

CITY OF DOVER
ORDINANCE #2016-01

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 1 - One-family residence zones [(R-20, R-15, R-10, R-8 and R-7)], Subsection 1.1 - Uses permitted, Subsection 1.15 - Accessory uses, limited to the following of the Dover Code be amended to read as follows:

- 1.15 Accessory uses, limited to the following:
- (a) Professional office or studio of an artist, dentist, musician, teacher, or physician, but not including veterinarians, provided that:
 - i. Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant; and
 - ii. Such office or studio shall occupy not more than 30 percent of the area of one floor of the main building.
 - iii. Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.
 - iv. Medical centers, barbershops, beauty parlors, real estate offices, funeral homes or similar uses shall not be considered permitted accessory uses.
 - (b) Garden house, tool house, playhouse, greenhouse or pool incidental to the residential use of the premises and not operated for gain.
 - (c) Private garage, provided that, in the case of a one-family dwelling, such garage shall have a capacity of not more than three passenger automobiles. One such space may be leased to a person not [a] resident on the premises.
 - (d) Keeping domestic animals as pets, provided not more than three (3) dogs over six months old, shall be permitted.
 - (e) Keeping of chickens for individual domestic purposes subject to the following restrictions:
 - i. Keeping of chickens shall not be permitted on lots smaller than 10,890 square feet in lot area.
 - ii. No more than five (5) chickens shall be permitted on a residential lot.
 - iii. Chickens shall be registered with the Delaware Department of Agriculture.
 - iv. Chickens shall be penned in a coop that shall be at least four (4) square feet per chicken.
 - v. All chicken coops shall be located in a rear yard and shall be a minimum of 20 feet from side and rear property lines.

- vi. Any odor associated with the chickens shall not be discernable from property lines.
 - vii. Keeping of roosters shall be prohibited.
 - viii. Any lot with chickens shall either comply with these requirements by June 1, 2016 or remove the chickens.
- (f) Dormitories accessory to schools, provided that such dormitories conform to the bulk regulations of the RG-1 zone. For purposes of computing bulk requirements, each four rooms shall be considered one dwelling unit. Parking shall be calculated as identified in Article 6-Off-Street Parking, Section 3-Required off-street parking spaces, Paragraph 3.1-Schedule of requirements.
- (g) Customary home occupations, provided that:
- i. No display of products, goods and/or signs shall be visible from the street.
 - ii. Such home occupation shall be incidental and secondary to the residential use of the premises and shall be conducted in the principal building by the resident or residents that reside therein.
 - iii. Nonresident assistants or co-workers shall be prohibited.
 - iv. Such home occupation shall not occupy more than 30 percent of the area of one floor in the principal building.
 - v. There shall be no exterior effect such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.

ADOPTED: APRIL 11, 2016

SYNOPSIS

The amendment regulates the keeping of chickens in one-family residence zones.
(SPONSORS: HARE, HUTCHISON, AND COLE)

Actions History

04/11/2016 - Public Hearing/Final Reading - City Council
03/21/2016 - Public Hearing - Planning Commission
02/22/2016 - Introduction/First Reading - City Council