

ZONING

170 Attachment 1

City of Dover

Rural Residential (R-40) District [Amended 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Adult day care [5]
- Assembly hall
- Bank [5]
- Beauty shop and barbershop [5]
- Bed-and-breakfast
- Child-care facility
- Child-care home
- Clinic
- Conservation lot
- Conversion of existing dwelling to accommodate not more than 2 units [6]
- Country club [7]
- Dwelling, two-family [8]
- Dwelling, three- to four-family [8]
- Dwelling, single-family
- Educational institution, K-12
- Excavation [7]
- Farm [9]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [10]
- Hospital
- Manufactured housing
- Office [5] [11]
- Personal service establishment [5]
- Public recreation
- Public utility
- Recreational camp
- Retail sale of agricultural or farm products raised on site
- Theater [5]
- Veterinary office, animal hospital or kennel [12]
- Wholesaling of farm products [7]

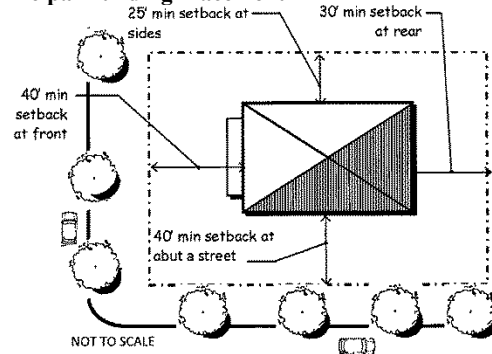
Uses Permitted by Special Exception

- Assisted living facility
- Congregate care facility
- Continuing care community facility
- Educational institution, postsecondary
- Elderly assisted care home
- Helicopter takeoffs and landings
- Junkyard
- Manufactured housing park
- Nursing home

Dimensional Regulations [1] [2]

| Lot | |
|---------------------------|-----------|
| Minimum lot size [3] [4] | 40,000 sf |
| Maximum lot coverage | 10% |
| Minimum frontage | 150 ft |
| Principal Building | |
| Front setback | 40 ft |
| Abut a street setback | 40 ft |
| Side setback | 25 ft |
| Rear setback | 30 ft |
| Outbuilding/Accessory Use | |
| Front setback | 40 ft |
| Abut a street setback | 40 ft |
| Side setback | 10 ft |
| Rear setback | 10 ft |
| Height of Building | |
| Principal building | 35 ft max |
| Outbuilding | 35 ft max |

Principal Building Placement



Sign Regulations

| Size | R-40 District |
|-----------------------|---|
| Total signs permitted | 1 |
| Total area permitted | 16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max) |
| Type | |
| Freestanding | Permitted (10 ft setback required) |

DOVER CODE

| | |
|-------------|---------------|
| Projecting | Permitted |
| Wall/awning | Not permitted |
| Temporary | Not permitted |

Footnotes

- [1] In the case of an open space subdivision, in accordance with Article IV of Chapter 157 of the Code of Dover, the dimensional requirements shall be as specified in § 157-21 of the Code of the City of Dover.
- [2] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.
- [3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.
- [4] Refer to Chapter 157, Subdivision of Land, Article IV, for the minimum lot size for a major subdivision. In an R-40 District, any major subdivision must follow the procedures for an open space subdivision (OSS).
- [5] Use is allowed as a commercial component to an open space subdivision. (See § 157-21.)
- [6] Any dwelling unit may be converted, not replaced, provided that the lot shall contain at least 4,000 square feet per dwelling unit and a minimum floor area of 500 square feet per dwelling unit. Two-family dwellings shall be designed to look like single-family dwellings (i.e., the two-family dwelling should not look like it was designed to occupy more than 1 family). At a minimum, this shall mean that only 1 entrance shall be visible from a public street, and only 1 driveway shall exist with no on-street parking required for residents.
- [7] Use is not allowed as a commercial component to an open space subdivision. (See § 157-21.)
- [8] Use is allowed when included within an open space subdivision with commercial components. (See § 157-21.)
- [9] Farm animals are permitted, provided that the tract upon which such animals are kept shall support a minimum land area of 100,000 square feet. In no instance shall the shelters used to contain said animals be closer than 100 feet to any property boundary.

- [10] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: no more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.
- [11] Permitted only if operated as a customary home occupation (refer to definition in § 170-6B).
- [12] Veterinary office and animal hospital uses are allowed as a commercial component to an open space subdivision. (See § 157-21.) Shelters and runs used to house and/or contain animals shall be no closer than 100 feet to any property line and must support a minimum tract size of 100,000 square feet.

Special Exception Criteria

Assisted Living Facility:

- A. The facility shall be serviced by municipal sewer.
- B. The density per unit requirement is 7,500 sf of lot area in the R-40 District.
- C. Parking lots and service areas are screened from abutting residential uses.
- D. The facility shall obtain a license from the State of New Hampshire.

Congregate Care Facility: Congregate care facility is allowed as a special exception in accordance with the density and provisions stated below:

- A. In the R-40 District in areas not serviced by City water and sewer utilities at a density of 1 unit per 10,000 sq. ft. of land; in the R-40 District in areas serviced by City water and sewer utilities at a density of 1 unit per 7,500 sq. ft. of land.
- B. Provided that parking and service areas are screened from abutting residential uses.

Continuing Care Community Facility:

- A. The facility shall be serviced by municipal sewer.
- B. The density per unit requirement is 7,500 square feet of lot area in the R-40 District.
- C. Parking lots and service areas are screened from abutting residential uses.
- D. The facility shall obtain a license from the State of New Hampshire.

Elderly Assisted Care Home: Elderly assisted care home is allowed by special exception in accordance with the densities and provisions stated below:

- A. Elderly assisted care homes larger than 6 bedrooms shall meet the following density requirements: In the R-40 District in areas not serviced by City water and sewer utilities, at a density of 1 bedroom

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per 10,000 sq. ft. of land; in the R-40 District in areas serviced by City water and sewer utilities, at a density of 1 bedroom per 7,500 sq. ft.

- B. Provided that parking and service areas are screened from abutting residential uses.
- C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased, provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

Helicopter Takeoffs and Landings: Helicopter takeoffs and landings are allowed as a special exception subject to the following conditions:

- A. There shall be a distance of 1,000 feet between any existing residential structure and any proposed helicopter landing pad.
- B. Except in the case of an emergency, no helicopter takeoffs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
- C. The facility shall be accessory to the principal use located on the lot.
- D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.
- E. The conditions for granting a special exception, contained in § 170-59C(3) must also be satisfied

Junkyard: A junkyard may only be permitted upon the determination that the property values of land adjacent to such use will not be compromised. Conditions may include but not be limited to the provision of adequate and properly maintained screening around land so used.

Manufactured Housing Parks: Manufactured housing parks shall be subject to the following regulations:

- A. The proposed park must conform to Chapter 101, Manufactured Home Parks, of the Code.
- B. All plans for the proposed park must have been granted preliminary approval from the Dover Planning Board.
- C. A determination by the Zoning Board of Adjustment that the proposed manufactured housing will not adversely affect overall land values in the neighborhood.
- D. A determination by the Zoning Board of Adjustment that the proposed manufactured housing will not result in the creation of hazardous traffic conditions.

Nursing Home: Nursing home is allowed as a special exception in accordance with the density and provisions stated below:

- A. In the R-40 District in areas not serviced by City water and sewer utilities, at a density of 1 bedroom per 10,000 sq. ft. of land; in the R-40 District in areas serviced by City water and sewer utilities, at a density of 1 bedroom per 7,500 sq. ft. of land.
- B. Provided that parking and service areas are screened from abutting residential uses.