

CITY OF DOVER ORDINANCE #2019-19

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

That Appendix B - Zoning, Article 3 - District Regulations, Section 9 - General Residence and Office Zoning (RG-O) of the Dover Code be amended by inserting the bold, blue and green text and deleting the text indicated in red strikeout as follows:

Section 9. - General residence and office zone (RG-O).

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

9.11 Any use permitted in the general residence zone, except off-street parking accessory to uses in the central commercial zone (C-2).

9.12 Any use permitted in the RM-2 zone.

9.131 Business, professional, or governmental office on suitably landscaped lots.

9.132 In order to stimulate limited commercial activity in this zone where the city's historic district overlay zone exists and to make this portion of the city's historic district a greater attraction to tourists and residents, the following list of preferred uses are permitted:

(a) Antique shops, art galleries, gift and card shops, and personal service establishments.

9.14 The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in section 10.1 and to any specified requirements set forth below:

(a) After a building complex in this zone has reached a building space area of 100,000 square feet, then the following uses shall be permitted as conditional uses, subject to the approval of the planning commission: cafeterias, restaurants, barbershops, beauty shops, travel agencies, banks, copy centers, coffee supplies, retail stores, newsstands and associated laboratory facilities.

(b) In order to stimulate limited commercial activity in this zone where the city's historic district overlay zone exists and to make this portion of the city's historic district a greater attraction to tourists and residents, the following list of preferred uses may be permitted as conditional uses, subject to the approval of the planning commission:

i. Book stores, specialty hobby stores (i.e., miniatures, models, needlecrafts), bakeries (including baking on premises), and restaurants.

ii. Limitation of entrances from State Street only.

- iii. Total floor area of any one use is not to exceed 2,000 square feet.
- iv. Such uses will be subject to historic district requirements and will therefore require an architectural review certificate. Architectural review certificates for uses described above shall not be granted unless it has been demonstrated that the proposed use will result in either no material change to the exterior of the structure visible from State Street or will result in a restoration of the structure to an appearance which can be documented to more closely reflect the historical appearance of that structure. Material change would include modifications to doors, windows and masonry, other than routine maintenance.
- v. No parking shall be required for the use.
- vi. If new construction is proposed on State Street between Loockerman and Water Streets, the proposal must not require demolition or extensive modifications of any existing structure which presently contributes to the historic district because of its age or architectural appearance. In addition, the RG-O zone bulk and parking requirements would be waived in certain respects. Lot width and depth will be as appropriate to the site, subject to architectural review and site plan review. Setbacks will be discouraged. Side yards will reflect the needs of adjacent structures by providing adequate light and air to reach existing windows. The height limit of 35 feet or 2½ stories will be retained, as will the 85 percent lot coverage limit. The floor area ratio limitation will be raised to 1.0. The parking requirements will be waived.

(c) Bed and breakfast inns, subject to the following:

- i. A bed and breakfast inn may only be established within a primary residential structure or in an associated accessory structure.
- ii. The owner of the property shall reside on the premises of the bed and breakfast inn or in an adjacent premises. However, if ownership of the property is in the name of a corporation, partnership, trust, etc., a full-time resident manager/operator/innkeeper shall reside in the principal structure on the subject property or adjacent property.
- iii. The principal structure shall contain at least one full bathroom for the exclusive use of the owner or resident manager and other members of the immediate household. In addition, one full bathroom shall be provided for each two guestrooms. Each full bathroom shall contain a minimum of one water closet (toilet), one lavatory (sink) and one bathtub or shower stall and shall comply with all applicable building and plumbing codes.
- iv. The number of guestrooms requested shall be set forth in the application for conditional use. The planning commission shall expressly establish

the maximum number of guestrooms permitted for any application for which approval is granted. In no case shall a bed and breakfast inn contain more than ten guestrooms.

- v. Off-street parking shall be provided at a minimum of two spaces, plus one space per guestroom. Off-street parking shall be prohibited in the front yard, except that such parking which may be customarily accommodated on a single width driveway may be permitted. Required parking may be provided on the premises or off the premises, provided that such off-premises parking is located within 150 feet walking distance of the bed and breakfast property.
- vi. Lot coverage for a bed and breakfast inn shall not exceed 60 percent of the lot.
- vii. Signage is limited to one sign, not to exceed six square feet in area. Signs may be illuminated, provided that internally illuminated signs shall be prohibited.
- viii. Meals may be served to residents and overnight guests only. No cooking appliances or kitchenettes shall be permitted within the guestrooms, except for small refrigerators and microwave ovens.
- ix. The stay of overnight guests shall be limited to 30 consecutive days.
- x. The owner/operator of a bed and breakfast inn shall maintain a current City of Dover business license and the establishment shall be inspected at least semi-annually by the City of Dover Fire Marshal and the City of Dover Health Inspector for compliance with all applicable life safety and health and sanitation codes.

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

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

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

9.4 *Off-street parking.* No parking lot shall be located within the minimum required front yard, nor between the street line and the principal building on the lot. Off-street parking shall be provided in accordance with the provisions of article 4 and article 6 of this ordinance.

(Ord. of 2-14-1983; Ord. of 1-9-1989; Ord. of 6-26-1989; Ord. of 2-10-1992; Ord. of 7-12-1993, §14; Ord. of 4-25-1994; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. No. 2012-15, 8-13-2012)

ADOPTED: FEBRUARY 10, 2020

S:\ORDINANCES\2019\ADOPTED\ORDINANCE #2019-19 APPD B ART 3 SEC 9 - RG-O - BARBERSHOP - ADOPTED 02-10-2020.DOCX

SYNOPSIS

The amendment would permit barbershops in the General Residence and Office (RG-O) zone.
(SPONSORS: POLCE AND SLAVIN)

The Staff Amendment #1/Planning Commission Amendment #1 revises the use to the more inclusive term of “personal service establishment” rather than “barbershops.” It also makes revisions to establish the same general conditions for all types of uses of “limited commercial activity” including clarifying the parking requirements for these specific uses in the RG-O zone.

The City Council amendment permits certain uses without

Actions History

- 2/10/2020 - Public Hearing/Final Reading – City Council
- 1/21/2020 - Planning Commission Recommendation of Staff Amendment #1/Planning Commission Amendment #1
- 1/21/2020 - Public Hearing and Review by Planning Commission
- 12/09/2019 - First Reading - City Council
- 11/26/2019 - Introduced - Council Committee of the Whole/Legislative, Finance, and Administration Committee