

## CITY OF DOVER ORDINANCE #2011-21

### 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 1.15 – Accessory Uses, 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 (except pigs) for individual domestic purposes or as pets, provided not more than three dogs over six months old and not more than 25 fowl shall be permitted, and no animals (except dogs) or fowl shall be penned or housed within 20 feet of any lot line.
- (e) (Reserved.)
- (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.

**BE IT FURTHER ORDAINED:**

That Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 1 – Supplementary Regulations Applying to Residence Zones, be amended by inserting a new subsection 1.11 Swimming Pools, as follows:

1.11 Swimming Pools

1.111 Definition – For the purposes of this section, swimming pools shall be defined as any pool, tank, depression, or excavation in or above ground, or other structure which shall cause retaining of water over a greater depth than twenty-four (24) inches.

1.112 Safety – All swimming pools as defined in this section must conform to the requirements of Dover Code, Chapter 22 – Buildings and Building Regulations.

1.113 Placement – Swimming pools shall be permitted to be established in the side and rear yard, but shall be prohibited from placement between the principal structure and the street.

1.114 Setback – The edge of the swimming pool, specifically referring to the edge of the water containment portion of the pool shall be no less than fifteen (15) feet away from all property lines. All associated structures, buildings, and pavement related to the swimming pool shall be no less than five (5) feet away from all property lines.

ADOPTED: OCTOBER 10, 2011

**SYNOPSIS**

The proposed ordinance would move the regulations for swimming pools into the supplementary regulations for residence zones and more closely align the requirements with the requirements of the building code.

Actions History:

October 10, 2011	-	Scheduled for Public Hearing/Final Reading by Council
August 22, 2011	-	First Reading by Council
August 8, 2011	-	Considered by the Legislative, Finance and Administration Committee

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