

A detailed pencil sketch of a coastal scene. In the background, a large building with a gabled roof and a small bell tower stands on a hill. In the foreground, a long pier or walkway extends from the left towards the building. Several small figures of people are visible on the pier. The sky is filled with soft, sketchy clouds. The overall style is architectural and artistic.

SECTION VI



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VI

PARKS & SPACE OPPORTUNITIES

Parks and Open Space must be included into the design of any Downtown. This plan has recommended specific areas where new opportunities avail themselves. In general, the TOD should follow the Recreation and Open Space Element of the 2005 Master Plan. The relevant aspects of the Master Plan's recommendation are:

- **Inclusion of public art and public spaces.**
- **Provide commuter waiting areas through public plazas near Dover Station.**
- **Provide Crescent Field with additional space integrated into the Redevelopment of the area. This would include provisions for a community center.**
- **Enhance the Morris and Essex rail line ROW through landscape improvements.**
- **Work with private sector to add to the public parks system, including; St. John's Church, NJ Transit and property owners along the River.**
- **Include residential amenities into the design of new buildings. This could include pools, playgrounds and sitting areas within the building.**
- **Create greenways along the River and abandoned rail ROW.**
- **Link public places, such as the post office and Town hall to pedestrian plazas, walkways and open space.**
- **Enhance the history of Dover while creating new open spaces, the Morris Canal and other historic sites and buildings.**



Public Art in Battery Park City, NYC

PLAN IMPLEMENTATION

Implementation of this plan and its elements is set forth herein to provide a focus of municipal staffing efforts while allowing the success of each task completed to build off the other. Some elements are critical for short- term success and other require the success of these short- term measures in order for longer-term measures to be financially feasible. However, based on what Dover is, its people, both staff and residents, forecasting success in the Town is not guesswork but a mere a matter of time.

This plan not only prioritizes Dover’s development by Subarea area number but the following recommendations will also help focus staff and political efforts. Some of these recommendations are meant to run on parallel tracks and simultaneously with others. Ultimately it will be the Town’s call on whether to pursue these recommendations in the order presented but should do so based on staffing and/or fiscal constraints.

PLAN RECOMMENDATIONS

- 1.) **Implement this plan as an incentive to facilitate appropriate development in the T.O.D. Area through predictability**
- 2.) **Pursue Transit Village Designation to allow for access to funding streams for public improvements.**
- 3.) **Initiate discussions with St. John Episcopal Church in creating Dover Station Plaza.**
- 4.) **Create design documents for Subarea 1 pedestrian improvements.**
- 5.) **Pursue NJ DOT funding for Station area improvements. (ie. Transportation Enhancement Grants)**

- 6.) **Create and establish a Community and Economic Development Department for the purpose of soliciting new economic development opportunities, liaison to existing business opportunity, and staff to Economic Development Commission.**
- 7.) **Continue the redevelopment-planning process for Subarea 2 to ensure development is coordinated with this TOD plan.**
- 8.) **Pursue discussions with NJ Transit regarding relocating the Dover Freight House. (Maybe with Subarea 2 as a community center or consession for sporting activities)**
- 9.) **Pursue discussions with Morris County to abandon the Morristown and Erie Railway.**
- 10.) **Create and utilize a marketing program that indicates potential “niche” markets for the downtown or services that Dover requires by proactively approaching businesses and indicating opportunities that exist within Dover.**
- 11.) **Create a Site Review Committee made up of representatives from Town Hall, Planning, Zoning Board and Historic Commission amongst others to review the details of site plans prior to the public hearing at the full Board.**
- 12.) **Create a special business district for the Downtown and pursue State Main Street Designation and assistance**
- 13.) **Pursue Streetscape Funding (ISTEA)**
- 14.) **Pursue PSE&G Streetlight program for all other streets in the TOD planning area.**
- 15.) **Pursue Community Forestry program for grants relating to street trees and implement the Town’s Community Forestry Plan.**
- 16.) **Pursue a Façade Grant Program in concert with the business community**
 - a. **Attempt collective application of merchants**
 - b. **Coordinate county input and activity**



SECTION VII



DRAFT ZONING ORDINANCE RECOMMENDATIONS

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DRAFT ZONING ORDINANCE RECOMMENDATIONS

Draft Zoning Ordinances

These draft zoning ordinances form the basis for a comprehensive change to the zoning within the Dover TOD area. This is meant as a jumping off point toward adoption of form-based design standards that will facilitate new development in Dover while remaining respectful of the historic integrity of the Town.

TRANSIT ORIENTED DEVELOPMENT (TOD) Zoning District

Sec. 236-104. General purpose.

The purpose of the Transit Oriented Development (TOD) zoning districts is to implement specific TOD concepts established in the Town of Dover Transit Oriented Development Plan and for other situations where conventional or planned development zoning districts are inappropriate. These districts require more detailed regulations than provided by conventional zoning districts, and use special terms as described in the following sections. The district is depicted in Figure 236-1.



Figure 236-1

Sec. 236-105. Build-to lines and setback lines.

(a) Build-to and setback lines distinguished. The TOD district specifies build-to lines for street frontages and setback lines for side and rear property lines.

- (1) A build-to line identifies the precise horizontal distance (or range of distances) from a street that the front of all primary structures must be built to, in order to create a fairly uniform line of buildings along streets.
- (2) A setback line identifies the minimum horizontal distance between a property line and the nearest point of all structures, in order to ensure a minimum area without buildings.

(b) General requirements for build-to lines.

