

**CITY OF DOVER ORDINANCE #2011-26**

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

That Appendix B - Zoning, Article 5 – Supplementary Regulations, Section 1 – Supplementary Regulations Applying to Residence Zones, Subsection 1.3 – Corner Lots, be amended to read as follows:

1.3 *Corner lots.*

1.31 *Corner Visibility.* In all zones within the city, no structure, fence, wall, landscaping, earthen berm, sign or any other form of obstruction to visibility, in excess of three feet in height above the adjacent street grade, shall be erected, placed or maintained on any corner lot within the triangular area formed by intersecting right-of-way lines. Two sides of the triangular area shall be 20 feet in length and measured from the point of intersection of the right-of-way lines as further illustrated in figure 5-1.

1.32 *Yard Requirements.* Corner lots are considered to have two front yards. The rear yard for a corner lot shall be the yard that is opposite the street upon which the principal structure fronts. The side yard for a corner lot shall be the yard that is opposite the street adjacent to the side of the principal structure.

1.33 *Fences.* A fence on a corner lot shall comply with the front yard requirement for height along the street upon which the principal structure fronts. A fence on a corner lot shall comply with the side yard requirement for height along the street adjacent to the side of the principal structure.

**BE IT FURTHER ORDAINED:**

That Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 1 – Supplementary Regulations Applying to Residence Zones, Subsection 1.5 – Exceptions to Yard Requirements, be amended to read as follows:

1.5 *Exceptions to yard requirements.*

1.51 *Permitted obstructions.* Cornice or cantilevered roofs and chimneys may project not more than two and one-half feet into a required yard. Belt courses, windowsills and other ornamental features may project not more than six inches into a required yard. Paved terraces, steps, and walks (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street line or four feet of a property line.

1.52 *Entries and porticos.* A roofed-over but unenclosed projection in the nature of an entry, portico or awning not more than eight feet wide and extending not more than six feet into the required front yard shall be exempt from the requirements of this section

when the building otherwise complies with the regulations of this section. In computing the average setback, the presence of such entries and porticos shall be ignored.

1.53 *Existing setback.* No proposed one-family or two-family dwelling need have a setback greater than the average setback of the two existing dwellings with the greatest setbacks within 200 feet on each side of the said proposed dwelling, on the same side of the street and within the same block and the same zone.

1.54 *Open decks.* An open deck or patio extending to within ten feet of a rear lot line or within 20 feet of a rear lot for second story decks shall be exempt from rear yard setback requirements and lot coverage requirements so long as the principal structure complies with the regulations. Such open decks or patios shall not be enclosed and used as a part of the principal structure.

1.55 *Fences.* Fences or walls shall be limited to a maximum height of four feet above the ground when situated within front yard areas, and shall be limited to a maximum height of six and one-half feet above ground when situated within side and rear yard areas. Fences situated on corner lots shall be subject to the provisions of article 5, section 1.3. For the purposes of this provision, on lots with dual street frontage that are not corner lots, a fence situated to the rear of the principal structure shall be limited to a maximum height of six and one-half feet above ground. Fences or walls with a height in excess of six and one-half feet above ground shall conform to the setback requirements for dwelling buildings as set forth in article 4 of this Appendix. Fence material commonly referred to as "barbed wire" and/or "razor wire," or any similar material, shall be prohibited in residential zones.

**BE IT FURTHER ORDAINED:**

That Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 7 – Supplementary Regulations Applying to All Non-Residential Zones, Subsection 7.5 – Fences, be amended to read as follows:

7.5 *Fences.* Fences or walls shall be limited to a maximum height of four feet above the ground when situated within front yard areas, and shall be limited to a maximum height of eight feet above the ground when situated within side and rear yard areas. Fences situated on corner lots shall be subject to the provisions of article 5, section 1.3. For the purposes of this provision, on lots with dual street frontage that are not corner lots, a fence situated to the rear of the principal structure shall be limited to a maximum height of eight feet above ground. Fences or walls with a height in excess of eight feet above the ground shall conform to the setback requirements for dwelling buildings as set forth in article 4 of this Appendix. Fence material commonly referred to as "barbed wire" and/or "razor wire," or any similar material shall be prohibited along property lines which adjoin residential zones.

ADOPTED: DECEMBER 12, 2011

### **SYNOPSIS**

The proposed ordinance would clarify that corner lots have two front yards; permit such lots in residential zones to have a fence of up to six and one-half feet in height in the front yard that is along the side of the principal structure; permit such lots in non-residential zones to have a fence of up to eight feet in height in the front yard that is along the side of the principal structure; and designate which yard on corner lots shall function as the side and rear yards. Additionally, the proposed ordinance clarifies that residential lots with dual frontages would be permitted to have fences of up to six and one-half feet in height situated in the yard to the rear of the principal structure and non-residential lots with dual frontages would be permitted to have fences of up to eight feet in height situated in the yard to the rear of the principal structure.

#### **Actions History**

December 12, 2011 - Public Hearing/Final Reading by Council

November 21, 2011 - Considered by Planning Commission

October 24, 2011 - First Reading by Council

October 10, 2011 - Considered by the Parks, Recreation, and Community Enhancement Committee