



**TOWN OF DOVER  
NOTICE OF PENDING ORDINANCE NO. 08-2026**

The following Ordinance published herewith was submitted in writing, introduced and passed upon first reading at a meeting of the Municipal Council of the Town of Dover in the County of Morris and State of New Jersey, held on 03-24-2026.

The public hearing for consideration for final passage of this ordinance will be held at a meeting of the Municipal Council in the Dover Municipal Building, 37 North Sussex Street, Dover, NJ 07801 on 04-14-2026 at 6:00 P.M.

During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Office of the Municipal Clerk in said Town of Dover, to the members of the general public who shall request same.

**ORDINANCE NO. 08-2026**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING ARTICLE IV, CHAPTER 236 OF THE CODE OF THE TOWN OF DOVER**

**WHEREAS**, the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., specifically N.J.S.A. 40:55D-62 and N.J.S.A. 40:55D-65 empowers municipalities to adopt and amend zoning ordinances relating to the nature and extent of the uses of land and of buildings and structures thereon; and

**WHEREAS**, the Mayor and Town Council declare it to be in best interest of the Town of Dover and its residents to amend certain sections of Chapter 236 of the Code of the Town of Dover to allow larger accessory structures beyond what the Code currently allows for and to otherwise update the Chapter in accordance with relevant statutes and regulations; and

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Town Council of the Town of Dover, County of Morris, State of New Jersey, that Chapter 236 of the Code of the Town of Dover is hereby amended as follows:

**Section 1. CHAPTER 236 LAND USE AND DEVELOPMENT**

**Article IV Zoning**

**[§ 236-13 R-1 and R-2 Single-Family Districts.](#)**

A. Principal uses. Principal uses shall be as follows:

- (1) Single-family dwellings.
- (2) Parish houses and rectories.

- (3) One rooming unit in a single-family dwelling, rented or leased in that single-family dwelling by a senior citizen, as defined in N.J.S.A. 40:55D-68.5, who is the owner of the single-family dwelling which is his primary residence, together with the general use associated with that dwelling.
- (4) Community residences for the developmentally disabled, community shelters for victims of domestic violence and community residences for persons with head injuries for six or fewer persons, excluding resident staff.

B. Accessory uses.

(1) Accessory uses shall be as follows:

- (a) Home occupations.
- (b) Private garages.
- (c) Private residential swimming pools.
- (d) Other accessory uses customarily associated with the principal or conditional use, provided that such accessory uses are subordinate to the principal or approved conditional use, do not change the character of the principal or approved conditional use and serve only the principal or conditional use that lawfully exists on the property.

(2) Accessory buildings and structures shall meet the following conditions and be limited to the following stated uses:

- (a) No room or rooms in any accessory building or structure shall be a habitable room or used for human habitation.
- (b) Storage of motor vehicles.
- (c) Storage of household effects.
- (d) Storage of tools and equipment.
- (e) Noncommercial workshops for personal use by residents of the principal building.

C. Conditional uses, as stipulated in § 236-40. Conditional uses, as stipulated in § 236-40, shall be as follows:

- (1) Public utility building, structures or facilities.
- (2) Satellite antennas.
- (3) Hospitals.
- (4) Churches.
- (5) Rest homes and convalescent homes.
- (6) Public parks and playgrounds.
- (7) Libraries and museums.
- (8) Professional occupations.
- (9) Cemeteries.
- (10) Schools.
- (11) Community buildings or centers.
- (12) Community residences for the developmentally disabled, community shelters for victims of domestic violence and community residences for persons with head injuries for more than six persons, excluding resident staff.

D. Bulk requirements

- (1) Every lot in an R-1 District shall have a minimum width of 75 feet at the street line and a minimum area of 7,500 square feet. Every principal building shall be provided with two side yards totaling

25 feet in width. The minimum width of any side yard shall not be less than 10 feet, including the side yards of corner lots.