- (1) Build-to lines are illustrated conceptually on FIGURE 236-2.
- (2) Where a build-to line is specified as a range (for instance, 5 to 10 feet), this means that building fronts must fall within that range of distances from the front property line. Where there is a range, the front facade does not have to be parallel to the street or in a single plane, as long as the front facade remains within the range.
- (3) At least 75% of the building frontage is required to align with the build-to line. The remaining 25% may be recessed up to 10 feet behind the build-to line, for instance to provide recessed pedestrian entrances or simply for architectural diversity. (See also § 34-997 regarding plazas.)
- (4) Build-to lines are subject to adjustment to maintain visibility for vehicles exiting onto primary streets.
 - a. Site triangles must be maintained on both sides of intersecting streets and exiting driveways to provide equivalent visibility.
 - b. Within these triangles, no buildings, shrubs, or low-hanging tree limbs may obstruct Visibility between the height of 2 feet and 6 feet above ground. However, visibility triangles are not required at intersections with roundabouts or all-way stop signs.
 - c. Build-to line requirements may be adjusted by the engineer to avoid trees larger than 8 inches in diameter (measured 54 inches above grade).

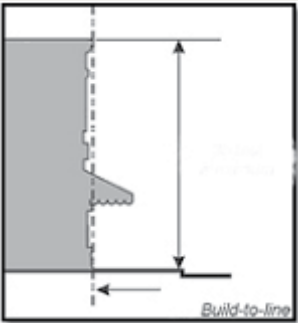


Figure 236-2

- (5) Upper stories are encouraged to remain in the same vertical plane as the first floor. Awnings, canopies, balconies, bay windows, porches, stoops, arcades, and colonnades are allowed on building exteriors provided that they comply with the commercial design standards (see § 236-124).
 - (6) Build-to line requirements shall take precedence over any buffer or setback requirements imposed by other portions of this code.
- (c) General requirements for setback lines.
- (1) Setbacks from property lines. Minimum setbacks from property lines are defined for each Zoning district.
 - (2) Setbacks from water bodies. Minimum setbacks from water bodies including the Rockaway River are fifty feet (50') for non C-1 classified streams by the NJDEP.

Sec. 236-106. Building frontages and lot frontages.

Building frontage is the length of a building facade that faces a street. Lot frontage is the length of a property that is adjacent to any street excluding alleys. Building frontages and lot frontages are illustrated in *FIGURE 236-3*.

- a. Front yard
- b. Side yard
- c. Rear yard



Figure 236-3

Sec. 236-107. Commercial design standards.

Except where this code specifically provides otherwise, the commercial design standards (see § 236-120) apply in all TOD zoning districts to all commercial and mixed-use buildings or portions thereof that are being newly built, and to “substantial improvements” to such buildings as defined in § (Town needs to add definition in Sec. 236-5).

Sec. 236-108. Property development regulations.

- (a) In the TOD zoning district, land use is controlled through the more specific property development regulations that are provided in the remainder of this division. The TOD zoning district shall act as the land development regulation for all property within the zone identified in Figure 236-1.
- (b) The Planning Board and its Expedited Site Review Committee shall have jurisdiction over projects that are in within the TOD zone (1) The Planning Board shall expedite the permitting process by providing a single interface between the developer and the Departments within the Town of Dover as well as any need for assistance with:
 - (1) State Agencies; NJDOT, NJDCA, NJDEP, etc.
 - (2) This interface shall be the zoning officer in the Town of Dover
 - (3) Appeals to the decision of the Planning Board, Expedited Review Committee or the Zoning Officer should be in accordance with the Municipal Land Use Law.
- (c) Variances shall consist of two (2) levels: Minor and Exceptional.
 - (1) Minor variances are those that do not break the intent of this Chapter and can be justified or by hardships in site suitability.
 - (2) Exceptional are those not consistent with this Chapter. These variances shall only be granted by the Governing Body upon referral by the Planning Board.
- (d) Development Incentives- (Dover needs to clarify how and whether development incentives should become part of the TOD.)

Secs. 236-109-112 RESERVED

Sec. 236-113. Specific Requirements.

The purpose of the TOD district is to create the desired quality and character for the center of pedestrian-oriented commercial activities within the town. New commercial buildings are expected to accommodate pedestrians by providing storefronts near sidewalks and by offering shade and shelter along major streets. Blackwell Street serves as the Town’s “Main Street” and is characterized by a strong streetwall and will be anchored by gateways at each end. Other streets in the downtown will support this street and will maintain this streetwall and subsequent pedestrian environment.

Sec. 236-114. District map and applicability.

(a) The area indicated on FIGURE 236-1 is the outer perimeter of the TOD district. Properties that are part of any other Redevelopment Plan are governed by the terms of that Plan rather than the requirements of this TOD district, even if the property is located within the area depicted in FIGURE 236-1.

Sec. 236-115. Allowable uses.

- (a) In the TOD district, the district shall provide:
- (1) Ground level retail – Throughout. Exception may be granted where residential at ground is more appropriate, such as those areas adjacent to single-family neighborhoods and environmental amenities such as parks or the Rockaway River. Notwithstanding, all ground level retail shall work toward maintaining continuity with the existing downtown retail environment.
 - (2) Office – above retail (if office is proposed, it should allow for convenient conversion to residential or retail space). Office is not permitted on the ground level.
 - (3) Residential – above retail so long as the mix of units are as follows: sub area 3 and 5 however shall also include the provision of affordable housing within the project in accordance with the Town of Dover Housing Element and Fair Share Plan. The mix of unit types are permitted in the following percentages:
 - (a) Zero or One-bedroom units 50% or more
 - (b) Two-bedroom units 40% or more
 - (c) Three-bedroom and above units shall not exceed 10% of unit type.

Sec. 236-116. Building placement.

