

CITY OF DOVER ORDINANCE #2024-01 Proposed Draft Ordinance

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

That Appendix B – Zoning, Article 3 Section 13. Central Commercial Zone (C-2) be amended by inserting the text indicated in **bold, blue font** and deleting the text indicated in ~~red-strikeout~~ as follows:

APPENDIX B – ZONING

ARTICLE 3 - DISTRICT REGULATIONS

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

13.1 *Uses permitted.* In a central commercial zone (C-2), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

- (a) Retail stores.
- (b) Restaurants, **cafes, and eating establishments.**
- (c) Commercial kitchens.**
- (d) Microbrewery, craft distillery, and meadery establishments.**
- ~~(e)~~ (e) Hotels, including bed and breakfast inns.
- ~~(f)~~ (f) Art galleries and **artisan** studios.
- ~~(g)~~ (g) Service establishments.
- (h) Banks and financial institutions**
- ~~(i)~~ (i) Personal service establishments.
- ~~(j)~~ (j) Business, professional, and government offices.
- ~~(k)~~ (k) Apartments and multi-family dwellings, provided that no dwelling units shall be permitted ~~in~~ **on** the first floor on the street frontage of Loockerman Street. **Uses accessory to the residential units such as lobby and amenity spaces are permitted on the first floor.**
- (l) Live-work units.**
- ~~(m)~~ (m) Indoor recreation and amusement establishments.
- (n) Parking lots and parking structures as a principal use.**
- (o) Places of public assembly.**
- (p) Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking, or any other processing of products where goods so produced or processed are to be sold at retail on the premises or online and where the size of the establishment shall not exceed 5,000 square feet in floor area.**
- (q) Open space areas.**

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

- ~~(a) Parking lots and parking structures as a principal use.~~

~~(b) Places of public assembly.~~

~~(c) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that:~~

~~(1) An area fully concealed from any street and equal to not more than 20 percent of the area devoted to retail sales shall be so used;~~

~~(2) Electrical power not to exceed a total of five rated horsepower, and steam pressure not in excess of 60 pounds of pressure per square inch shall be used exclusively;~~

~~(3) Not more than four employees are engaged in such production or processing.~~

(a) Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking, or any other processing of products where goods so produced or processed are to be sold at retail on the premises or online and where the size of the establishment exceeds 5,000 square feet in floor area.

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

(a) Fuel pumps and motor vehicle storage, sales, or repairs.

13.4 *Enclosed buildings.* All permitted uses and all storage accessory thereto, other than offstreet parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas ~~associated with restaurants~~, **outdoor gathering areas**, and outdoor sales areas approved by the city planner **or approved as part of the site development plan approval required by article 3, section 13.6.**

13.5 *Design standards.* The following standards shall apply to the site and building development in the central commercial zone (C-2):

13.51 Façade Articulation. Building facades should incorporate design elements to provide a base, middle, and top of the building to reinforce the pedestrian scale at the street level.

13.52 Height. For buildings greater than four (4) stories in height, then the upper floors above the fourth story shall step back ten (10) feet on the primary facade. For buildings greater than six (6) stories, then the upper floors above the sixth floor shall step back an additional ten (10) feet on the primary façade. These step backs areas may begin at a lower height than these minimums as part of the building design in order to be compatible with the character of the area.

13.53 Step back areas. The step back areas should be open to the sky and can be open air balcony spaces or other design architectural features that are not enclosed spaces.

13.54 Off-street Parking. Off-street parking lots shall not be permitted to be situated between the street line and the primary facade of the principal building. Consideration should be given to locating parking to the side or rear of the building.

13.55 Screening. Any off-street parking lots provided shall be screened from the street line by buildings, landscaping, or other means. Off-street parking lots shall be screened from

adjacent residential zones and residential uses. This screening provision does not apply to adjacent alleys.

~~13.5~~ **13.6** *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

~~13.6~~ **13.7** *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 4 Section 4.14 amended by inserting the text indicated in **bold, blue font** and deleting the text indicated in ~~red-strikeout~~ as follows:

Section 4.14. - ~~{C-1, C-1A, C-2, C-2A zones.}~~

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

	C-1	C-1A	C-2	C-2A
Minimum required:				
Lot area (sq. ft.)	2,500			
Lot width (ft.)		25		
Lot depth (ft.)			70	100
Front yard (ft.)	25	25	0	15
Side yard (ft.)	None required, but 5 feet min. if provided	None required, but 5 feet min. if provided	None required, but 5 feet min. if provided	None required, but 5 feet min. if provided
Rear yard (ft.)	15	15	20 above ground floor. At ground floor, 5 ft. required	20 above ground floor. At ground floor, 5 ft. required
Side or rear yards which adjoin a residential zone (ft.)	15	15	15	25
Off-street parking				
Per 300 sq. ft. floor area or				1
Per employee (whichever is greater)				1
Maximum permitted:				
Building height				
Stories	2	2	6 10	6
Feet	30	30	75 125	75
Floor area ratio	1.0	1.5	4.0 5.0	4.0

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 5 Section 6 amended by inserting the text indicated in **bold, blue font** and deleting the text indicated in ~~red-strikeout~~ as follows:

Section 6. - Dumpsters for trash and recycling.

