportunity to bring the recommendations on issues of our concern to the City as well. The MPO will limit comments to development proposals and applications that may lead to new development. Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission 7/18/2011

Project Review

S-11-09 State Street Plaza at 1004 South State Street

The South State Street location is a commercial node less than one mile from The Green in downtown Dover. As such, many facilities exist for alternative modes of transportation as well as vehicle access. The Project is within 150 yards of two transit stops for several bus routes. It has sidewalks at both road frontages and into the site at the entrance driveways. There are site-based bicycle facilities indicated in the plans.

The site meets the standards the MPO considers. We have no objection.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.

LARSON
ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING

July 6, 2011

Ms. Janelle Cornwell
City of Dover Planning
P.O. Box 475
Dover, DE 19901

RE: STATE STREET PLAZA – CURBING WAIVER REQUEST

Dear Janelle:

We are writing this letter on behalf of our client, ADP Properties, Inc., to request a partial waiver of the requirement for concrete curbing listed in Article 6, Section 3.6.2. We are providing curbing within the parking areas. No curbing is proposed along two parking spaces. This will allow for sheet flow into a grass swale and bio-retention area. The sheet flow will promote water quality. Providing curbing will cause the runoff to become concentrated and decrease water quality benefits.

Please review this request and call me if you have any questions.

Sincerely,

LARSON ENGINEERING GROUP, INC.

Douglas J. Liberman
Vice President

RECEIVED
JUL 7 2011
CITY OF DOVER
PLANNING & INSPECTIONS

PETITION TO AMEND ZONING ORDINANCE TEXT
Public Hearing before the
Dover Planning Commission
July 18, 2011

Proposed Zoning Change:	Amendment to Appendix B – Zoning, Article 10 – Planning Commission, and Appendix F – Fees and Fines
Summary of Amendment:	Last year, the City Council assigned two goals to the Planning Office, including streamlining of our application processes and expansion of our public notice requirements. To meet this goal, the Planning Office began a thorough review of Article 10 of the *Zoning Ordinance*. This article specifies the requirements for all applications that appear before the Planning Commission and Historic District Commission, as well as administrative plan review and amendments to the *Zoning Ordinance*. In reviewing the article, the staff worked to improve the consistency throughout sections of the article, standardize processes where possible, and streamline zoning review for small projects and changes of occupancy that do not include site disturbance. The Planning Office released a draft ordinance in late April and held subsequent meetings with the real estate, development, and engineering communities. The draft ordinance was also shared with the Historic District Commission. Overall feedback has been positive. Comments received are attached. Many of the questions asked at the outreach meetings related to the physical posting requirement. On June 13, 2011, following review by the Legislative, Finance and Administration Committee, the Committee endorsed the ordinance with the Staff recommendations regarding the comments received incorporated.
Ordinance Number:	2011-14
File Number:	MI-11-06
Attachments:	Ordinance #2011-14 Summary of Proposed Changes to Zoning Ordinance Code Mark-Up Summary of Comments Received Comments Received DAC Agency Comments

FIRST READING

CITY OF DOVER
ORDINANCE #2011-14

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

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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.

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(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.

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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

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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

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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.

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(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:

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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:

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2.11 Planning commission site plan review. Site development plans shall be referred to the planning commission for consideration and review include any of the following:

(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.

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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.

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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.

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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.

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(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

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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.

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(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.

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(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.

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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.

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(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.

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(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

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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.

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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

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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 by deleting the text shown in red bold strikethrough and replacing it with the text shown in blue bold italics 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. ~~**2.45**~~ ***2.42***	Fees		~~**Application for site development plan approval—$325.00**~~ 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. ~~3.25~~ ***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. ~~5.12~~ ***5.32***	Fees		
			Each ~~petition~~ ***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
			~~All applications for amendment to the zoning~~	~~$250.00~~

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			~~ordinance (appendix B) ....~~	

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 proposed ordinance 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 are measures to clarify and streamline certain review processes and expand public notification requirements.

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Summary of Proposed Changes to Zoning Ordinance
Article 10 – Planning Commission

Background

Article 10 of the *Zoning Ordinance* includes the processes and procedures associated with Planning Office, Planning Commission, and Historic District Commission applications, as well as the procedure for amending the *Zoning Ordinance*. Application types included in this Article include Conditional Use Permits, Site Development Plans, Architectural Review Certificates, and Zoning Map Amendments.

Over the past nine months, the Planning Office has been reviewing the provisions of Article 10 and developing proposed changes aimed at improving consistency within the ordinance, streamlining review processes, removing antiquated language, and expanding public notification requirements.

Because the review of Article 10 is extensive and detailed, this summary is provided in effort to highlight the changes so that they may be more easily reviewed and understood.

Overview of Proposed Changes

Consistency in Wording and Process
For all applications for Conditional Use Permits, Site Development Plans, Architectural Review Certificates, and Amendments to the Zoning Map, the following steps in the process are made consistent with practice and with each other.

- Pre-application Meeting – References to "presubmission conference" are replaced with "pre-application meeting." In areas where code does not reference either of these, the pre-application meeting is added.
- City Planner Report – Several existing sections call for a report of the building inspector. This was replaced with the City Planner's Report, which is the report of the Development Advisory Committee. Consistent language is added for all application types.
- Notice of Decision – Language is added for all application types stating that the City will issue a notice of decision to the applicant.
- Amendments to Plans – Currently the ordinance reads that amendments "shall be acted upon in the same manner as the original plan." The proposed ordinance would make this the case for substantial amendments. Amendments deemed by the City Planner not to be significant may be referred to the Planning Commission at the discretion of the City Planner without requiring a new public hearing. This is consistent with current practice. If we were to hold to the letter of the current ordinance requirements, all amendments would be subject to public hearing. Substantial amendments would continue to be subject to a public hearing.

- Final Plans – For Conditional Use Permits and Site Plans, the proposal adds language regarding completing the final plans following the Planning Commission's approval, which includes obtaining agency approvals.

Expiration of Plans

Currently, Conditional Use Permits and Site Development Plans expire after one year following Planning Commission approval if construction has not commenced. The current ordinance allows for one 12-month extension. The proposed ordinance would have plans expire two years after Planning Commission approval if construction hasn't commenced. It would also allow for one 12-month extension. This would extend the life of Conditional Use Permits and Site Development Plans from two years to three years. The proposed ordinance would also clarify the timeframe for expiration of recommendations of the Historic District Commission regarding Architectural Review Certificates.

Additionally, amendments to the Zoning Map (rezoning) expire after one year under the current provisions, unless an extension is granted by City Council. The proposed ordinance would remove this provision.

Public Notice

The table below compares the current public notification requirement with what is proposed for Conditional Use Permits, Site Development Plans, and Architectural Review Certificates.

Media	Current	Proposed
Mailed Notice	Sent to all property owners within 200 feet of subject property at least 10 days prior to Planning Commission or Historic District Commission meeting	Sent to all property owners within 200 feet of subject property at least 15 days prior to Planning Commission or Historic District Commission meeting
Newspaper Ad	In one local newspaper at least 10 days prior to Planning Commission or Historic District Commission meeting	In one local newspaper at least 15 days prior to Planning Commission or Historic District Commission meeting
Physical Posting of Property	Not currently required	Notice posted in conspicuous location on subject property at least 15 days prior to Planning Commission meeting

The draft proposal also clarifies the public notice requirements for Comprehensive Rezonings and Zoning Text Amendments.