- (2) Every lot in the R-2 District shall have a minimum width of 50 feet at the street line and a minimum area of 5,000 square feet. Every new principal building constructed after the effective date of this subsection shall be provided with two side yards totaling 17 feet in width, and the minimum width of one of the side yards shall not be less than 10 feet, including the side yards of corner lots, but in no case shall any side yard be less than seven feet. Every existing principal building constructed prior to the effective date of this subsection shall maintain two side yards totaling 15 feet in width, and the minimum width of one of the side yards shall be maintained at not less than seven feet, including the side yards of corner lots, but in no case shall any side yard be less than seven feet.
- (3) No principal building shall be closer than 30 feet to the rear lot line or closer than 20 feet to the street line. In blocks where more than 50% of the properties abutting a common street line are developed, the front yard of the principal building may be the average of all the existing setbacks but in no case be less than 10 feet.
- (4) Lot coverage shall not exceed 65% or 4,300 square feet, whichever is smaller on any residential lot. For larger lots that exceed the minimum lot size, they shall be granted an additional 20% of impervious coverage for the area of the lot that exceeds the minimum required lot size in the zone, which will be added to the 4,300 square feet allowed in the zone. Drainage improvements such as seepage pits or other similar devices may be required to accommodate all additional impervious coverage over and above the 4,300 square foot requirement to minimize any additional runoff.

E. Height limits. No building or structure in the R-1 and R-2 Districts shall have a height of building in excess of 30 feet. There shall be no more than 2 1/2 stories above grade (see the definition of "story above grade"). Any story above the second story above grade that constitutes more than a half story, as defined herein, or any story below the first story that is not a basement, as previously defined, shall be deemed a violation of this limitation.

F. Minimum floor area.

- (1) Every new residential building in an R-1 District shall have a minimum gross first floor area of 1,000 square feet per dwelling unit.
- (2) Every new residential building in an R-2 District shall have a minimum gross first floor area of 800 square feet per dwelling unit.

~~G. Floor area ratio (FAR). FAR shall not exceed 0.55 for residential principal structures. FAR shall include all floor spaces, including basements, attached garages and half story spaces within all principal structures, but excluding attached open decks, open porches and detached accessory structures.~~

G. Off-street parking.

- (1) All uses shall be required to provide on-site, off-street parking in accordance with § 236-43.

#### § 236-14 R-3 Double-Family District.

A. Principal uses. Principal uses shall be as follows:

- (1) Any use permitted in the R-1 and R-2 Districts.
- (2) Two-family dwellings and duplex dwellings.
- (3) Funeral homes.

- B. Accessory uses: same as R-1 and R-2 Districts.
- C. Conditional uses, as stipulated in § 236-40: same as R-1 and R-2 Districts.
- D. Bulk requirements.
  - (1) Every single-family dwelling in an R-3 District shall conform to the regulations for a single-family dwelling in the R-2 District.
  - (2) Every two-family or duplex dwelling in an R-3 District shall have a minimum lot width of 75 feet at the street line and a minimum area of 7,500 square feet. Every principal building shall be provided with two side yards totaling 25 feet in width. The minimum width of any side yard shall not be less than 10 feet, including the side yards of corner lots.
  - (3) No principal building shall be closer than 30 feet to the rear lot line or closer than 20 feet to the street line. In blocks where more than 50% of the properties abutting a common street line are developed, the front yard of the principal building may be the average of all the existing setbacks but in no case less than 10 feet.
  - (4) Lot coverage shall not exceed 65% or 4,300 square feet, whichever is smaller. For larger lots that exceed the minimum lot size, they shall be granted an additional 20% of impervious coverage for the area of the lot that exceeds the minimum required lot size in the zone, which will be added to the 4,300 square feet allowed in the zone. Drainage improvements such as seepage pits or other similar devices may be required to accommodate all additional impervious coverage over and above the 4,300 square foot requirement to minimize any additional runoff.
  - (5) Building coverage shall not exceed 25%.
- E. Height Limits. No building or structure in the R-3 District shall exceed 35 feet in height or 2 1/2 stories above grade.
- F. Minimum floor area.
  - (1) Every new single-family dwelling in an R-3 District shall conform to the regulations of the R-2 District.
  - (2) Every new two-family or duplex dwelling shall have a minimum gross floor area of 800 square feet per dwelling unit.
- G. Off-street parking. All uses shall be required to provide on-site, off-street parking in accordance with § 236-43.