6.1 Location of trash receptacles. In all zones of the City of Dover (except in residential zones where standard City of Dover 90-gallon trash containers are used), all trash receptacles and bulk recycling bins (excluding publicly operated recycling drop off centers), which shall be referred to collectively as "dumpsters" in this ordinance, are to be situated in order to allow safe and efficient access by trash collection vehicles, and shall be screened from public view. All dumpsters must comply with the following regulations:

6.11 Location and screening required. All dumpsters must be located in approved locations on the lot. Dumpsters must be placed on hard, paved, dust-free surfaces and may not be placed in designated parking spaces, fire lanes, or access ways. Outside storage of trash, cardboard, or shipping pallets is prohibited. A dumpster enclosure is required to screen the dumpster from view whenever these units are situated so that they will be visible from any public right-of-way or from an adjacent property.

6.12 Minimum dumpsters required.

Use	Dumpsters Required
Restaurant	Two required for the first 3,000 square feet of gross building area; one required for each additional 3,000 square feet of gross building area or fraction thereof
Shopping center (excluding supermarkets or anchor tenants)	Two required for the first three stores; one required for each store thereafter
Supermarkets & anchor tenants in shopping centers	Two required in addition to requirements for shopping center
Office & retail less than 50,000 square feet	Two required for the first 16,000 square feet of gross floor area; one required for each additional 16,000 square feet of gross floor area or fraction thereof
Office & retail greater than 50,000 square feet	Two required for the first 50,000 square feet of gross floor area; one required for each additional 24,000 square feet of gross floor area or fraction thereof
Industrial, warehousing & institutional	Two required for the first 80,000 square feet of gross building area; one required for each additional 40,000 square feet of gross building area or fraction thereof
Apartment complex or Apartment Building with over 10 units	Two required for the first 48 apartments; one required for each additional 24 apartments or fraction thereof
Non-residential uses	Two required per property

6.13 *Selection of trash service.* Applicants for site development plan approval shall specify the proposed method of trash collection (~~side load or front load~~) at the time of application. A change in the method of collection may require an alteration of the site plan, subject to approval of the city planner or the planning commission.

6.14 *Maneuvering space.* Adequate off-street truck maneuvering space shall be provided on-lot and not within any public street right-of-way or other public lands. Internal site circulation lanes are to be designed with adequate turning radii to accommodate the size and efficient maneuvering of trash collection vehicles.

6.15 *Minimum dimensions for dumpster enclosures.* All dumpster enclosures must be adequate to screen dumpsters from public view. Enclosures for private collection must be no less than seven feet in height. The height of enclosures for City of Dover collection may be no less than five feet high.

6.16 *Enclosure construction.* All dumpster enclosures shall be constructed of durable materials that will withstand the normal use and wear expected in trash removal operations. Whenever a dumpster, in its enclosure, will be visible from a public right-of-way, the appearance of the dumpster enclosures shall complement the architecture of the principal building on the lot, and be constructed with the same or similar exterior materials.

6.17 *Gates.* Gates are required whenever a dumpster, in its enclosure, will be visible from a public right-of-way. Gates must be designed to swing back behind the front of the enclosure and lock in the open position. If City of Dover trash service is provided, it is the responsibility of the property owner or occupant to open and securely lock back the gates to allow for trash pick up. The gates may be opened 12 hours prior to pick up, and must be closed within 12 hours after pick up.

6.18 *Reduction of dumpster requirement.* When a use is required to provide dumpsters as part of site development plan approval, the required number of dumpsters may be reduced under the following circumstances:

a) *Dumpster pads reserved for future use.* An area of the site reserved for a dumpster may be substituted for an actual dumpster. The provided area must be large enough to accommodate a dumpster and must be accessible to trash collection services. The city planner may require that the owner of record of the property provide a dumpster in the reserved location, together with any enclosure required, upon determining there is need for the additional dumpster.

b) *Trash compactor substitution.* Trash compactors may be substituted for ordinary dumpsters at a two to one ratio. The city planner may approve a higher substitution ratio if specifications are provided indicating the machine will achieve a correspondingly higher trash compaction ratio. Trash compactors must meet the same location and screening requirements as other dumpsters. Sites providing trash compactors must still provide separate receptacles for recycling.

c) *Alternative solutions.* Alternative solutions for the storage of and collection methods for trash and recycling receptacles may be considered. The city planner or planning commission may authorize alternative solutions.