- (a) Build-to lines established. Build-to lines (see §236-105) vary according to the streets and Street types.
- (1) Build-to lines for all streets are 0 feet to 5 feet from front property lines, except:
 - a. Build-to lines are 0 feet for Blackwell Street and all properties abutting Blackwell Street properties.
 - (2) The adjustments to build-to lines to maintain visibility that are required by §236-105(b)(4)do not apply:
 - a. To buildings fronting the future Rockaway River Greenway and/or Town Hall Plaza, or
 - b. To building fronts, where wide sidewalks and on-street parking lanes allow the necessary visibility.
- (b) Setback lines established. Setback lines (see §236-105) are established as follows:
- (1) For principal buildings:
 - c. Minimum rear setbacks are 25 feet from rear property lines, except as follows:
 - 1. In Subarea 3 and 5 of the Dover TOD where buildings may be proposed to include open space and residential amenities.
 - 2. In areas where parking garages can be integrated into the design of the new building. New buildings shall be placed so as not to preclude future parking garages from being built on the interiors of these blocks.
 - d. Minimum side setbacks are 15 feet from the side property line where new development facilitates the ability to park in the rear yard area. Such 15’ setback shall be utilized to gain access to rear yard parking facilities. Side setbacks may be 0 feet for properties fronting on Blackwell Street, or other property that is able to share parking in other facilities as depicted in 236-118(c). The purpose is to enable a driveway to be built accessing rear parking.

Sec. 236-117. Building size.

(a) Building frontage. (see §236-106)

- (1) For pedestrian plazas and primary streets, building frontages shall be at least 80% of the lot frontage, unless an access to rear parking lot is necessary. In that case, a maximum of 15, side setback shall be permitted as specified in 236-116 (b)(1)d..
- (2) For multiple adjoining lots under single control, or for a single lot with multiple buildings, the percentages in 236-117(a)(1) apply to the combination of lot(s) and building(s).
- (3) Exception for properties adjacent to important Dover historic, cultural or open space assets where the required building frontage percentage may be reduced to 35% provided that the open space thus created, allows open views and/or enhanced access to these assets.
- (4) For buildings facing important viewsheds, historic sites or other aesthetically pleasing views, it is encouraged that the ground level storefronts be restaurants, cafes, or other types of “assembly” uses such as bookstores with outdoor seating.

(b) Building height. Building heights (see §236-5) shall be limited to:

- (1) For properties that front on the following streets, a minimum of two (2) stories or 30 feet above base flood elevation and no taller than five (5) stories or 65 feet. Such heights shall be determined to be consistent with the historic integrity of the Downtown. Such determination shall be consistent with the Historic Preservation Element of the Master Plan and official determination shall be made by the Dover Historic Preservation Commission.
 - a. Blackwell Street
 - b. Essex Street
 - c. Warren Street
 - d. Morris Street (North of Dickerson)
 - e. Bergen Street
- (2) For properties that front on the following streets, a minimum of 40 feet above base flood elevation and 3 stories, and no taller than 6 stories or 75 feet.
 - a. Dickerson Street
 - b. Dickerson South (proposed)

- c. Morris Street (north of Mountain Avenue and south of Dickerson)
- d. Any new street created within Subarea 3 and 5.

- (3) For properties identified as those that contain public parking under the buildings, the project may be allowed additional height upon issuance of the development PRO-FORMA to the Town of Dover and subject to negotiation. Maximum height may not exceed 8 stories or 96 feet. Sites within the Dover historic district will be required additional review to ensure the districts integrity is not jeopardized.
- (4) The Planning Board, by special permit, may modify the special height restrictions set forth in this Section for any development or modification. As a condition for such modification, the Board shall find that the development proposes to include public parking below grade as part of the application for development. Such conditons may also include additional open space or public gathering spaces, such as those envisioned for Crescent Field. The Board shall find that the proposal also includes adequate access of light and air to surrounding streets and properties and that the maximum height of such development does not exceed 96 feet.
- (5) The Board may also prescribe appropriate conditions and safeguards to protect and minimize any adverse effects on the surrounding community.

Sec. 236-118. Circulation and parking.

- (a) Off-street parking reductions. The TOD district is planned as a “park-once” district, with preference given to pedestrian movement within the district. On-street parking will be provided by the Town along all streets with exception to those streets specifically identified by the Town of Dover. Other public parking areas are identified in Figure 236-4. For these reasons, substantial reductions are allowed to the normal off-street parking requirements found in §236-43. The follow ratios shall apply to determine the number of off-street parking requirements:
 - (1) Residential: 1.3/unit average. Further broken down by unit type:
 - 1.0/unit – 1 bedroom
 - 1.5/unit – 2 bedroom
 - 1.75/unit – 3 bedroom

- (2) Office:
 - 1 space/1,000 square feet
 - 1.5 spaces/1,000 square feet for buildings over 50,000 square feet
- (3) Retail: All retail, including restaurants shall be exempt from parking standard. Retail is meant to utilize on-street parking as well as spaces unoccupied within the commuter or public parking lots.



Figure 236-4

- (b) Parking lot locations. Off-street parking lots shall be placed in rear yards. Side yard setbacks are limited to access driveways to parking located in rear yards.
- (1) Off-street parking lots are not permitted in front or side yards.
 - (2) Off-street parking is encouraged to be provided under commercial or mixed-use buildings provided that all under-building parking spaces are separated

from sidewalks by usable commercial space at least 20 feet deep and meets all commercial building design guidelines in §§ 236-120. Off-street parking may be provided under commercial or within mixed-use buildings at other locations in accordance with § 236-121(c).

- (c) Parking lot interconnections. Rear-yard parking lots shall be interconnected to eliminate or minimize driveway cuts.
 - (1) To ensure the effective use of these connections, the first to develop shall be required to make an irrevocable offer of cross-access to the adjacent parcel (prior to issuance of approval by any land development board), and must design and build the parking lot to accommodate cross-access.
 - (2) When adjacent owners seek Planning or Zoning Board approval, they will also be required to reciprocate with a similar cross-access agreements and then must complete the physical connection.
 - (3) Individual property owners shall control all rights to the use of their own parking spaces, but may choose to allow wider use of these spaces for a fee of their choosing or through reciprocal arrangements with the Town of Dover (Parking Authority).
- (d) Driveway connections.
 - (1) Existing driveways and parking spaces are encouraged to be designed and relocated if necessary from all primary streets where new driveways shall connect only to secondary streets, except where these requirements would prohibit all reasonable access to a property. These scenarios shall be addressed when development applications come forth.
 - (2) Properties fronting on other primary streets.
 - a. For properties fronting primary streets other driveways should be connected to secondary streets whenever possible.
 - b. When a driveway onto a primary street is unavoidable, the driveway shall be shared, as far as practical, from other driveways or intersections.
 - (3) Properties fronting only on secondary streets. Driveways may be connected to secondary streets, existing easements, or alleys.
 - (4) Properties adjoining pedestrian plazas. Driveways and other vehicular access shall not be provided from or adjacent to pedestrian plazas.