**§ 236-22. Accessory buildings in residential districts.**

- A. Location of accessory buildings and structures. All freestanding accessory buildings or structures shall not be located in the front or side yard area of the principal building. Freestanding flagpoles may be located in the front or rear yard area.
- B. Height and area of accessory buildings and structures. Accessory buildings and structures shall not exceed one story or 18 feet in height and may not occupy more than 30% of a required rear yard or a maximum of 600 square feet, whichever is smaller. Freestanding flagpoles shall not exceed 20 feet in height. For larger lots that exceed 5,000 square feet, they shall be granted an additional 60 square feet of accessory building square footage for every 1,000 square feet of lot size over the minimum lot size in the zone, up to an additional 1,200 square feet. The total square footage allowed shall not exceed 1,800 square feet for accessory buildings.
- C. Distance from adjacent building and property line. The minimum distance of any accessory building or structure from an adjacent building or property line shall be five feet.

D. Accessory buildings as part of principal buildings. Accessory buildings may be erected as part of a principal building, provided that all yard requirements of this chapter are complied with for the principal building, including the attached accessory building.

**§ 236-43. Off-street parking and loading.**

A. Number of parking spaces required. The number of off-street parking spaces shall be as follows:

- (1) For nonresidential land uses, parking shall be as set forth in Table I below.
- (2) For residential land uses, parking shall be as set forth in Table I below, unless the residential land use is part of a residential development falling under the jurisdiction of the residential site improvement standards, whereby the number of off-street parking spaces shall be in accordance with said standards.

B. Size.

- (1) Each off-street parking space shall measure nine feet in width and 18 feet in length.
- (2) Parking spaces for the physically handicapped shall measure 12 feet in width.

C. Access and aisles.

- (1) There shall be adequate provision for ingress and egress to all parking spaces.
- (2) Access drives or driveways shall be not less than 10 feet for ingress or egress and 20 feet wide for both ingress and egress. No driveway shall be closer than 25 feet to any street intersection as measured from the intersection of the curblines.
- (3) Access to parking areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress and egress from all parking spaces to endure ease of mobility, ample clearance and safety of vehicles and pedestrians.

Parking Angle (Degrees)	Aisle Width (feet)
30	12
45	13
60	18
90	24

(4) Where sidewalks occur in parking areas, parked vehicles shall not overhang the sidewalk unless an additional two feet is provided in order to accommodate such overhang.

D. Location. All permitted and required accessory off-street parking and loading spaces shall be located on the same lot as the use to which such spaces are accessory.

E. Screening and landscaping. Off-street parking and loading areas for four or more vehicles shall be effectively screened by a fence or hedge on the side or sides adjoining or abutting a residential zone. Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics, as well as to improve the environment of the site and surrounding area. Large parking lots shall be

broken down into sections as appropriate for the type and size of the development. Sections shall be separated by landscaped dividing strips, berms and similar elements.

F. Minimum distances and setbacks.

- (1) No part of any off-street parking or loading facility in any nonresidential zoning district, except the C-1 District, shall be located within 10 feet of a front or rear lot line nor five feet from a side lot line or structure.
- (2) ~~No part of any off-street parking or loading facility in a residential zoning district shall be within the area of the front yard that is not the projection of the side yards; however, nothing shall prohibit the utilization of the space in front of an existing garage as an off-street parking space. See Fig. P-1 and Fig. P-2 below.~~