Proposed Changes to Conditional Use Permit Requirements

- Clarifies different requirements for a Conditional Use Permit requiring Planning Commission Site Development Plan Approval and a Conditional Use Permit not requiring Planning Commission Site Development Plan Review.
- Sets forth clear procedures for revocation of a Conditional Use Permit, which includes a public hearing to be advertised by the City.
- Requires that a description of the proposed use accompany the Conditional Use Permit application.

Proposed Changes to Site Development Plan Requirements

- Sets four types of reviews and the processes for each:
    - Planning Commission Site Plan
        - New buildings or building additions of 3,000 SF or greater (same as current)
        - Addition of 5,000 SF of impervious cover (same as current)
        - Non-residential site plans that includes more than 1,500 SF of disturbance (current threshold set at 500 SF)
    - Site Development Master Plan
    - Zoning Review
        - New process – Currently these projects are required to be reviewed as an Administrative Site Plan
        - No building or impervious cover expansion proposed
        - Change of use within existing building
        - Review with building permit review
    - Administrative Site Plan
        - New buildings, building additions, impervious cover, or disturbance below the Planning Commission Site Plan thresholds
        - Same as current Administrative Site Plan Process

Historic District Commission

- Clarifies three types of Architectural Review Certification:
    - Review and approval by City Planner at building permit submission
    - Review and approval by Historic District Commission
    - Review and recommendation by Historic District Commission for final action by the Planning Commission
- Clarifies process for amendments to the boundary of the Historic District
    - Public hearing before the Historic District Commission
    - Notice of hearing in newspaper and mailed to affected property owners and owners of properties within 300 feet of affected properties – all 15 days prior to Historic District Commission Hearing
- Clarifies the procedures for "Demolition by Neglect" determination.

Amendments to the Zoning Ordinance

Establishes clear processes for applications to amend the Zoning Map (rezoning), amendments to the Zoning Map as a result of a Comprehensive Rezoning, and amendments to the Zoning Text.

the City.
- Requires that a description of the proposed use accompany the Conditional Use Permit application.

Proposed Changes to Site Development Plan Requirements
- Sets four types of reviews and the processes for each:
  - Planning Commission Site Plan
    - New buildings or building additions of 3,000 SF or greater (same as current)
    - Addition of 5,000 SF of impervious cover (same as current)
    - Non-residential site plans that includes more than 1,500 SF of disturbance (current threshold set at 500 SF)
  - Site Development Master Plan
  - Zoning Review
    - New process — Currently these projects are required to be reviewed as an Administrative Site Plan
    - No building or impervious cover expansion proposed
    - Change of use within existing building
    - Review with building permit review
  - Administrative Site Plan
    - New buildings, building additions, impervious cover, or disturbance below the Planning Commission Site Plan thresholds
    - Same as current Administrative Site Plan Process

Historic District Commission
- Clarifies three types of Architectural Review Certification:
  - Review and approval by City Planner at building permit submission
  - Review and approval by Historic District Commission
  - Review and recommendation by Historic District Commission for final action by the Planning Commission
- Clarifies process for amendments to the boundary of the Historic District
  - Public hearing before the Historic District Commission
  - Notice of hearing in newspaper and mailed to affected property owners and owners of properties within 300 feet of affected properties — all 15 days prior to Historic District Commission Hearing
- Clarifies the procedures for "Demolition by Neglect" determination.

Amendments to the Zoning Ordinance

Establishes clear processes for applications to amend the Zoning Map (rezoning), amendments to the Zoning Map as a result of a Comprehensive Rezoning, and amendments to the Zoning Text.

Code Mark-up Document

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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~~, the approval of such use by the planning commission~~. 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*** ~~fire and police protection~~. That all proposed structures, equipment or material shall be readily accessible for fire***, ambulance,*** ~~and~~ police***, and other emergency response*** ~~protection~~;

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 ~~indirectly~~ adjacent to, a residential zone:

a. 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

b. The location and height of buildings, the location, nature and height of walls and fences, ~~and~~ 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 p***~~P~~ermits.

a. 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:

1. The provision in this ordinance under which such permit was issued is still in effect;

2. Such permit was issued in conformity with the provisions of this ordinance; and

3. Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

b. Periodic renewal of conditional use permit. The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following ~~due~~ public notice and hearing ***in accordance with subsection 1.53.*** ~~, and may be withheld only~~ ***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. ~~In such cases, a period of 60 days shall be granted the applicant for full compliance prior to the revocation of the said permit.~~

~~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.~~

c. 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:

1. 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.

2. If, after 30 days, the city planner determines that the permit-holder has not come into compliance with permit conditions, he shall notify the

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permit-holder that the planning commission will hold a public hearing on revocation of the conditional use permit.

3. The planning commission shall hold a public hearing for which notice shall be completed by the planning office in accordance with the provisions of section 1.53 of this article.

3. Following the public hearing, the planning commission shall take action in the following regard:

a. Revoke the conditional use permit.

b. Issue a probationary period after which the commission shall review the permit in accordance with the provisions regarding periodic renewal of conditional use permit.

c. Determine that the conditional use may continue as initially authorized.

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 ~~1.51~~ *Application.* Application for a conditional use permit shall be submitted ~~in triplicate~~ 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.

~~1.52~~ 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:* ~~to be advertised by the applicant~~

(a) The applicant shall advertise the public hearing in a newspaper of general circulation at least *15* ~~ten~~ days prior thereto.

(b) The applicant shall notify by mail all property owners within *300* ~~200~~ feet of the extreme limits of the *subject* ~~site plan~~ property as their names appear on the municipal tax record at least *15* ~~ten~~ 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*** ~~commission~~ with a copy of the notice, verification of newspaper publication, ***a date-stamped photo of the property posting,*** and post office ***mail*** ~~return~~ 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*** ~~site plan~~ and shall state that a copy of the conditional use application and plan is filed with the planning ***office*** ~~department~~ 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.*** ~~The city planner shall certify on each application for a conditional use permit whether or not the application meets the requirements of all zoning ordinance provisions other than those of this section regarding conditional use permit approval.~~

~~1.55~~ ***a.*** The city planner shall ***transmit*** ~~retain one copy and transmit two~~ copies of the ***report and summary of the application*** ~~certified conditional use permit application~~ to the planning commission ~~or its representative~~ at least seven days prior to the date of the meeting at which approval of the permit is to be requested.

~~1.56~~ ***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. ~~Failure to act within 45 days or the additional time consented shall be deemed approval.~~ Planning commission disapproval shall include written findings upon any element found contrary to the provisions or intent of ~~this~~ ***the*** zoning ~~code~~ 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~~ ***1.57 Amendments. Substantial*** ~~A~~***a***mendments to ~~or renewals of~~ 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**~~ ***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*** ~~**one year**~~ 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 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 reconsideration by the planning commission sooner than one year from the date of denial.**~~

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.