(e) Parking garages. The town has identified three potential locations for parking garages through its TOD Plan.

- (1) Each potential location is indicated on Figure 236-4 as Lot B, C, E, F, and G. Construction of these parking garages is required by this code, but the regulations for the TOD district are designed to place new buildings on these sites so that they will be integrated into the parking plan.
- (2) All levels of parking garages must be separated from primary streets and pedestrian plazas by a liner building that provides usable building space at least 20 feet deep as indicated in Figure 236-5.
 - a. Liner buildings must be two stories or more in height and must be at least as tall as the parking garage.
 - b. Liner buildings may be detached from or attached to the parking garage.
 - c. Parking garages and their liner buildings are required to meet the commercial design standards.
 - d. Exceptions to liner building criteria.
 - i. Where it is determined that elevation and topography allows structure to be fully constructed below grade.
 - ii. Where the continuity of the retail component is not disrupted. Particularly as it relates to the existing downtown.



Figure 236-5

(3) Access to a parking garage may be provided as follows:

- a. Access to a secondary street or road
- b. Access to a primary street is not permitted except in unusual circumstances where no other access is feasible and when approved as a variance or deviation to this code.
- c. Access may not be provided across a pedestrian plaza.

(f) New streets. Subarea 2 and 5 of the 2006 TOD Plan, suggests development that should be included as an extension of the Downtown Historic District. As such, new streets will be needed to break up the “superblocks”. These new streets shall become an extension of the current street network and will serve the entire communities vehicular and pedestrian movements. The future may also see Subareas 7 and 8 meeting this need.

- (1) All new streets shall be designed to be of pedestrian-oriented, including:
 - a. Street trees of varieties recommended in the Dover Community Forest Plan.
 - 1) Each tree will be planted within a 9 square foot opening tree skirt.
 - 2) Tree skirts will be consistent with those in the Downtown area along Blackwell Street.
 - 3) Trees will be planted 30 feet to 50 feet on-center depending on variety of species.
 - b. Street lighting standards will be installed consistent with Blackwell Street.
- (2) Streets will be designed to accommodate two-sided on-street parking and 15 feet minimum sidewalks.
 - a. Exception to two-sided on-street parking design will be on new streets that run adjacent to parks and other open spaces such as Crescent Field (See TOD Subarea 5).
 - b. Exception to sidewalk scenario will be on new or redesigned streets adjacent to the Morris and Essex Rail Line.
 - 1) Public-private partnerships are encouraged when dealing with the improvement to the edge of the rail R.O.W.

(g) Drive-through lanes. Drive-thru lanes are not allowed in the TOD district because traffic generated by drive-thru lanes harms a pedestrian environment.

Sec. 236-119. Additional requirements.

(a) Commercial design standards. The commercial design standards (§§ 34-991–1010) shall apply to all commercial and mixed-use buildings, or portions thereof, that are being newly built, and to “substantial improvements” to such buildings as defined in §(236-5).

(b) Open space and buffers. There are no minimum open space and buffer requirements in the TOD district except in four instances:

- (1) Portions of properties that lie adjacent to Crescent Field. All new development shall enhance the existing park space and provide additional passive and/or active recreational space. This space should be fully integrated into the design of new development while enhancing surrounding neighborhoods.
- (2) Areas adjacent to the Rockaway River must provide access to the river as well as provide parkland and/or river-walk, particularly in areas that are wetland or floodway restricted.
- (3) Areas adjacent to the former Morris Canal R.O.W. shall include its history through signage monuments and/or dedicated park space.
- (4) Properties adjacent to the Rockaway and Dover Rail R.O.W. shall plan for and include landscaping and/or buffering from this future pedestrian greenway network.

(c) Outdoor sales. Merchandise may be sold outdoors in the TOD zoning district only in accordance with this subsection:

- (1) On private property. Retail businesses may sell their regular merchandise outdoors on private property between their stores and a street right-of-way on raised porches or on up to two wheeled vending carts that meet the following criteria:
 - a. Carts may contain no signage whatsoever;
 - b. Carts must be non-motorized, moveable by hand, and no taller than 8 feet including the height of the merchandise on the cart;
 - c. Carts must be moved indoors during any hours that the business is not open; and
 - d. Carts shall have integral roofs or umbrellas and use traditional or creative designs.



Figure 236-7 Depicts two suggested cart types

(2) On public property. Retail businesses may extend their operations onto public sidewalks and plazas only as follows:

- b. Locations explicitly sanctioned by the Governing body and/or where public markets or festivals are located.
- c. Vending rights are available only to the owner or primary lessee of the private property that immediately abuts the sidewalk or pedestrian plaza; vending rights may not be further sub-leased.
- d. Vending rights can be used only in the area directly in front of the private property and lying between 90-degree linear extensions of the side property lines.
- e. No fixed or moveable equipment may be placed on a public sidewalk or plaza to sell or serve food except as follows:
 - i. Tables, umbrellas, and chairs may be placed by restaurants for the use of their customers; no signage is permitted except lettering on umbrellas up to 8 inches in height.
 - ii. Wheeled food carts are permitted if they meet the following criteria:
 - 1. Carts must meet the criteria found in § 236-119 (c);
 - 2. Not more than one chair or stool may be provided for the employee; and

