To: The Dover Board of Selectmen

From: Nicolas Wallaert,
Chair, Dover Planning Commission

Subject: Amendments to the Zoning Bylaw

On November 21, 2011 the Planning Commission held a duly warned public hearing to discuss the proposed Zoning Bylaw with the residents of Dover. After minor changes as a result of this hearing, the Planning Commission voted on December 5th, 2011 to propose the amended zoning Bylaw to the Select Board for review and to hold the appropriate public hearing(s).

When we missed the March 2012 voting day, the Planning Commission made other minor changes not warranting another Public Hearing by the Planning Commission.

We now hand over the amended Bylaw to the Select Board. After reviewing this document, the Select Board is required to warn for a Public Meeting and subsequently propose the amended Bylaw for a vote in March 2013.

We will list here the more significant amendments and refer to the page number of the actual Bylaw dated 2007. (Attached PDF file)

We also attach the final amended bylaw dated September 2012 and the draft “strike-out” copy dated September 2012.

**Article 2 – Definitions** (Starting p.2 of actual Bylaw)

Recreation outdoor definition was changed as follows:

*Actual*
RECREATION, OUTDOOR: Leisure activities conducted primarily outdoors.

**Amended**

RECREATION, OUTDOOR: Includes a trap, skeet and/or archery range, swimming pool, amusement park, outdoor concert area, tennis court, recreational trail or similar place of outdoor recreation.
- Commercial Outdoor Recreation: When operated on a for-profit basis.
- Private Outdoor Recreation: when operated in such a manner as to restrict entrance to members and their guests.
- Public Outdoor Recreation: When operated by a public agency.
- Residential Outdoor Recreation: Comprises leisure activities taking place primarily outdoors and considered incidental to the primary use of the property. Participation is restricted to the property owners and their guests and is further limited to the hours of sunrise to 9 PM.

Resident definition was added to actual Bylaw:

**Amended**

- DOVER RESIDENT: As defined by the State of Vermont.

Substantially completed:

A definition was added upon request of the Dover Zoning Administrator

**Amended**

SUBSTANTIALLY COMPLETED – The stage in the progress of the structure when the work or designated portion thereof is sufficiently completed in accordance with the Zoning Permit so that the applicant can occupy or utilize the permitted structure or area for its intended use. For the purpose of this Bylaw, substantially completed shall also mean that the exterior of the structure has been completed with siding, windows, doors, and a completed roof and any excavation has been covered or filled to the normal grade of the land.

**Section 325 – Reduction of setback and/or road frontage requirements**  
(P.13 of actual Bylaw)

Further precisions were added on road setback.
Actual

The road frontage and/or setback requirements may be reduced by the same percentage that the lot is undersized from the minimum lot size of the district the lot is in. In no case shall the setback be reduced to less than ten (10) feet.

Amended

The road frontage and/or setback requirements may be reduced by the same percentage that the lot is undersized from the minimum lot size of the district the lot is in. In no case shall the setback be reduced to less than ten (10) feet from side boundaries or less than forty five (45) feet from the center line of the road. Under no circumstances will required setbacks from surface waters be reduced.

Section 328 - Exemptions to the building height (P.13 of actual Bylaw).

Better wording and a height limit were set for the building height in the resort area.

Actual

In the Resort District, the Development Review Board may allow building heights in excess of 36 feet fire protection and safety are adequately addressed taking into consideration the guidelines of the East and West Dover Fire Departments.

Amended

In the Resort District, the Development Review Board may allow building heights in excess of 36 feet so long as fire protection and safety are adequately addressed taking into consideration the guidelines of the East and West Dover Fire Departments. Under no circumstances shall the building exceed 75 feet of height. Also refer to sections 720 and 725.

Section 470 – Zoning District (P.23 of actual Bylaw)

Recreation outdoor activities were split between “motorized and non-motorized” and “commercial and non-commercial”. The Zoning Administrator prompted a more detailed and precise definition of Outdoor activities.

Actual

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### Section 634 - Minimum parking requirements (p.40 of actual Bylaw)

The parking requirements were reduced to be more in line with other comparable towns and to try and limit the asphalt encroachment on the greeneries.

### Actual

For every building hereafter erected, altered, extended, or changed in use, there shall be off-street parking spaces as set forth below. A required driveway shall be at least twenty (20) feet in width, except for one and two unit residential uses. A parking space shall be at least nine (9) feet by twenty-two (22) feet.

1. For every residential dwelling: Three (3) parking spaces for every unit.

2. Hotel, motel, lodge, or bed & breakfast: One and one-half (1.5) parking spaces for every guest bedroom

### Amended

For every building hereafter erected, altered, extended, or changed in use, there shall be off-street parking spaces as set forth below. A required driveway shall be at least twenty (20) feet in width, except for one and two unit residential uses. A parking space shall be at least nine (9) feet by twenty (20) feet.

1. Residential dwelling: Two (2) parking spaces per dwelling unit and three (3) Parking space for three and more-bedroom unit.

2. Hotel, motel, lodge, or bed & breakfast: One and a quarter (1¼) parking spaces per guest bedroom.

(NO OTHER CHANGE FOR OTHER LOCATIONS)
Section 655 – Recreational vehicles/Travel trailers and tents (P.44 of actual Bylaw)

We inserted “Non-Commercial”

Actual

It shall be unlawful for any person to park a recreational vehicle/travel trailer, or to erect a tent except in accordance with the following regulations:
1. The use of recreational vehicles/travel trailers or tents shall be permitted upon the specific approval of the landowner for camping not to exceed 90 days. Any recreational vehicles/travel trailers and tents remaining longer than ninety (90) days shall require the Zoning Administrator to demand conformity with the rest of these regulations, including but not limited to Section 650 or Section 660.

Amended

It shall be unlawful for any person to park a recreational vehicle/travel trailer, or to erect a tent except in accordance with the following regulations:

1. The non-commercial use of recreational vehicles/travel trailers or tents shall be permitted upon the specific approval of the landowner for camping not to exceed 90 days. Any non-commercial recreational vehicles/travel trailers and tents remaining longer than ninety (90) days shall require the Zoning Administrator to demand conformity with the rest of these regulations, including but not limited to Section 650 or Section 660.

Section 720 – General development standards (p.47 of actual Bylaw)

Chapter “H” last sentence was changed as follows:

Actual

The Development Review Board may grant a variance for a use that is neither permitted nor conditional only if all the criteria specified in Section 940 are met.

Amended

The Development Review Board may grant a variance for a use that is neither permitted nor conditional only if all the criteria specified in Section 1140 are met.

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We invite the Select Board to peruse the attached draft “strike-out” copy dated September 2012 to review the less important changes: References to site map have been changed as the PC did change the zoning and consequential maps, the various typos or errors in the writing of the actual Bylaw.

Dover has applied for a Municipal grant required by the Planning Commission to create separate Subdivision Bylaw and pursue some other amendments to our Zoning Bylaw during the course of 2013.

Respectfully yours,

Nicolas Wallaert

Attached:

- Actual Bylaw 2007 (PDF file)
- Final amended Bylaw September 20012
- Draft “strike-out” amended Bylaw September 2012