1.60 Expiration of planning commission approval.

(a) Conditional use approval shall expire on the last day of the ***24th*** ~~**12th**~~ 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.

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

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

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

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2. Whether the applicant has made substantial progress toward obtaining final approvals.

~~2. Whether the project is of a minor size and scale.~~

3. Whether there has been any significant changes in the surrounding neighborhood.

4. 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.

(d) *Requests* ~~Applications~~ for extensions shall be submitted *in writing* to the *planning office* ~~city by completing an application for extension approval form, which may be obtained in city hall~~.

(e) Under no circumstances shall the planning commission grant extensions beyond *36* ~~24~~ months from the date of first approval.

1.6 **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 section 2.1 of Article 10***. The applicant shall cause a site map to be prepared by a civil engineer, surveyor, land planner, ***or*** architect ~~or other competent person~~. The applicant shall submit ~~15~~ copies of the site map to the ***city planner*** ~~building inspector~~, who shall ~~retain one copy and~~ transmit ~~nine~~ copies to the planning commission ~~or its representative~~ 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:

1.61 Scale and dimensions. The map shall be at least *11* ~~18~~ inches by *17* ~~26~~ inches~~, but not more than 24 inches by 36 inches~~ and at a scale of ten, 20*, 30* or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

1.62 Legal data:

(a) ***Tax parcel identification number.*** ~~Lot, block, and section number of the property~~.

(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.

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(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.

1.63 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.

1.64 Proposed use:

(a) A written description of the proposed use.

(b) ~~**(a)**~~ 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) ~~**(b)**~~ 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) ~~**(c)**~~ A designation of the parking area and indication of the number of off-street parking spaces.

(e) ~~**(d)**~~ Indication of on-site circulation pattern and access to the property from adjacent roads.

1.65 Proposed development:

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(a) Conditional use applications involving construction of new buildings and structures shall include a site plan which reflects compliance with the minimum requirements of article 10, section 2.5~~4~~ of this ordinance.

1.66 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 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.

1.67 Requested information: Full and complete information requested by the ***city*** planner in accordance with the development information requirements set forth in article 10, section 4.

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

1.7 **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 section 2.1 of this article, 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:***

1.71 **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.***

1.72 **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.***

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However, the nature and extent of such revisions must be approved by the city planner at the required preapplication meeting.

1.***73 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.

1.74 **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.***

1.75 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 referred to the planning commission for consideration and review include any of the following:***

(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

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(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 Article 10, Section 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 section 2.13 or planning commission site plan review in accordance with section 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*** ~~**its action**~~ 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,*** ~~**and**~~ police***, and other emergency services*** ~~**protection**~~.

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

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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*** ~~**Presubmission conference**~~. Prior to the submission of a site development plan, the applicant or his representative shall meet in person with the

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~~planning office and the~~ city planner ***or his designee*** with a sketch plan. The purpose of this ***meeting*** ~~conference~~ 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. ~~Site development plans that shall be referred to the planning commission for consideration and review include any of the following:~~

~~(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 *1,000* 500 square feet and adjacent to residential properties.~~

If the application is to be referred to the planning commission, the applicant shall be informed at the ***preapplication meeting*** ~~presubmission conference~~ meeting which elements listed in subsection 2.5 below will be ~~useful~~ ***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~~Decision.~~ ***Administrative site plan review***

2.421 Process for administrative site plan application. If, as a result of the ***preapplication meeting*** ~~presubmission conference~~ as described in subsection 2.41 of this ordinance, it is determined that the proposed uses or development is of a type that may be approved by the ***city planner*** ~~building inspector~~, the applicant shall submit the application for site development plan approval~~, in triplicate,~~ on forms approved for that purpose, to the ***city planner*** ~~building inspector~~ with the required documentation under the provisions of subsection 2.5 of this article***, and a fee as provided for in Appendix F—Fees and Fines***. The ***city planner*** ~~building inspector~~ shall coordinate the reviews of the various administrative departments of the City of Dover ***and outside regulatory agencies*** and approve ~~or disapprove~~ the application within ***thirty (30)*** ~~ten~~ days of the date of submission ***or refer it to the planning commission at their next scheduled meeting***.

~~2.43Disapproval. In the event that the building inspector disapproves an application for site development plan approval, his disapproval shall include written findings upon any site development plan element found contrary to the provisions or intent of this ordinance. If an applicant feels aggrieved by the disapproval of an application for site development plan approval by the building inspector, the applicant may request a review and consideration by~~

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~~the planning commission at the next regularly scheduled business meeting and the building inspector shall forward the application, all pertinent material submitted by the applicant and a copy of his written findings and reasons for denial of the application to the planning commission or its authorized representative.~~

2.422 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.

2.423 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.

2.424 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 section 2.43.

~~2.44Submission to planning commission. At each regularly scheduled business meeting of the planning commission, the building inspector shall submit to the planning commission a list of all applications for site development plan approval and a copy of the site development plans that he has approved since the last regularly scheduled business meeting of the planning commission.~~

2.43 Planning commission site plan review.

2.431 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.

2.432 Land subdivision. ~~**2.441**~~ 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.

~~**2.45Fees. If, as a result of the presubmission conference 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, in triplicate, to the building inspector, 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. Applications for administrative site plans shall be accompanied by a fee as provided for in Appendix F--Fees and Fines.**~~

2.433 ~~**2.47**~~ 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***:

(a) The applicant shall advertise the public hearing ~~**to be advertised by the applicant**~~ in a newspaper of general circulation at least ***15*** ~~**ten**~~ days prior thereto.

(b) The applicant shall notify, by mail, all property owners within ***300*** ~~**200**~~ feet of the extreme limits of the site plan property as their names appear on the municipal tax record at least ***15*** ~~**ten**~~ 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. Such notice shall be designed in accordance with standards set forth by the planning commission.

(d)The applicant shall provide the ***planning office*** ~~**commission**~~ with a copy of the notice, verification of newspaper publication, ***a date-stamped***

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photo of the property posting, and post office ***mail*** ~~**return**~~ receipts ***including 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 site plan and shall state that a copy of the site plan application and plan is filed with the planning ***office*** ~~**department**~~ for public review.

2.434 ~~**2.46**~~ ***City planner report*** ~~**Building inspector certification**~~. ***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. The city planner shall transmit copies of the proposed site development plan and the city planner's report*** ~~**The building inspector shall certify on each application for site development plan approval whether or not the application meets the requirements of all zoning ordinance provisions. The building inspector shall retain one copy and transmit two copies of the certified application for site development plan approval**~~ to the planning commission ~~**or its authorized representative**~~ at least seven days prior to the date of the meeting at which approval of the site development plan is to be requested.

2.435 ~~**2.48**~~ 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*** ~~**an appeal**~~ under the provisions of subsection ***2.422*** ~~**2.43**~~ of this article within 45 days or within such additional time as may be consented to by the applicant. ~~**Failure to act within 45 days or the additional time consented shall be deemed approval.**~~ Planning commission disapproval shall include written findings upon any site development plan element found contrary to the provisions or intent of ~~**this**~~ ***the zoning*** ordinance.

2.436 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.