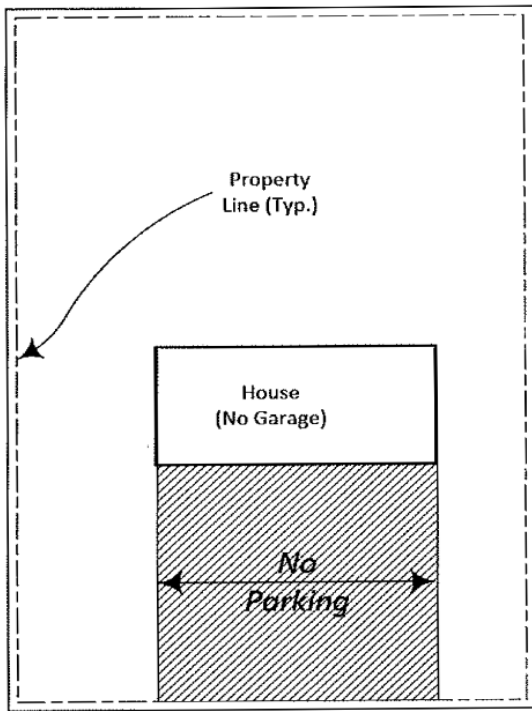


Fig. P-1

House with No Attached Garage

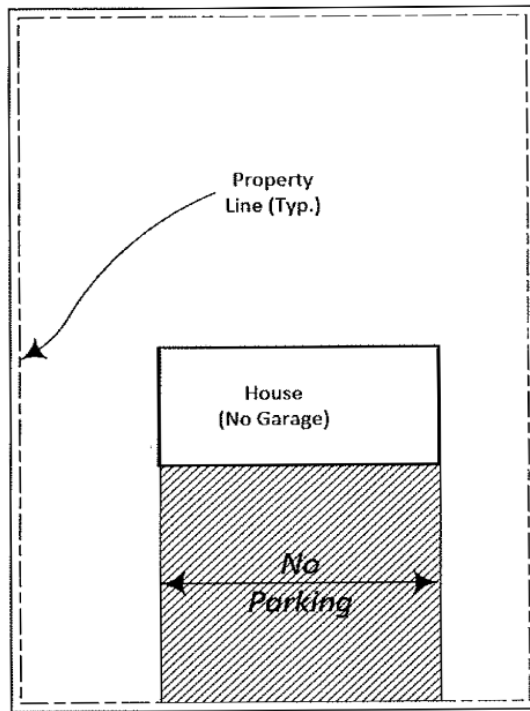
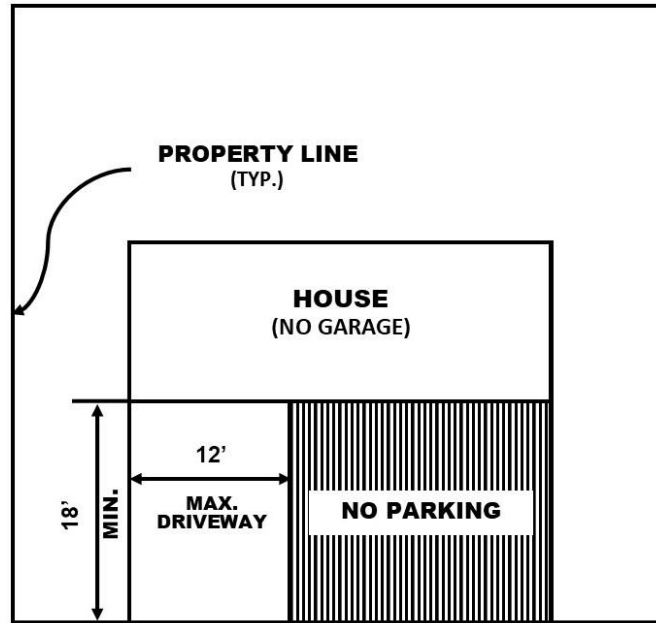