3. One sign per cart may be displayed, with each sign limited to 3 square feet in area. Figure 236-7 shows the suggested cart types.
- iii. Along Blackwell Street, all tables and carts shall be placed on the 5-foot bricked furnishing zone adjoining the curb and shall not otherwise block pedestrian movement along the sidewalk.
- f. No merchandise may be displayed on a public sidewalk or plaza except when placed on tables or shelves that are moved indoors during any hours the business is not open and that do not exceed the following dimensions:
 - i. Maximum height: 3 feet
 - ii. Maximum width parallel to right-of-way line: 8 feet
 - iii. Maximum depth: Depth may encroach the ROW line, however must ensure 6 feet of pedestrian ROW remains clear.
- g. Vending rights may be exercised only upon issuance of a permit by the town that sets forth the conditions of private use of a public sidewalk or plaza, including:
 - i. Additional restrictions on the degree which tables, umbrellas, chairs, and carts may interfere with pedestrian movement;
 - ii. Restrictions on the extent to which food or merchandise not available in the abutting business may be sold;
 - iii. Requirements for keeping the area surrounding the tables or carts from debris and refuse at all times;
 - iv. Insurance requirements;
 - v. Payment of fees established by the town for vending rights;
 - vi. Limitations on leasing of vending rights, if any; and
 - vii. Other reasonable conditions as determined by the town, including full approval rights over the design of umbrellas, carts, tables, etc.

DESIGN STANDARDS

Sec. 236-120. Purpose and intent. The purposes of design regulations for mixed-use commercial buildings include:

- (1) Encouraging traditional building forms that reinforce the pedestrian orientation and desired visual and historic quality of the Town of Dover.
 - (2) Creating usable outdoor space through the arrangement of compatible commercial buildings along street frontages.
 - (3) Encouraging buildings of compatible type and scale to have creative ornamentation using varied architectural styles that play on Dover's Historic character.
 - (4) Enhancing the town's business districts as attractive destinations for recreation, entertainment, and shopping.
 - (5) Maintaining and enhancing the town's sense of place and its property values.
 - (6) Implementing the design principles in the Town of Dover Transit-Oriented Development Plan.
- (a) Applicability. Except where this code specifically provides otherwise, these commercial design standards apply to all commercial and mixed-use buildings or portions thereof that are being newly built, and to "substantial improvements" to such buildings as defined in § 236-5, on properties that are zoned in the TOD zoning district:
- (b) Commercial buildings.
- (1) Properties with a Redevelopment Plan that incorporated specific architectural elevations shall be required to comply with these standards to the extent that the standards are not inconsistent with the approved elevations unless otherwise stated in the Redevelopment Plan.
 - (2) Commercial buildings such as hotels that will not contain commercial uses below base flood elevation shall not be required to comply with the ground-floor retail standards except along Blackwell Street. However, the principal facades of these buildings must screen under-building parking areas in a manner acceptable to the Town Zoning Official or designee and have appropriate ground level window treatments.

(c) Compliance determinations. Compliance with these standards shall be determined as follows:

- (1) An applicant may seek conceptual or final approval of a specific building and site design during the development process. The resolution approving a development may include specific site plans and building elevations and shall specify the extent to which these plans and elevations have or have not been determined to meet these design standards and whether any deviations to these standards have been granted.
- (2) Unless final approval has been granted pursuant to subsection (1), the town planner or zoning official shall make a determination of substantial compliance with these standards before an application can be filed with the Planning Board or Zoning Board, or before a building permit can be issued if Board approval is not applicable.
 - a. Compliance determinations of the Town Zoning Official are administrative decisions which may be appealed in accordance with the Municipal Land Use Law.
 - b. The Zoning Official shall provide written notice of each compliance determination to the applicant and the Town Planning Board within 30 calendar days.

(d) Variances and deviations. Requests to vary from a substantive provision of these standards may be filed using the variance procedures or may be requested during the redevelopment planning process as a deviation. The following are acceptable justifications for variances or deviations from these commercial design standards.

- (1) The proposed substitution of materials or function accomplishes substantially the same goals as the required provisions in these standards and would make an equal or greater contribution to the public realm of the Town of Dover; or
- (2) The proposed building is a civic building, which is expected to be more visually prominent than a typical commercial building. ; or
- (3) There are exceptional or extraordinary conditions that are inherent to the property in question, that do not apply generally to other nearby properties, and that are not the result of actions of the applicant.

Sec. 236-121. Exterior walls.

(a) Generally. These standards require commercial buildings to have traditional pedestrian oriented exteriors and to be clad with typical North Eastern United States building materials that are durable and appropriate to the visual environment and climate. Design flexibility and creativity is encouraged using ornamentation from a wide variety of architectural styles but should seek to enhance Dover's historic character.

(b) Finish materials for walls. Exterior walls are the visible part of most buildings. Their exterior finishes shall be as follows:

- (1) Any of the following materials may be used for exterior walls and for columns, arches, and piers:
 - a. Natural stone or brick
 - b. Reinforced concrete (with smooth finish or with stucco)
 - c. Concrete block with stucco (CBS)
 - d. Wood, pressure-treated or naturally decay-resistant species
- (2) Synthetic stucco (an exterior cladding system with a stucco-like outer finish applied over insulating boards) may be used as an exterior wall covering except on principal facades.
- (3) Other materials for exterior walls may be used only if approved as a deviation from this section through the planned development rezoning process or when explicit approval has been granted to vary from these regulations (see § 236-121).
- (4) Fastenings that are required to dry flood-proof the first story of commercial buildings shall be integrated into the design of principal facades or be visually unobtrusive.

(c) Types of exterior walls. Principal facades are defined in § 236-122 and their requirements are described in § 236-124. Exterior walls that are not defined as principal facades require a lesser degree of finish and transparency, but must meet the following requirements:

- (1) Transparent windows must cover at least 30% of the wall area below the expression line and at least 10% of the wall area between the expression line and the cornice.

- (2) All windows must have their glazing set back at least 3 inches from the surface plane of the wall, or set back at least 2 inches when wood frame construction is used.
- (3) Rectangular window openings (Figure 236-8) shall be oriented vertically (except for transom windows).