2.437 ~~**2.49**~~ 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*** ~~**Final plans and working drawings shall not be**~~

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~~prepared for submission to the city planner for building permit approval until after approval of the application for site development plan approval has been obtained~~.

2.438 ~~**2.49.1**~~ Amendments. ***Substantial a***~~**A**~~mendments 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.***

2.439 ~~**2.491**~~ Expiration of planning commission approval.

(a) Site development plan approval shall expire on the last day of the ***24th*** ~~**12th**~~ 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.

~~**(b) For projects which are reviewed and approved by the planning commission as site development master plans, approval of the 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 one year of approval and is proceeding toward completion, unless an extension of time is applied for by the applicant and granted by the planning commission. 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. Upon approval of a site development master plan by the planning commission, the city planner or authorized designee shall have approval authority over final plans governing each phase of construction as depicted on the master plan.**~~

(c) ***Request*** ~~**Application**~~ for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such ***request*** ~~**application**~~, the matter shall be considered at the next regularly scheduled meeting of the planning commission.

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

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

~~**2. Whether the project is of a minor size and scale.**~~

2. Whether the applicant has made substantial progress toward obtaining final approvals.

3. Whether there has been any significant changes in the surrounding neighborhood.

4. 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.

(e) ***Requests*** ~~**Applications**~~ for extensions shall be submitted ***in writing*** to the ***planning office*** ~~**city by completing an application for extension of approval form which may be obtained in city hall**~~.

(f) Under no circumstances shall the planning commission grant extensions beyond ***36*** ~~**24**~~ 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 section 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:

2.441 Conceptual Master Plan. Conceptual Master Plan shall include the proposed general layout of building, streets, parking, open space, landscape concepts, and stormwater management areas.

(a) Detailed site construction plans, details, and specifications are not required as part of a site development master plan submission.

(b) 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.

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(c) 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.

(d) 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.

(e) 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.

2.442 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 this article 10, section 2.4 of this ordinance.

2.443 Amendments. Substantial a~~A~~mendments 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.

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2.444 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 ~~**or other competent person**~~. The applicant shall submit ~~**15**~~ copies of the site development plan ~~**map**~~ to the ***city planner*** ~~**building inspector prior to or**~~ 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 ~~**2.45**~~ ***2.44*** of this article. If the application is under the provisions of subsection ~~**2.45**~~ ***2.43 or 2.44*** of this article, the city planner shall ~~**retain one copy and**~~ transmit ~~**nine**~~ copies of the site development plan map to the planning commission ~~**or its authorized representative**~~ 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*** ~~**presubmission conference**~~ required by the provisions of subsection 2.41 of this ordinance.

2.51 Scale dimensions: ~~**Twenty**~~ ***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*** ~~**Lot, block, and section number of the property**~~.

(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

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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.

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(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~~, if requested by the city~~. 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 article 10, section 4.

2.56 ***Development in stages*** ~~**Stage development compliance**~~. If the site development plan indicates ***more than*** ~~**only**~~ one stage of the development, supplementary material shall be included to show compliance with article 5, section 9, development in stages.

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

~~**2.58 Site development master plans. Site development master plans shall depict a generalized site development proposal that reflects general compliance with all applicable provisions of article 10, subsection 2.5 above, and shall also reflect the following information on the plan:**~~

~~**(1) The plan shall illustrate distinct phase boundaries for each proposed construction phase and shall detail 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.**~~

~~**(2) 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.**~~

~~**(3) 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.**~~

~~**(4) 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.**~~

~~**Site construction plans, details, and specifications are not required as part of a site development master plan submission. 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 planning director, 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 this article 10, section 2 of this ordinance.**~~

Section 3. Historic district commission and architectural review.

3.1 Historic district commission established.

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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 of this article section; 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 the article 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 ~~**historic district commission and**~~ city planner. ~~**Certifications under this subsection shall not be subject to the requirements in subsection 3.25 with respect to conferences, fees, applications, public notices, and time to act.**~~

(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 historic district commission or~~ by the city planner ~~when authorized by the historic district commission~~, after a review and determination that the proposed construction is in general accordance with the standards set forth in subsection 3.24 of this article section.

(b) The city planner may refer any permit application for ***demolition or*** construction in the historic district for consultation with commission. ~~The historic district commission shall authorize the city planner to issue architectural review certificates for certain classes and types of construction that it warrants to be generally acceptable.~~

~~(b) The historic district commission shall issue architectural review certificates for the construction or demolition of single- and two-family homes, and nonresidential structures or additions involving a gross floor area of 3,000 square feet or less, after review of proposed construction and after a determination that the construction is in general accordance with the standards set forth in subsection 3.24 below.~~

~~(c) All other applications for an architectural review certificate shall be forwarded to the historic district commission for review and recommendations to the planning commission in accordance with subsection 3.23(a) of this section.~~

(d) All decisions of ~~the historic district commission or~~ the city planner pursuant to this section shall be ***documented on the building permit*** ~~formalized in a written notice of decision.~~ When the ~~commission or~~ 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 notice of decision~~. In the event of a denial, the ***reasons for such denial shall be documented in a written*** notice of decision ~~shall state the reasons for denial and shall~~ ***which shall*** identify all elements of the application found to be contrary to the provisions or intent of this section.

(e) An applicant may appeal the decision of the ***city planner to the*** historic district commission ~~to the planning commission,~~ and such appeal shall be considered as an architectural review certification application to the ***historic district*** ~~planning~~ commission and shall meet all of the requirements set forth in subsection ***3.22A*** ~~3.23 and subsection 3.25 of this section~~.

3.22A 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- and two-family homes, and

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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 3.24 below.

(b) All applications to the historic district commission for architectural review certification shall be subject to the procedures set forth in subsection 3.25.

(c) All decisions of the historic district commission pursuant to this section shall be formalized in a written notice of decision. When the commission grants a conditional approval under this section, 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 section.

(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 3.23 and subsection 3.25 of this section.

3.23 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 3.24 below.

(b) All applications to the planning commission for architectural review certification shall be subject to the procedures set forth in subsection 3.25.

(c) ~~**(b)**~~ All decisions of the planning commission pursuant to this section shall be formalized in a written notice of decision. When the ***planning*** commission grants a conditional approval under this section, 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 section.

3.24 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

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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.

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

(a) Architectural ***preapplication meeting*** ~~**review conference**~~. 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. ~~**It is generally recommended that final construction plans and working drawings not be prepared for submission to the building inspector for a building permit until a required architectural review certificate is issued.**~~

(b) Application and fee. The application to the historic district commission ~~**or planning commission**~~ for an architectural review certificate and related information shall be submitted ~~**in 20 copies**~~ to the city planner at least 30 days prior to the historic district commission meeting at which review ~~**or approval**~~ is requested and shall be accompanied by a fee as provided for in Appendix F--Fees and Fines.

(c) Public ***hearing*** ~~**notice**~~. Prior to the review and action on a 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 ~~**to be advertised by the applicant in a**~~ newspaper of general circulation at least ***15*** ~~**ten**~~ days prior thereto.