Fig. P-2

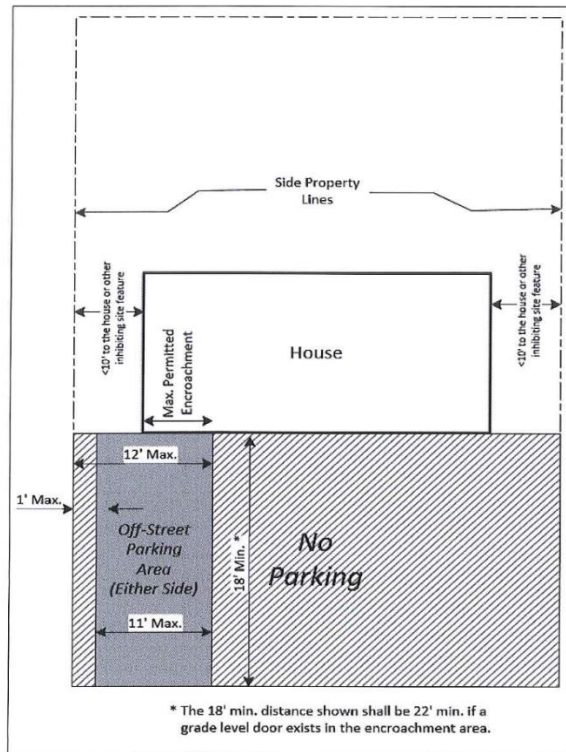
House with Attached Garage

(2) Parking in front of a house in a residential district shall be permitted if the driveway leads to an existing attached garage or for those houses without a garage a maximum 12-foot-wide driveway, as measured from the corner of the house shall be permitted. A driveway must be a minimum of 18 feet in length from the front property line to the house to accommodate one vehicle. See Fig. P-1 below. For driveways that are located along side of the house, parking will be permitted from the front property line to the end of the driveway.



**FIG. P-1**  
HOUSE WITH NO ATTACHED GARAGE

- (3) In residential zoning districts, parking areas in any side yard shall require a minimum of 10 feet of clear width from the side property line to any structure or other inhibiting site feature.
- (4) In residential zoning districts, access drives to a rear yard parking area shall require a minimum of eight feet of clear width from the side property line to any structure or other inhibiting site feature.
- (5) There shall be no more than one curb cut providing access for a driveway or parking area per residential property.
- ~~(6) In residential zoning districts where there exists less than 10 feet of clear width from the side property line to any structure or other inhibiting site feature, front yard off street parking shall be permitted within the area of the front yard that is not the projection of the side yards provided:~~
  - ~~(a) There is no other means of providing a parking area that conforms to all other sections of § 236-43.~~
  - ~~(b) The parking area is no wider than 11 feet.~~
  - ~~(c) The maximum distance from the nearest side property line to the far side of the off street parking area is 12 feet.~~
  - ~~(d) The off street parking area meets criteria depicted in Figure P-3.~~
  - ~~(e) A driveway and off street parking area construction permit in accordance with § 236-45.1 is issued confirming compliance with this subsection.~~



**Fig. P-3**

**§ 236-43F(6) Special Exception**

- G. Surfacing. All off-street parking areas, loading areas and driveways shall be surfaced with a bituminous or portland cement pavement or similar durable and dust-free surface. Gravel may only be used where the grade does not exceed four percent and where use of an impervious material would exceed the lot coverage requirement. All areas of four or more spaces shall be marked so as to provide for the orderly and safe loading, parking and storage of vehicles.
- H. Lighting. All lighting used to illuminate any off-street parking or loading area shall be so arranged as to reflect the light away from adjoining residential premises. Illumination levels shall be in accordance with the Illuminating Engineering Society of North America (IES) Lighting Handbook.
- I. Drainage. Any off-street parking and loading area shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses.
- J. Parking for churches, synagogues and other houses of worship. The number of required off-street parking spaces may be eliminated or reduced if there exists within 500 feet of the church, synagogue or other house of worship public or private parking lots containing a sufficient number of off-street parking spaces to satisfy the requirements of Table I.<sup>121</sup> The church, synagogue or other house of worship must provide the difference if the number of parking spaces in the private or public lots is below the number required by Table I. Any spaces provided in public or private lots shall be shown to be available for worshippers on the day or days of greatest use.
- K. Off-street loading.
  - (1) Every building erected for commercial or industrial purposes or any other use involved in the receipt or distribution of merchandise, materials or supplies shall provide and permanently maintain off-street loading and unloading space in accordance with requirements of Table II. These

requirements do not apply to such activities as personal service establishments, professional offices, business offices and similar uses, provided that these activities and uses can demonstrate to the satisfaction of the Planning Board that they do not normally send or receive any materials or supplies by means of large trucks or by tractor-trailer.