6.2 *Location and screening approval required.* The locations of new dumpsters on a site and any screening necessary shall be approved through the site development plan approval process, according to the type of review required in article 10 of this appendix.

6.3 *Unauthorized dumpsters.* Any dumpster not previously approved through the site development plan approval process may be required by the city planner to be moved, removed, or screened if said dumpster is a nuisance to neighboring properties by virtue of its current location.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 6 Section 3.1 amended by inserting the text indicated in **bold, blue font** and deleting the text indicated in ~~red-strikeout~~ as follows:

Section 3. - Required off-street parking spaces.

3.1 *Schedule of requirements.* Accessory off-street parking spaces, open or enclosed, shall be provided for any lot as specified in Article 4—Zoning Bulk and Parking Regulations, or as specified below for each use in any zone, whichever is greater.

(a) *Exceptions.*

i. Where Article 3—District Regulations, specifies a minimum parking requirement, this parking requirement shall prevail.

ii. For existing buildings within the C-2 zoning district, the requirements of Article 4, Section 4.14—~~[C-1, C-1A, C-2, C-2A zones-zoned]~~, bulk and parking regulations governing the C-2 zoning district shall prevail.

iii. For new construction within the downtown redevelopment target area, as described in appendix C of the Dover Code of Ordinances, there is no minimum off-street parking requirement based on use. To utilize this exception, a parking strategy statement must be submitted for review as part of the site development plan approval required by appendix B, zoning, article 10, section 2.

For:	At Least One Parking Space For Each
Places of worship	Two hundred (200) square feet of floor area, but not less than one (1) space for each four (4) seats, where provided
Libraries	Three hundred (300) square feet of floor area
Medical offices—All types	Three hundred (300) square feet of floor area
Nursery school or kindergarten	Adult attendant, plus one for every 20 children

For:	At Least One Parking Space For Each
Elementary or junior high school	Eight (8) seats in main auditorium/cafeteria or gymnasium
High school, technical school, college or university	Five (5) seats in main auditorium/cafeteria or gymnasium; if none, see Article 4—Zoning, Bulk and Parking Regulations
Hospitals or sanitariums	Three beds
Apartments	Two (2) per dwelling unit and one (1) for every two hundred (200) square feet of office space and 0.25 per dwelling unit for visitor space
Roominghouses	Guestroom
Dormitories	Three (3) beds
Eating and drinking places	Four (4) seats plus one (1) for every three (3) bar seats
Funeral homes	Two (2) employees, plus five (5) spaces for each chapel
Hotels and motels	Guestroom, plus one (1) for every 200 square feet of office space, banquet hall, or meeting areas
Athletic fields, baseball, football or boxing stadiums and arenas; race tracks	Three (3) seats
Golf courses	Per employee and four (4) parking spaces for each hole
Golf or baseball driving range	One-half (½) stall
Airports	Per employee and for each two (2) airplanes in storage

- 198
- 199 3.2 *Areas computed as parking spaces.* Areas which may be computed as open or enclosed off-street
- 200 parking spaces include any private garage, carport, or other area available for parking, other than a
- 201 street or driveway. However, a driveway within a required front yard for a one-family or two-family
- 202 residence may count as one parking space, other than a corner lot as provided in article 5, section 1.3.
- 203 3.3 *Location and ownership of required accessory parking facilities.* Required accessory parking
- 204 spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory,
- 205 or elsewhere, provided all spaces therein are located within 150 feet walking distance of such lot. In

all cases, such parking spaces shall conform to the regulations of the district in which they are accessory and shall be subject to deed restriction, filed with the city clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available either:

(a) Throughout the existence of such use to which they are accessory; or

(b) Until such spaces are provided elsewhere.

3.4 Size of spaces. The minimum parking space dimensions shall be at least nine (9) feet in width and at least 18 feet in length. Disabled accessible spaces shall meet ADA requirements.

3.5 Access. Unobstructed access to and from a street shall be provided. Each drive lane shall have at least ten feet of width so that one-way drives have at least ten feet of width and that two-directional drives have two lanes of ten feet each. Unless otherwise specified within this section, access shall be provided by at least one two-directional drive lane or two one-directional drive lanes.

3.6 Drainage and surfacing.

(a) All open permanent parking areas and access drives shall be properly drained and all such areas shall be provided with paved asphalt, concrete or other hard, paved, dust-free surface.