(2) The applicant shall notify, by mail, all property owners within ***300*** ~~**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*** ~~**commission**~~ with a copy of the notice, verification of newspaper publication, ***a date-stamped photo of the property posting,*** and post office ***mail*** ~~**return**~~ receipts ***indicating date of mailing*** for all letters on or before the meeting date.

(5) Said notices shall state the ***date***, time, ~~**date**~~ and place of the hearings before the historic district commission ~~**and planning 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*** ~~**department**~~ 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 ~~**review conference**~~ ***preapplication meeting*** required in subsection 3.25(a):

(1) All plan elements required in article 10, section 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 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. 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) ~~**(e) Time to act**~~ ***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~~**. Failure to act within 45 days or the additional time consented to shall be deemed to be a favorable**~~

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~~recommendation. Applications requiring planning commission approval under subsection 3.23 of the article shall be transmitted by the historic district commission to the planning commission for consideration at its next available meeting. The planning commission shall act on any such approval within 45 days of its meeting. Failure to act within 45 days shall be deemed approval.~~ ***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 section 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.***

(~~f~~ *g*) ***Substantial*** Amendments. ***Substantial*** ~~A~~ *a*mendments to an application or an architectural review certificate shall be acted upon in the same manner as the original plan.

(**g** ***h)*** Expiration of architectural review certification ***issued by the historic district commission***.

(a) Architectural review certification approval shall expire on the last day of the 12th month after the date of ~~final or conditional~~ 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.

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

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

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

2. Whether the applicant has made substantial progress toward obtaining final approvals.

~~2. Whether the project is of a minor size and scale.~~

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3. Whether there has been any significant changes in the surrounding neighborhood.

4. 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.

(d) ***Requests*** ~~**Applications**~~ for extensions shall be submitted ***in writing to the planning office.*** ~~**to the city by completing an application for extension of approval form which may be obtained in city hall.**~~

(e) 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 article 10, section 5, amendments, shall require a report by the historic district commission as set forth in article 3, section 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

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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 of this section.

(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 300 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

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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 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*** ~~**shall**~~ adopt a standard set of information requirements, which may be updated from time to time as necessary.

~~**4.2 The information requirements will consist of a series of written questions to be answered by all applicants for amendments to the zoning map, conditional use permits, or site development plan approval. The information requirements for any application will depend on the type and scale of the development proposed, and on the type of application.**~~

4.3 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*** ~~**on petition**~~, 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*** ~~**may**~~ 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 section 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.

~~**5.1Report of planning 0commission. In making such report after holding a public hearing on the proposed amendment, the planning commission shall make an inquiry and determination concerning the items specified below:**~~

~~**5.11Amendments and changes in text. Concerning a proposed amendment to or change in text of this ordinance:**~~

~~**a. Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned;**~~

~~**b. Which areas and establishments will be directly affected by such change and in what way they will be affected;**~~

~~**c. The indirect implications of such change in its effect on other regulations; and**~~

~~**d. Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.**~~

~~**5.111 Concerning a proposed amendments involving a change in the zoning map by way of a petition to rezone property or by way of annexation:**~~

~~**a. Whether the uses permitted by the proposed change would be appropriate in the area concerned;**~~

~~**b. Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residence likely to be constructed as a result of such change;**~~

~~**c. Whether the proposed change is in accord with any existing or proposed plans in the vicinity;**~~

~~**d. The effect of the proposed amendment upon the growth of the city as envisaged by the comprehensive plan;**~~

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~~e. Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the city and the probable effect thereof.~~

5.2 Procedure for zoning text amendments in accordance with 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:

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

5.24 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:

1) ***Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and***
2) ***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 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.

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5.321 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.

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

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

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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:

1) *The applicant shall notify by mail all property owners within a distance of 300 feet of the extreme limits of the subject property of the public hearing dates, times and locations.*
2) *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.*
3) *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.*
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 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 evaluates the following factors:

1) *Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;*
2) *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*
3) *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:

1) *Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;*
2) *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*
3) *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 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:

1) 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.

2) 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.

3) 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.

5.42 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:

1) The reasons for the comprehensive zoning map amendment;

2) All properties where a change in zone is proposed; and

3) 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 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:

1) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;
2) 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
3) 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.

~~**5.12Fees. Each petition for a rezoning amendment shall be accompanied by a minimum fee as provided for in Appendix F--Fees and Fines. In addition, each district would require supplemental fees per acre, as provided for in Appendix F--Fees and Fines, based on the following groupings: Residential and single family (R-7, R-8, R-10, R-15, and R-20), multifamily (RG-0, RG-1, RG-2, RG-3, RG-4, RG-5, RM-1, and RM-2), cluster and MHP, commercial and institutional (C-1, C-1A, C-2, C-2A, C-3, CPO, RC and IO), shopping center development (SC-1, SC-2 and SC-3), and manufacturing and industrial development (M and IPM). All applications for amendment to the zoning ordinance appendix B shall be accompanied by a fee as provided for in Appendix F--Fees and Fines.**~~

~~**5.13Public hearing; notice. The date, time and place of a public hearing shall be set and notice thereof shall be given in accordance with the provision of chapter 3 of title 22 of the Delaware Code (22 Del. C. § 301 et seq.).**~~

~~**(a) When there is a petition to rezone property in accordance with subsection 5.111, all property owners within a distance of 200 feet shall be notified by**~~

~~regular mail of the applications for rezoning. No fee shall be required for petitions filed in favor of or against a pending application.~~

~~(b) When there is a proposed amendment to the zone map or zoning ordinance appendix B text as a result of a new, revised, or amended comprehensive plan, the planning commission and city council shall hold public hearings, to be advertised in two newspapers of general circulation at least 15 days prior to the planning commission hearing. Said notices shall state the time and place of the planning commission hearing and the city council hearing, a brief description of the proposed amendment or map depicting the proposed amended zoning map, and that the amended zoning map is filed at the Dover City Library, and with the planning department for public review.~~

~~5.14 Proposed amendments. Should any proposed amendment consist of or include:~~

~~5.141Boundary changes. Any change in the boundaries of any zone, which change would occur within a distance of 500 feet of the boundary of any other municipality; or~~

~~5.142 Regulation changes. Any change in the regulations prescribed for any zone, any portion of which is located within 500 feet of such boundaries;~~

~~the city clerk shall transmit to the municipal clerk of such other municipality a copy of the official notice of the public hearing thereon not later than the day after such notice appears in the official newspaper of the city.~~

~~5.15Public hearing notice contents. All notices of public hearings shall specify:~~

~~a. The nature of any proposed amendment;~~

~~b. The land or district affected; and~~

~~c. The date when, and the place where, the public hearing will be held.~~

5.5 ~~5.16~~ 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 ~~5.17~~ ***Zoning map a***mendment 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.