Figure 236-8 Rectangular window openings

Sec. 236-122. Principal facade walls.

(a) Facade elements. Principal facades are the primary faces of buildings. Being in full public view, they shall be given special architectural treatment.

- (1) All principal facades shall have a prominent cornice and expression line, a working entrance, and windows (except for side-wall facades where entrances are not required).
- (2) Buildings wider than 75 feet shall, to the extent feasible, incorporate varied heights and roof types to mimic smaller scale development and enhance visual interest.
- (3) Principal facades facing a primary street, plaza, or public park may not have blank walls (without doors or windows) greater than 10 feet in length.
- (4) Expression lines and cornices shall be a decorative molding or jog in the surface plane of the building that extend at least 3 to 6 inches out from the principal facade, or a permanent canopy may serve as an expression line.

- (5) Awnings may not hide or substitute for required features such as expression lines and cornices.

(b) Entrances. A primary entrance and views into the first floor of commercial buildings are fundamental to creating an interesting and safe pedestrian environment.

- (1) The primary entrance to all buildings shall face the street. See Figure 236-9
- (2) Corner buildings shall have their primary entrance face either the intersection or the street of greater importance. Buildings may also locate the primary entrance on the corner.



Figure 236-9

Subsections (b) and (c) below.

- (3) Additional ground floor retail space within the same building shall all have their respective primary entrances face streets unless the retail space does not adjoin the exterior wall along a street.

- (4) Where building frontages exceed 50 feet, operable doors or entrances with public access shall be provided along streets at intervals averaging no greater than 50 feet.

(c) Windows. Every principal facade must contain transparent windows on each story.

- (1) All windows.
 - a. Rectangular window openings on principal facades shall be oriented vertically.
 - b. All windows must:
 - i. contain visible sills and lintels on the exterior of the wall, and
 - ii. have their glazing set back at least 3 inches from the surface plane of the wall, or set back at least 2 inches when wood frame construction is used.
 - c. Glass in windows and doors, whether integrally tinted or with applied film, must transmit at least 50% of visible daylight.

- d. See § 236-124 regarding awnings.
- (2) First-story windows. In order to provide clear views inward and to provide natural surveillance of exterior spaces, the first story of every commercial building's principal facade shall have transparent windows meeting the following requirements:
 - a. Window openings shall cover at least 60% of the wall area below the expression line;
 - b. The bottoms of the window opening can be no higher than 30 inches from sidewalk level; and
 - c. These windows shall be maintained so that they provide continuous view of interior spaces lit from within. Private interior spaces such as offices may use operable interior blinds for privacy.
- (3) Upper-story windows.
 - a. All stories above the first story of every commercial building's principal facade shall contain between 15% and 50% of the wall area with transparent windows.
 - b. No single pane of glass may exceed 24 square feet in area.
- (d) Corner buildings. For buildings located at the intersection of two streets, the corner of the building at the intersection may be angled, curved, or chamfered. The distance from the corner shall not exceed 20 feet measured from the intersection of the right-of-way lines to the end of the angled or curved wall segment, unless a greater amount is required by the visibility triangles in § 236-105.
- (e) Facade projections. Facade projections add visual interest to buildings. Some projections also provide protection from the sun and rain for those passing by; others provide additional floor space for the building. The following types of facade projections are permitted as indicated below. At least one of these facade projections is required on each principal facade of all commercial buildings.
 - 1. Awnings and canopies: Figures 236-10 (a) and 236-10 (b)
 - a. Awnings and canopies may extend forward of the build-to line (see § 236-105) and may encroach into a street right-of-way.
 - b. Awning or canopies extending from the first story cannot exceed the following dimensions:

- i. Depth: 5 feet (minimum) and strongly overlapping the sidewalk, but no closer than: 2 feet at entrances and 5 feet in all other places to an existing or planned curb.
- ii. Height: the lowest point on an awning or canopy shall be between 9 feet and 12 feet above sidewalk level
- iii. Length: 25% to 90% of the front of the building



Figure 236-10 (a): suggested canopy



Figure 236-10 (b): suggested awnings

- c. There are no minimum or maximum dimensions for awnings or canopies extending from a second story or higher except they are limited to window openings.
- d. Awnings shall be covered with fabric. (High-gloss or plasticized fabrics are prohibited). Backlighting of awnings is prohibited.
- (2) Balconies:
 - a. Balconies may extend forward of the build-to line (see § 236-105) and may encroach into a street right-of-way.
 - b. Balconies cannot exceed the following dimensions:
 - i. Depth: 3 feet minimum for second story and above balconies; and cannot extend further than 5 feet at entrances and 5 feet in

- all other places to an existing or planned curb. Height: 10 feet minimum if overhanging a sidewalk.
 - ii. Length: 25% to 100% of the building frontage.
 - iii. Top of railing: must be in accordance to all town building and construction standards.
- c. Balconies may have roofs, but are required to be open, un-air-conditioned parts of the buildings.
- d. On corners, balconies may wrap around to forward of the build-to line
- (3) Bay windows:
 - a. Bay windows may extend forward of the build-to line but may not encroach on the public right of way
 - b. Windows extending from the first story cannot exceed the following dimensions:
 - i. Depth: 3 feet maximum
 - ii. Height: 10 feet maximum
 - iii. Length: 6 feet maximum
 - c. Bay windows shall have the same details required for principal facades: sills, lintels, cornices, and expression lines but may not encroach into a street right-of-way above the sidewalk.
- (4) Stoops:
 - a. Stoops may extend forward of the build-to line (see § 236-105) but may not encroach into a street right-of-way or sidewalk without specific approval by the town.
 - b. Front porches Stoops cannot exceed the following dimensions:
 - i. Depth: 6 feet (minimum)
 - ii. Length: 5 feet (minimum)
 - iii. Top of railing: 2-3/4" (minimum)
 - c. Stoops may be roofed or unroofed but may not be screened or otherwise enclosed.