- (2) Each loading space shall not be less than 15 feet in width or 45 feet in length and shall have a minimum clearance of 14 feet and may occupy all or any part of any required yard, except the front yard. No off-street loading spaces shall be permitted where the truck or trailer shall extend upon the street right-of-way.
- L. Joint facilities for parking or loading. Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use, and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as required space for more than one use unless otherwise approved by the Planning Board in accordance with the purpose and procedures set forth herein.
- M. Parking areas and garages.
- (1) Location of exits and entrances. Commercial parking areas or garages for 25 or more motor vehicles shall not have an entrance or exit within 100 feet along the same side of a street on which is located a school, public playground, church, hospital, public library or institution except where such property is in another block or on another street on which the zone lot does not abut. Such access shall not be closer to the intersection of any two streets than 50 feet as measured along the intersection curblines.
  - (2) Overnight parking. No commercial vehicle shall be parked out of doors overnight in any residential zone except as hereinafter set forth.
- N. Not more than one vehicle of not more than three-fourths-ton manufacturer's rated capacity may be garaged on any lot in a residential zone. The parking or storage of any vehicle with a gross weight in excess of four tons shall be prohibited in any residential district. If garage space is not available, the commercial vehicle shall be parked in a driveway or parking area, not closer than 20 feet to the front property line.
- O. No tractor-trailer of more than 18 feet shall be parked between a house and sidewalk, except where the driveway passes in front of the house.

**Table I**  
**Off-Street Parking and Loading Requirements Nonresidential Land Use**

<b>Use</b>	<b>Required Off-Street Parking Spaces Per Indicated Area</b>
Quick-food establishments	1 per 30 square feet of gross floor area
Retail stores	1 per 200 square feet of gross floor area
Schools:	
Elementary	1.5 per classroom, but not fewer than 1 per teacher and staff
Intermediate	2.5 per classroom, but not fewer than 1 per teacher and staff
Secondary	2.5 per classroom, but not fewer than 1 per teacher and staff
Service stations	4 per bay and work area
Shipping	1 per 5,000 square feet of gross floor area
Shopping centers:	
Under 400,000 square feet of gross leasable area	4 per 1,000 square feet of gross leasable area
400,000 to 599,999 square feet of gross leasable area	4.5 per 1,000 square feet of gross leasable area
600,000 and more square feet of gross leasable area	5 per 1,000 square feet of gross leasable area
Storage areas	1 per 5,000 square feet of gross leasable area
Theaters	1 per 3 seats
Theaters in shopping centers	1 per 4 seats
Warehouses	1 per 5,000 square feet of gross floor area
Nonresidential Land Use	Required Off-Street Parking Spaces Per Indicated Area
Community buildings, country clubs, social halls, lodges, fraternal organizations and similar uses	1 per 200 square feet of gross floor area
Doctors and dentists	4 per doctor, plus 1 for each employee
Funeral homes and mortuaries	10 per 50 square feet of chapel area
Hospitals, nursing and convalescing homes	1 for each bed, plus 1 for each employee for the shift with the greatest number of employees

**Residential Land Use**

**[Added 11-10-2003 by Ord. No. 39-2003]**

<b>Housing Unit Type/Size</b>	<b>Required Off-Street Parking per Dwelling Unit</b>
Single or Two-Family Detached	
Up to 3 bedroom	2
4 bedroom	3
5 or more bedroom	4
Townhouse, Multidwelling	
Up to 3 bedroom	2
4 or more bedroom	3

**Table II**  
**Minimum Required Off-Street Loading Berths**

<b>Total Floor Area (square feet)</b>	<b>Number of Berths</b>
From 0 to 25,000	1
From 25,000 to 40,000	2
From 40,000 to 60,000	3
From 60,000 to 100,000	4
For each additional 50,000 or fraction thereof	1 additional

P. Downtown special residential district parking.

In an effort to promote redevelopment/rehabilitation of certain properties in the downtown, off-street parking requirements for 20 or fewer residential dwelling units of no more than two bedrooms may be satisfied through the purchase of overnight (6:00 p.m. to 8:00 a.m.) parking permits in the Town of Dover public parking lots in accordance with this section.