~~5.18 Submission requirements accompanying petitions for amendments to the zoning map. The petitioner shall cause a site map to be prepared by a civil engineer,~~

~~surveyor, land planner, architect or other competent person. The petitioner shall submit 15 copies of the site map to the city clerk. The elements to be included on the site map are listed below:~~

~~5.181 Scale and dimensions. The map shall be at least 18 by 26 inches, but not more than 24 by 36 inches and at a scale of ten, 20, 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.~~

~~5.182Legal data.~~

~~(a) Lot, block and section number of the property.~~

~~(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, setbacks, reservations and areas dedicated to public use within or adjoining the property.~~

~~(i) A complete outline of existing deed or proposed restrictions or covenants applying to the property and a recital of the deed.~~

~~(j) Existing and proposed zoning.~~

~~(k) Existing and proposed use.~~

~~(l) Other existing development on the property, including fences and landscape screening.~~

~~(m) 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.~~

~~(n) Proposed access to the property from existing roads.~~

DRAFT

~~(o) Significant natural features, including topography, location of flood hazard areas, and the location of different soil types as indicated by the Kent County soil survey. The soils information shall be supplemented by soil boring and percolation test data, if requested by the city.~~

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

~~5.183Rezoning to prior classification. In all cases where the city council shall approves an amendment to the zoning map because of a request for new construction of buildings or structures on the rezoned land or where new construction is required to carry out the new use on the rezoned land, the city council shall reconsider the zoning classification by having an amendment to rezone the land to its prior classification be automatically placed on the agenda by the city clerk, unless, within one year from the effective date of the amendment to the zoning map, one of the following conditions is met:~~

~~a. New construction is started on the rezoned land according to the request for the amendment and such construction is proceeding in a normal and reasonable manner toward completion; or~~

~~b. City council is given a satisfactory explanation for the failure to commence construction and reasonable written assurance that construction will commence soon after passage of the one-year period and will proceed in a normal and reasonable manner toward completion; or~~

~~c. The current zoning is in conformance with the current comprehensive plan and its prior zone was not conforming with the current comprehensive plan.~~

5.184 Reconsideration, one-year limitation.

(a) Whenever ~~a petition requesting~~ an amendment~~, supplement, or change~~ has been denied by the city council, such ***amendment*** ~~petition~~, 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.

5.19 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.

DRAFT

Proposed Changes to Zoning Ordinance
Article 10 – Planning Commission

UPDATED Summary of Comments Received

Comment	Submitted by	Planning Staff Recommendation
Recommend allowing a two-year extension, total plan life of four years.	Matt Spong, Landscape Architectural Services	Staff recommends keeping a one-year extension and total three year plan life.
Historic District Commission should review all projects on the Green and Constitution Place	Historic District Commission	This can be addressed in the Standards and Guidelines.
Add back in the requirement of the Historic District Commission to produce an annual report of its activity	Historic District Commission	Staff supports this change
Recommend that Site Development Master Plans have an approval for five years and eliminate the requirement that construction begin within one year and that construction not cease for more than two years between phases	Gregg Moore, Becker Morgan Group	The current draft keeps the approval active for five years provided construction begins within two years of Planning Commission approval and that construction not cease for more than two years between phases. Staff does not support this change.
Recommend that the mailing distance for public notice remain at 200 feet from subject property rather than be extended to 300 feet.	Gregg Moore, Becker Morgan Group	Staff supports this change but notes that the expansion of the distance to 300 feet is consistent with the direction given by City Council, through the Legislative, Finance and Administration Committee in September 2010. The minutes from this meeting are attached.
Recommend language clarifying the following: • The Planning Commission must document findings of fact in their decision regarding Conditional Use Permit revocation • The state and city code requirements listed in the City Planner Report is not a comprehensive list of all such code requirements. • Under Demolition by Neglect, clarify that the City Planner shall notify the Historic District Commission of dangerous buildings referred by the Building Inspector.	Glenn Mandalas, Attorney	Staff supports these changes and has incorporated them into a draft to be presented at the Legislative, Finance & Administration Committee.

• The Planning Commission must document findings of fact in their decision regarding Conditional Use Permit revocation • The state and city code requirements listed in the City Planner Report is not a comprehensive list of all such code requirements. • Under Demolition by Neglect, clarify that the City Planner shall notify the Historic District Commission of dangerous buildings referred by the Building Inspector.		incorporated them into a draft to be presented at the Legislative, Finance & Administration Committee.

Townshend, Ann Marie

From: Phil McGinnis <pjm@mcginnisrealty.com>
Sent: Tuesday, May 10, 2011 3:41 PM
To: CompPlan; Townshend, Ann Marie
Cc: 'Constantine F. Malmberg'; 'Paradee, John W.'; 'Tom Burns'; 'Holland Connie (OMB)'; jmolinaro@realtors.org
Subject: Article 10 amendments

Ann Marie-
I appreciate being included in the Article meeting last week.
The mere thought of streamlining is appealing to me.
Further, more consistency in the timelines, deadlines, and other requirements are likewise welcomed.
I hope you will consider and provide for allowances for mixed-use zoning conditions as we move closer to Smart Growth principles.
I know Connie Holland is looking at developing a form-based zoning guideline book, and I hope that all municipalities will start planning for at least some aspect of form-based zoning.
Looking forward to a wild ride through Article 10.

Phil McGinnis, CCIM, GAA, ALC, e-PRO
McGinnis Commercial Real Estate Company
302-736-2710 office
302-270-0656 cell
mailto:pjm@mcginnisrealty.com



Townshend, Ann Marie

From: Matt Spong <matt@las-llc.net>
Sent: Friday, May 13, 2011 2:09 PM
To: Townshend, Ann Marie; Melson-Williams, Dawn; Albert, Michael
Subject: Porposed changes zoning Oridiance

5-13-11,

As discussed at hearing last week Expiration of plans:

The proposed 2 year expiration after planning commission approval is a great idea. Please consider a 2 year extension. In today's economy and regulatory environment this extra time would be appreciated.

Thanks for your consideration.

Matt
Matthew, T . Spong RLA, ASLA, Principal
Landscape Architectural Services, L.L.C.
Phone: 302-284-4578
FAX: 302-284-0301
matt@las-llc.net
www.las-llc.net

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Excerpt from Minutes of the Historic District Commission Meeting of April 21, 2011

Draft Zoning Text Amendment MI-11-06 Updates to *Zoning Ordinance*, Article 10 §3. Historic District Commission and Architectural Review

Mrs. Melson-Williams stated that the Planning Staff has been working on what is Article 10 of the *Zoning Ordinance.* Article 10 describes the process and procedures for Conditional Use applications and Site Development Plans which are both Planning Commission processes. It describes the processes for the Historic District Commission and Rezoning type of applications.

Mrs. Melson-Williams further stated that specifically what she has given you is the excerpt of Article 10 which is Section 3 which is the Historic District Commission. It describes the Historic District Commission, its appointment, and then the Architectural Review process. Your packet included a Copy A excerpt and a Copy B excerpt. Copy A is taking the existing Code and showing the editing marks. The existing Code is in black, where we are deleting statements is notated in red with a strikethrough through it, and where we are adding text is in blue italics. We have found in doing amendments to text, often times people want to know what did it say and what are we putting in there.