Sec. 236-123 Roofs.

(a) Roof types permitted. Commercial buildings may have any of the following roof types: hip roofs, gable roofs, shed roofs, flat roofs with parapets, or mansard roofs.

- (1) All flat roofs, and any shed roof with a slope of less than 2 inches vertical per 12 inches horizontal, must have their edges along all streets concealed with parapets and trimmed with decorative cornice.
- (2) All hip roofs and gable roofs, and any shed roof with a slope of more than 2 inches vertical per 12 inches horizontal, must have overhangs of at least 18 inches.
 - a. Exposed rafter ends (or tabs) are encouraged.
 - b. Wide overhangs are encouraged and can be supported with decorative brackets.

- (3) Mansard roofs are permitted only when the lowest sloped surface begins above a cornice line and then slopes upward and inward.
- (4) Small towers, cupolas, and widow's walks are encouraged.

- (5) Dormers are permitted and encouraged on sloped roofs.
- (6) Skylight glazing must be flat to the pitch of the roof if the skylight is visible from a primary street, plaza, or public park.

(b) Roofing materials permitted. Commercial building roofs may be constructed with one or more of the following roofing materials:

- (1) SHINGLES: No imitation type products are permitted.
 - a. Asphalt (laminated dimensional shingles only)
 - b. Fiber-reinforced cement
 - c. Metal (same as (a)(1))



Figure 236-11 shows a Church tower in Dover with tiled roof material

(2) TILES:

- a. Clay or terra cotta
- b. Concrete

(3) FLAT ROOFS:

- a. Any materials allowed by applicable building codes

(4) GUTTERS AND DOWNSPOUTS:

- a. Metal (same as (c)(1))

(c) Other roof types and materials. Other types of roofs and roofing materials are prohibited unless explicitly approved by the Planning Board.

Sec. 236-124. Plazas and courtyards.

(a) Generally. New commercial buildings are generally oriented to public sidewalks. This section addresses other public open spaces that also can affect the orientation of commercial buildings.

(b) Plazas. This code contains “build-to lines”(see § 236-105) that require new commercial buildings to be placed near public sidewalks. These build-to regulations allow up to 25% of a building’s frontage to be recessed 10 feet. Plazas meeting the following requirements are permitted to be recessed further than the standard 10 feet:

- (1) The plaza cannot exceed 25% of a building’s frontage.
- (2) The plaza is strictly for pedestrian usage and cannot be used to park vehicles.
- (3) All building walls that surround the plaza must meet the design criteria for principal facades.
- (4) The Plaza shall be appropriately landscaped.

(c) Courtyards. New commercial buildings that are on larger lots may include interior courtyards designed for public or private usage.

- (1) If vehicular circulation is allowed through a courtyard, pedestrian circulation and aesthetic improvements shall also be considered.
- (2) Courtyards intended for public use are encouraged to have clear visual linkages between the courtyard and public sidewalks.
- (3) Courtyards are encouraged to provide passive and active recreational amenities for their residents such as; pods, playgrounds and lawn areas.

(d) Pedestrian passages. Pedestrian passages, with or without a lane for vehicles, can be provided on private property to connect a courtyard to the sidewalk system, to provide walkways to parking lots behind buildings, or to provide additional retail frontages.

Sec. 236-125. Signage.

(a) Permitted signs. The following types of signs are not permitted: billboards and signs elevated on poles. New signs are allowed generally as follows:

- (1) Signs can be painted or attached directly onto buildings walls.
- (2) Signs can be mounted onto a marquee that extends out from the front of a building.

(a) Purpose of this section. Conventional ground signs are inappropriate for pedestrian-oriented commercial buildings, as are large plastic signs designed to be viewed from a distance. The purpose of this section is to restrict inappropriate wall signs and to replace the ground-sign option with a greater selection of signs that either project out from a building’s principal facade or extend above the top of the facade.

- (1) Ground signs. Ground signs, as defined in ch. 236-38, are not permitted for buildings designed in accordance with these standards.
- (2) Wall signs. FIGURE 236-12 shows examples of acceptable wall signs that are placed flat against a principal facade. Internally lit box signs of plastic and/or metal are not permitted.



Figure 236-12 (Acceptable wall signs)



- (3) Projecting signs. FIGURE 236-13 shows examples of acceptable signs that project out from a principal facade. Projecting signs of these types are permitted notwithstanding any prohibitions in ch. 236-38, provided they are approved in accordance with § 236-121.
- (b) Location of projecting signs. Signs designed in accordance with this section may extend over public sidewalks, but must maintain a minimum clear height above sidewalks of 9 feet. Signs shall not extend closer than 2 feet to an existing or planned curb.



Figure 236-13 (Projecting Signs)

- (c) Size of signs. Maximum gross area of all signs on a given facade shall not exceed 32 square feet.
- (d) Illumination of signs. Signs shall be illuminated externally only, except that individual letters and symbols may be internally lit only.
- (e) Placement of signs on principal facades. Figure 236-14 shows examples of storefronts with appropriate signage and the illustration in Figure 236-15 shows correct and incorrect placement of signs on principal facades.