- (1) Alternative parking standards. In accordance with § 5:21-4.14(c) (Residential Site Improvement Standards - RSIS), alternative parking standards to those shown in the statute shall be accepted if the applicant demonstrates these standards better reflect local conditions. Factors affecting minimum number of parking spaces include household characteristics, availability of mass transit, urban versus suburban location, and available off-site parking resources. The Town of Dover has determined that for permitted residential uses in the "Downtown Special Residential Parking District (DSRPD)," off-street residential parking may be satisfied through the purchase of overnight (6:00 p.m. to 8:00 a.m.) parking permits in the Town of Dover public parking lots, subject to availability. These downtown special residential parking district overnight (6:00 p.m. to 8:00 a.m.) parking permits shall be known as "DSRPD permits."
- (2) Downtown Special Residential Parking District - DSRPD Map. For purpose of delineating the area of the downtown that could be eligible for the purchase of DSRPD permits in the Town of Dover public parking lots, the map entitled "Downtown Special Residential Parking District - DSRPD" shall be used. Only properties that fall within the DSRPD shall be eligible for consideration for DSRPD permits. The map may be updated from time to time to add or remove parking lots and/or parking decks at the discretion of the Town of Dover.
- (3) Requirements for securing and maintaining off-street parking.
  - (a) Prior to the of filing an application to the Planning Board for approval of the proposed residential use(s) for which an applicant proposes DSRPD permits to satisfy their off-street parking requirements, the applicant shall submit to the Town of Dover an escrow fee for deposit in an escrow account with the Town of Dover, an amount equal to one years parking permit costs for all the required residential parking sought to satisfy the off-street parking requirements for anticipated permits in the Town of Dover public parking lots.
  - (b) The applicant shall provide the Planning Board a copy of a "letter of availability" issued by the Town of Dover evidencing the deposit of the required escrow for the required number of DSRPD permits. Failure to provide said "letter of availability" shall deem the application incomplete.

- (c) If the site plan application is approved by the Planning Board, said escrow deposit shall be transferred to the Town of Dover for the immediate purchase of said DSRPD permits effective the following day after the date of adoption of the resolution of approval for the initial one year of overnight parking. Should the application be denied, the escrow deposit shall be immediately returned to the applicant upon receipt of a written request.
  - (d) Said overnight parking permits, once issued shall be renewed on an annual basis upon full payment of the required DSRPD permit fee (which may change from time to time) to the Town of Dover. Failure to maintain the required number of DSRPD permits for the life of the approved residential use, shall constitute a violation of the approval and the residential use(s) shall be immediately terminated. Nothing shall prevent an applicant from returning to the Planning Board to provide evidence that the required off-street parking has been satisfied in a way other than, through the purchase of DSRPD permits from the Town of Dover, and said alternative parking must be approved by the Planning Board.
- (4) Requirements for approval.
- (a) The particular Town of Dover public parking lot/deck proposed to satisfy the off-street parking criteria shall be within 500 feet of the property in question as depicted on the Downtown Special Residential Parking District - DSRPD Map, and spaces shall be verified as available per the procedures outlined below.
  - (b) Approval for DSRPD permits shall only be for residential or mixed use developments that are approved through the site plan approval process.
  - (c) The applicant shall provide evidence to the Planning Board that there is no other means of providing the required off-street parking either on-site or within 500 feet of the property.
  - (d) Off-street parking requirements proposed to be satisfied with DSRPD Permits shall only be for 20 or fewer residential dwelling units of no more than two bedrooms, per property. For properties which already contain residential dwelling units, the grand total of existing and proposed units shall not exceed 20.
  - (e) The number of off-street parking spaces required for properties within the Downtown Special Residential Parking District - DSRPD shall be the number required by NJAC 5:21 - Residential Site Improvement Standards (RSIS), the number required by the particular Zoning District, or the number accepted by the Planning Board through evidence presented by the applicant, whichever is less. In accordance with RSIS (NJAC 5:21-4.12(c)), factors affecting the minimum number of parking spaces include household characteristics, availability of mass transit, urban versus suburban location, and available off-site parking resources. The Planning Board shall be guided by said factors and the evidence presented by the applicant, but in no case shall the number of required off-street parking spaces be less than one space per dwelling unit.
  - (f) If the Planning Board requires more off-street parking than an applicant's "letter of availability" indicates, approval shall be withheld until additional escrow monies are deposited and an appropriate "letter of availability" is secured. Any unused portion of the escrow deposit shall be immediately returned to the applicant upon written request.

## **Section 2. Severability**

If any section, subsection, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

**Section 3. Repealer**

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

**Section 4. Effective Date**

This Ordinance shall take effect twenty (20) days after final passage, approval, and publication as provided by law.

Tara M. Pettoni, RMC  
Municipal Clerk  
Date: 03-26-2026