Mrs. Melson-Williams further stated that Version B which Staff calls the "Black Ink Version" is what it will ultimately look like once the editing is completed. Ignore the yellow highlights, these are section references that Staff has to double check and make sure that numbers match and that they are referring to the right section if things get re-numbered. We have done some work on numbering in this section since we issued this to you. Before I start answering questions, this is coming to you as an informational item. Staff is at the very beginning of what will be the whole formal process in order to make these changes in the *Zoning Ordinance.* It has to appear before a City Council Committee that is scheduled for next week. Staff will also be doing a public outreach meeting to developers, architects, engineers, and folks that use this on a regular basis that we deal with in using it. This will happen in May and we are hoping that the overall Ordinance will start the formal review process in June. It has to go through a "First Reading" with City Council, then a public hearing and review before the Planning Commission, and then final public hearing and review with City Council. We are looking at mid-summer before any of this would be put in place. The blue sheet outlined the key revisions and things that we are doing with text amendment.

Mr. Scrafford questioned regarding line 322, Section A, it does not reference The Green as a requirement. Line 322 states that the City Planner can do all those things and we specifically requested that these things on The Green be referred to us at least for our review in order to know that they are going on.

Mr. McDaniel stated that he agreed with Mr. Scrafford. He feels that we should also include Constitution Place. Responding to Mr. McDaniel, Mrs. Melson-Williams stated that in the Draft *Design Guidelines* what we had suggested was that The Green and Constitution Place that those areas be treated specifically in that. It would include State Street to Water Street and from The Green up to Loockerman Street. She is not sure how to implement that into here; however, they will look at it.

Mr. Scrafford stated that it needs to be because as it stands right now, you do not need this Commission. The way that it is written right now, the City Planner can do all of these things without this Commission's approval. Responding to Mr. Scrafford, Mrs. Melson-Williams stated that the City Planner does not use a separate set of *Guidelines* and a portion of the *Zoning Ordinance* that refers you to those *Guidelines* to do the activities and to do the Architectural Review Certification may be enough to cover that or it may not.

Mr. Fisher questioned at our last meeting where we had the untimely application for extension, this says a request for extension has to be thirty (30) days prior to expiration of the Commission's recommendation of one year. There is no provision in here for a waiver. If we are going to have the power to waive should it be stated that the Commission has the power to waive or the Commission does not have the power to waive? If it is silent he would assume that they would not have the power to waive.

Mr. Salkin stated in Section 3.14 under "organization" the last sentence was crossed out that stated "The Commission shall produce and annual report of its activity that is kept on file for public review." He does not object to this; however, it seems to him that there should be some requirement that the summary of what we do whether it is annually, monthly, or quarterly should be available to the public to explain a summary of the actions we have taken. It could be placed on the website and not necessarily an annual report or a separate document.

Mr. Scrafford questioned where the minutes of this Commission are retained and available to the public? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that they are physically retained in the Planning Office and they are accessible through the City's website. All the minutes from all of the various Boards, Commission, and Committees are available on the City's website.

Mr. Salkin stated that he was thinking some kind of summary form so that people could understand what we do. Responding to Mr. Salkin, Mrs. Melson-Williams stated that she thinks that they would put the sentence back in. She can tell you that the annual report that the Planning Office does has a summary page of the applications that were heard and that is the version of the chart that you see that has each years applications on it.

Note: At 4:00 PM Mr. McDaniel and Mr. Salkin left the meeting for other commitments.

Mr. Scrafford stated that the only other issue that he noticed was that there are places where we do a recommendation for an Architectural Review Certificate and places where we actually issue the Certificate. Responding to Mr. Scrafford, Mrs. Melson-Williams stated that this is one of the things that we are trying to clarify. There are three (3) types of Architectural Review Certifications. One is review by the City Planner with a Building Permit application as referenced in 3.22A. Then there is review by the Historic District Commission meaning it appears in front of you; you have the last say and issue the certificate. The third type of Architectural Review Certification is recommendation by the Historic District Commission with final action by the Planning Commission. This meaning the project is so big that it has to go to the Planning Commission; however, stops with this Commission first and you put together a series of recommendations on the Architectural Review Certificate. Your recommendation gets

forwarded onto the Planning Commission and the Planning Commission is the final say on the Architectural Review Certification.

Note: At 4:11 PM Mr. Jackson left the meeting. Quorum was lost but no actions were taken; only information presented to remaining members present.

Mr. Fisher stated on Line 995 and 996 in the blue language it states that "Such request shall be made in writing to the Planning Office at least thirty days." When you have the black ink copy that line is not there, only in subsection d where the extension has to be made within thirty days is it mentioned. Responding to Mr. Fisher, Ms. Cornwell stated that it is in there, line 818 through 820.

Mr. Fisher stated that his only concern regarding the thirty days is that it is clear in both copies, no matter how you read it, and if the thirty day condition can be waived. His personal preference would be no; however, it is not up to him to make that decision.

Ms. Melson-Williams stated that one thing that they did regarding Demolition by Neglect is that we wrote a paragraph that clarifies what steps they need to do before it arrives before this Commission.

Mr. Scrafford stated regarding 3.43A section starting with Line 1092 it does state that "The City Planner shall notify the Historic District Commission;" however, it does not say when should it? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that the test with how it is written here is if it is meeting the definition of "dangerous building" and then that dangerous building then gives the citation for that. There may be something else in Chapter 22 that gives what the responsibility of the Planner is regarding reasonable time.

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CITY OF DOVER
PLANNING & INSPECTIONS

May 24, 2011

Ann Marie Townshend, AICP
City of Dover Planning & Inspections
PO Box 475
Dover, DE 19903-0475

RE: **COMMENTS ON PROPOSED ARTICLE 10 REVISIONS**
Dover, Delaware

Dear Ann Marie:

After having reviewed the proposed changes to the above referenced Zoning Code section, I am providing the following comments:

1. I believe that the section pertaining to the time frame for Site Development Master Plans should also be addressed. Currently the Zoning Code states that *"approval of the 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 one year of approval and is proceeding toward completion, unless an extension of time is applied for by the applicant and granted by the planning commission. 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."* I believe that this should be modified to a straight five (5) year approval period and that the requirement for start of construction within one (1) year be eliminated. As part of this I also suggest that the two (2) year time frame between completion of one phase and start of construction for the next phase should be eliminated. The reasoning for this is that a master plan is a forward thinking plan and more complex than a site plan. The city should want larger projects to master plan, as this yields better projects and allows the city to plan for growth according to actual need. Master Planning requires substantially more planning time on the owner's side as far as coordination of phasing with their operations and capital expenditures as well as the fact that obtaining financing for such projects takes much longer. Additionally, it takes considerably longer to coordinate and develop construction plans, both for the site and architecture for a master plan project. Obtaining agency approvals for said plans is also a longer process due to coordinating the various phases involved with a master plan as far as utilities, traffic, stormwater etc. For these reasons I believe the one (1) year time frame for construction start is burdensome on the good developers who invest in master planning.

2. The current mailed public notice requirement is to send notices to all property owners within 200 feet of the subject property. The proposed

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change of sending notices to all properties within 300 feet of the property, I believe is excessive and not needed. The current requirement seems more than sufficient and currently works very well in conjunction with the newspaper notices. In my twenty or so years of dealing with the Planning Commission there has always been good representation of, and input by, the public on projects being heard, thus I don't believe the increase in distance is necessary. We always have people complain while testifying that they didn't get a notice, yet they appear at the hearings. Increasing the distance requirement will only create additional unnecessary cost to developers. I believe that annexations have actually led to more complaints than site plans. Take for example the case of Artis Drive. In the long run this will generate less tax revenue from development for the City of Dover in that increasing the cost burdens associated with the requirements to obtain site plan and agency approvals will eventually force some to abandon their development plans. Plus, the NIMBY attitude persists too much in the site plan arena.