(b) All permanent parking areas shall be enclosed with upright concrete curbing at least six inches in height. The city planner may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. Curbing shall not be required for loading areas, handicapped access and for parking spaces accessory to a one-family or two-family residence (see also [article 6](#), section 5.3).

3.7 Joint facilities. Required parking spaces, open or enclosed, may be provided in spaces designed to serve, jointly, two or more establishments, whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.

3.8 Combined spaces. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the planning commission may reduce the total parking spaces required for that use with the least requirement.

(a) *Campus Parking Plan.* When a new building or building addition is made to a campus involving multiple buildings under common ownership where one or more of the uses will be generating demand for parking when the other use or uses are not in operation, the applicant shall present a campus parking plan as a part of the site development plan that includes an analysis of the parking needs based on the provisions of section 3.8 of this article.

3.9 Adjustments to parking requirements. The planning commission or city planner, according to the type of plan review required by appendix B, zoning, article 10, planning commission, may reduce, in an amount not to exceed 50 percent, the number of parking spaces required when, in the opinion of the

commission, it has been demonstrated that the use is adequately served by transportation and parking alternatives, including but not limited to:

(a) Site plan proposals within the downtown redevelopment target area, as described in appendix C of the Dover Code of Ordinances, may be granted a 20 percent reduction in the amount of off-street parking normally required, due to the availability of mass transit, municipal parking and existing pedestrian amenities.

(b) Designated off-street parking reserved for car pools, van pools, and bicycle parking facilities, in accordance with the following schedule:

(1) Each carpool space shall be equivalent to three standard parking spaces.

(2) Each vanpool space shall be equivalent to five standard parking spaces.

(3) Every group of five bicycle parking spaces shall be equivalent to one standard parking space.

(c) Employer participation in a traffic-mitigation plan approved by the Delaware Department of Transportation.

(d) Cash-in-lieu of parking contributions toward the capital construction or improvement of municipal parking facilities that are proposed. The cash-in-lieu of parking contribution shall be in a monetary amount equivalent to the estimated cost of construction for the number of standard surface parking spaces for which the reduction is sought. To take advantage of this option, the developer shall submit to the city engineer a cost estimate for the parking requested to be waived. The city engineer shall examine the estimate for accuracy in current prevailing costs of construction at the time of proposal and shall report to the planning commission his/her findings.

(e) Proposals involving superior urban design which contribute to an enhanced pedestrian environment and which include such features as pedestrian plazas and pocket-parks, pedestrian-way connections with existing sidewalk systems and community facilities, park benches and other street furniture, mass transit connections and shelters, and landscaping and shade tree plantings.

In all areas, except the downtown redevelopment target area, the planning commission or city planner, according to the type of plan review required by appendix B, zoning, article 10, planning commission, may require the development plans to have an area of open space designated where parking could be constructed less than or equal to the number being reduced. In such cases the plan shall bear a note which explains that the petitioner, in accepting a parking reduction, agrees to construct such additional parking as is otherwise required under the provisions of this appendix, if the planning commission, after a hearing, determines that the reasons for granting said reduction no longer exist. In all such instances where the planning commission determines that the reasons for granting a reduction no longer exist, the owner of record for the subject property for which a reduction was previously granted must construct the parking required to meet the regulations of the city during the next construction season.

3.10 *Bicycle parking*. Bicycle parking shall be provided for parking spaces at a rate of one bicycle parking space for every 20 parking spaces or a fraction thereof. The planning commission may waive the requirement for the bicycle parking if it is demonstrated that bicycle parking would not be appropriate for safety reasons or due to the nature of the use of the site.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 12 – Definitions be amended by inserting the text indicated in **bold, blue font** in appropriate alphabetical order:

Live-work unit: A first floor business use, such as an office, studio, shop, café, service establishment, personal service establishment, or other permitted use in combination with an office and a dwelling unit located above such place of business. A person or persons other than the proprietor of the first floor business may occupy the dwelling unit portion of a Live-work unit.

ADOPTED: *

SYNOPSIS

This is a series of text amendments to the *Zoning Ordinance* provisions of the C-2 (Central Commercial Zone) and related development provisions. These amendments revise the permitted uses and the conditional uses, add design standards, and revise the bulk standards for height and floor area ratio (FAR) of the C-2 (Central Commercial Zone). There are proposed revisions to other sections of the *Zoning Ordinance* related to parking requirements and Dumpsters. These text amendments are offered for consideration as part of the implementation of the *Transforming Downtown Dover: Capital City 2030 (Transforming Downtown Dover)* Plan.

(SPONSORS: *) (INITIATION BY THE CITY PLANNER)

Actions History:

1/9/2024 - Introduced at Council Committee of the Whole/Legislative Finance, and Administration Committee