Figure 236-14 shows examples of Storefronts with appropriate signage

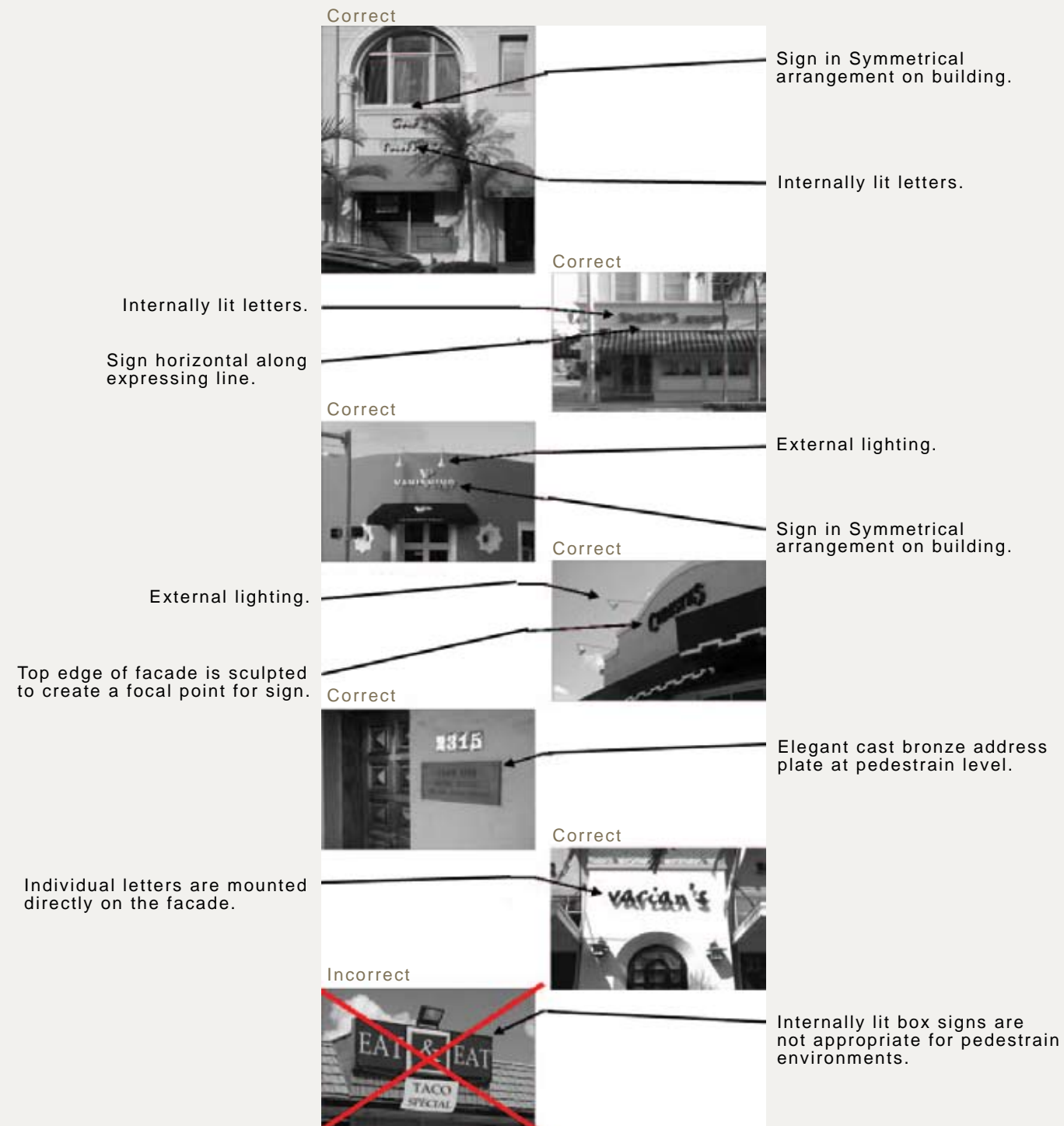


Figure 236-15

Signs are coordinated in size and placement with the building and storefront; building sign conceals the cornice; over-varied shapes create visual confusion; awning sign covers the masonry piers; sale sign too large for storefront; and poorly placed in display window.

Sec. 236-126 Definitions.

Arcade means a series of columns topped by arches that support a permanent roof over a sidewalk.

Awning means a flexible roof-like cover that extends out from an exterior wall and shields a window, doorway, sidewalk, or other space below from the elements.

Balcony means an open portion of an upper floor extending beyond (or indented into) a building's exterior wall.

Bay window means a series of windows which project beyond the wall of a building to form an alcove within.

Canopy means an awning-like projection from a wall that is made of rigid materials and is permanently attached to the principal facade of a building.

Civic building means a building that is allowed greater design flexibility due the prominence of its function and often its location. For purposes of these standards, civic buildings include buildings operated by governmental entities and certain privately owned buildings that serve religious, charitable, cultural, educational, or other public purposes.

Colonnade is similar to an arcade except that it is supported by vertical columns without arches.

Commercial building means, for purposes of these standards, any building used in whole or in part for any of the following uses: retail, office, hotel or motel rooms, institutional uses, commercial storage, restaurants, bars and similar uses.

Cornice means a decorative horizontal feature that projects outward near the top of an exterior wall.

Courtyard means an unroofed area surrounded by buildings.

Expression line means a decorative horizontal feature that projects outward from an exterior wall to delineate the top of the first story of a building.

Facade, principal means the exterior wall of a building that is roughly parallel to a right-of-way or which faces a plaza or public park, and also that portion of a building's

side wall that faces a pedestrian way or parking lot.

Lintel means a structural or merely decorative horizontal member spanning a window opening.

Plaza means an unroofed public open space designed for pedestrians that is open to public sidewalks on at least one side.

Porch means a covered entrance to a building.

Sill means a piece of wood, stone, concrete, or similar material protruding from the bottom of a window frame.

Stoop means a small elevated entrance platform or staircase leading to the entrance of a building.

Dormer means a projection from a sloping roof that contains a window and its own roof.

Gable roof means a ridged roof forming a gable at both ends.

Hip roof means a roof with pitched ends and sides.

Mansard roof means a roof having two slopes with the lower slope steeper than the upper, or a single steep slope topped with a flat roof, enclosing the building's top floor. A modern variant is a partial sloped roof that is attached near the top of an exterior wall in place of a traditional cornice or parapet, creating the visual effect of a sloped roof on a flat-roofed building but without enclosing any floor space.

Parapet means a short vertical extension of a wall that rises above roof level, hiding the roof's edge and any roof-mounted mechanical equipment.

Shed roof means a pitched roof that has only one slope.