Please feel free to contact me with any questions regarding this matter.

Sincerely,

BECKER MORGAN GROUP, INC.

Gregory V. Moore, PE
Vice President

MJH/rlh

City of Dover Article 10 Revision comments-ltr.doc

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 30, 2011

APPLICATION: **TEXT AMENDMENTS: REVISIONS TO ARTICLE 10 OF THE ZONING ORDINANCE**

FILE #: **MI-11-06**

REVIEWING AGENCY: **City of Dover Public Utilities Department**

CONTACT PERSON: **Steve Enss - Electric**
Sharon Duca, P.E. - Water, Wastewater, Stormwater

CONTACT PHONE #: **302-736-7070**

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC / WATER / WASTEWATER

1. Our office has no objections to the proposed amendments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC / WATER / WASTEWATER

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER

1. None.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 30, 2011

D E L D O T

==========

APPLICATION: Text Amendment: Revision to Article 10 of the Zoning Ordinance
FILE#:MI-11-06 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Julio F. Seneus PHONE#: 760-2145

==========

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

If you have any questions or need to discuss any of the above comments, please call the above contact person and the planning department as soon as possible.

Appointment of the Architectural Review Oversight Subcommittee of Planning Commission

As part of the Annual Meeting of the Planning Commission, one of the responsibilities of the Planning Commission is to appoint the Architectural Review Oversight Subcommittee. The following excerpt from the *Zoning Ordinance* is provided.

Appendix B: Zoning Ordinance, Article 10 Section 2. Site Development Plan Approval

> 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. 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. 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. 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.

The following excerpt is from Ordinance #2011-14 which is the proposed Text Amendment to Article 10 of the *Zoning Ordinance.* The concept of architectural review by the Planning Commission remains as part of the Code along with the appointment of the Architectural Review Oversight Subcommittee.

From Ordinance #2011-14. Proposed Text of Appendix B: Zoning Ordinance, Article 10 Section 2. Site development plan approval.

> 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.

As of the Annual Meeting of the Planning Commission on July 19, 2010, the following individuals were appointed to the Architectural Review Oversight Subcommittee of Planning Commission.

- Mr. Mike Hemmig, Planning Commission member
- Colonel Robert Welsh, Planning Commission member
- Mr. Terry Jackson, Architect with Jackson Architects, Design Professional
- Mr. Jerry Peters, Facilities/Planning with Bayhealth Medical Center, Design Professional
- Mayor's designee (Mr. David Bonar upon confirmation of ability to serve)

Alternates: Mrs. Arden Bardol, Architect with Becker Morgan Group, Design Professional
Mr. Jack Pepper, Architect with Delaware Architects, LLC, Design Professional

The Planning Commission must appoint the members of the Subcommittee. The membership of the Architectural Review Oversight Subcommittee shall consist the following:

- **Planning Commission member**
- **Planning Commission member**
- **Design Professional with experience in construction**
- **Design Professional with experience in construction**
- **Mayor or Mayor's designee**

Alternates: 2 Design Professionals with experience in construction

City of Dover

DRAFT

Policy on Physical Posting Requirements

The Physical Postings detailed in this policy statement are the responsibility of the Applicant to provide and maintain. Details on the requirements for public notice can be found in the City of Dover *Zoning Ordinance*, Article 10.

The following guidelines pertain to the required Physical Posting of Public Notice for Site Plans, Conditional Use Site Plans, Historic District Applications, and Rezoning Applications.

1. Size and construction
    - The dimensions of the posting must be a minimum of 22" x 28" and no greater than 36" x 36".
    - The posting must be no taller than four feet in height above the ground and no shorter than three feet in height above the ground.
    - The posting must be affixed to the ground by a minimum of two posts of a minimum size 2" x 2" in dimension.
    - The posting must be printed on a durable print material and of a bright yellow color.
    - City of Dover Physical Posting templates must be used; hand written postings are not permissible.

2. Placement
    - Required Physical Postings must be located within the front-yard setback of the property for which they are required.
    - The Physical Posting shall have a maximum set-back of ten feet from the front property line.
        - For properties where ground-based posting is not possible or where the sign will not physically fit in the space allowed, the Applicant must post the Physical Posting in a window or affixed to the wall facing the street on which the property fronts.
    - Where corner properties are concerned, the Applicant shall place the Physical Posting on the street frontage where the property is addressed.
    - In instances where more than one parcel is involved in the application, only one posting shall be required except where:
        - The parcels involved in the application are separated by a road or street or;
        - A single parcel is divided by a road or street or;
        - The parcels are not adjacent to one another.
    - No project application that is submitted as a Master Plan shall be required to post more than three Physical Postings.

3. Maintenance, Replacement, and Removal
    - Date stamped photography must be provided to the Planning Office (along with other proof of Public Notice) showing the location of the Physical Posting by noon on the day of the scheduled meeting.
    - During the required 15 day period for which the Physical Posting is to be established, the Applicant is responsible for re-posting the Physical Posting two times should it be destroyed by natural causes or through vandalism. If the Physical Posting is destroyed more than two times, the Applicant is not responsible for replacing the posting but instead must document the destruction and report on it to the Commission during their application's public hearing before the Commission.
    - Physical Postings must be removed by the end of the seventh calendar day after the public hearing.
        - For rezoning applications, physical postings must be removed by the end of the seventh calendar day after the public hearing before City Council.
        - Physical Postings not removed in a timely manner shall be treated as an abandoned sign as referenced in the *Zoning Ordinance.*
    - When the Planning Commission delays action on an application, the Applicant is still responsible for removal of the Physical Posting within seven calendar days of the referenced meeting.

NOTICE

Planning Commission Action

The Dover Planning Commission will consider a Site Development Plan for PROPERTY ADDRESS related to GENERAL PURPOSE STATEMENT

Public comment regarding this application will be received at a Public Hearing scheduled for Month, DATE 00, YEAR, at 7:00 PM in the Council Chambers at City Hall at 15 Loockerman Plaza, Dover, DE 19901

Additional information regarding this application is available at the Dover Planning Office, located in City Hall.

DO NOT REMOVE THIS SIGN FROM THESE PREMISES UNTIL AFTER THE ABOVE-LISTED DATE UNDER PENALTY OF LAW

NOTICE

Proposed REZONING Action

The Dover Planning Commission and Dover City Council will consider a request to rezone PROPERTY ADDRESS from ORIGINAL ZONING to PROPOSED ZONING

Public comment regarding this application will be received by Planning Commission at a Public Hearing scheduled for Month, DATE 00, YEAR at 7:00 PM and by City Council at a Public Hearing scheduled for Month, DATE 00, YEAR, at 7:30 PM in the Council Chambers at City Hall at 15 Loockerman Plaza, Dover, DE 19901

Additional information regarding this application is available at the Dover Planning Office, located in City Hall.

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